

Street in fee simple, but said property is, in fact, leasehold, subject to the ground rent aforesaid. That said ground rent is owned by your oratrix, Mary Elizabeth Tull.

3. That by deed dated September 23, 1951, recorded among the Land Records of Frederick County in Liber No. 495, folio 339, said M. Eleanor Farrell conveyed to said Charles W. Wagner, for life, with certain powers of disposition, a lot of ground in Frederick County, State of Maryland, situate on the State Highway leading from Thurmont to Emmitsburg, and said deed conveyed the remainder interest to the same persons and in exactly the same manner as hereinbefore recited with respect to the two lots in Baltimore City hereinbefore mentioned. That said deed is filed herewith, as a part hereof, marked "Exhibit No. 2".

4. That said M. Eleanor Farrell, the grantor in the two deeds hereinbefore mentioned, was a straw party, the three properties above mentioned having been theretofore owned by the said Charles W. Wagner, who, by deeds of even date with the deeds above mentioned, recorded or intended to be recorded prior thereto, had conveyed said properties to said M. Eleanor Farrell.

5. That the said Charles W. Wagner died on or about January 24, 1952, without having exercised the powers vested in him by the deeds mentioned in paragraphs 1 and 3, whereupon title vested in the remaindermen in said deeds, to wit: your oratrix, Mary Elizabeth Tull; your oratrix, Minnie Mooney, designated in said deeds as "MRS. THOMAS MOONEY (nee Minnie Wagner)"; your orator, Robert Wagner; the defendant, Armin Wagner; Mary Roberta Wagner, designated in said deeds as "SISTER MARY ROBERTA (nee Wagner)"; each of said remaindermen being vested with a one-fifth interest. That the said Mary Roberta Wagner died on September 9, 1953, a resident of Baltimore City, intestate, unmarried and without issue, leaving as her heirs and next of kin your orators and the defendant. That there has been no administration on the