

Lester S. Birely, a witness of lawful age, produced on behalf of the Complainants, after having been duly sworn, deposes and says as follows:

State your name, age and residence.

My name is Lester S. Birely, I am forty-four years of age and I reside at Thurmont, Frederick County, Maryland.

Do you know the parties to this suit?

Yes.

How long have you known them?

I have known Mrs. Munshour for fifteen years and have known Earl Munshour for fifteen years and the other children I have known since birth.

Did you know Mr. Munshour in his lifetime?

Yes.

Will you look at Exhibit No. 1 and state if that correctly describes the property of which Mr. Munshour died seized?

Yes, this is the property as described.

Will you state to whom that property descended upon the death of Mr. Munshour as his heirs at law and next of kin?

To his widow, Mrs. Charlotte Munshour and his five children, Earl, an adult, and the four minor children, namely, Ray, Ralph, Eloise and Lee.

State whether or not this property could be subdivided between the children and widow as his heirs at law.

The property could not be divided between the widow and children as it has only one set of buildings and the land could not be divided to any advantage.

State whether or not in your opinion it would be to the best interest and advantage of the widow and children that the property be sold and the proceeds divided amongst the parties entitled according to their respective interests.

In my opinion it would be to the best interest and advantage of the heirs to sell the property and divide the proceeds among the heirs.