

said county, - that he executed his last will and testament, and two codicils thereto in due form of law, and shortly after departed this life, without having in any manner revoked the same, which said last will and testament and the codicils thereto were duly admitted to probate by the Orphans Court of said county - that said Frederick Eichelberger, in and by his last codicil, did amongst other things devise, and bequeath as follows, "Second. Having purchased a house in Berea town since the executing of my said will and first - I devise the same to my daughter Mary Coppersmith during her natural life only as a mark of my approbation of her kind and affectionate attention during my illness, and direct that the repairs and improvements now making to the same be paid for out of my estate by my executors and upon the decease of my said daughter Mary, I direct my executors or the acting or surviving one of them to sell said house and lot and divide the net proceeds equally amongst all my children then living and the children of those that are dead to receive the share to which the parent would have been entitled if living, -" that said testator then appointed Joseph Eichelberger and John P. Zimmerman, Executors of his said last will and testament and codicils, all of which will fully appear by said last will and testament & codicils, a true & certified, extract whereof is herewith exhibited, marked Exhibit F. C. which with all other Exhibits, your petitioners pray may be taken as a part of this their petition, as if here inserted. - Your petitioners further show that the said Frederick Eichelberger died seised and possessed of said house and lot, for a true and particular description of said lot reference is hereby made to the deed of conveyance for the same, a true & certified copy whereof is herewith filed as Exhibit No. 2. - that said Joseph Eichelberger and John P. Zimmerman accepted the trust reposed in them by said will and Codicils - that Mary Coppersmith said daughter of the testator, is dead, leaving your petitioners as her only children & heirs at law - that said Joseph Eichelberger has departed this life, and John P. Zimmerman has become insolvent & removed to the State of Missouri, without having executed the trust reposed in them by said last Codicil - and that said John P. Zimmerman has neglected for more than two years & refused to execute said trust - Your petitioners, therefore pray your Honor to appoint a trustee in the place & stead of said Executors to make sale of the real estate described in said Codicil and deed & in this petition - and your petitioners will ever pray &c.

Grayson Eichelberger  
Solicitor for Petitioners

Extract of the second Codicil to the last will & testament of Frederick Eichelberger, late of Frederick County, dec<sup>d</sup>, admitted to probate on the 21st day of August 1838

Exhibit  
F & C  
to  
Petition.

Second. - Having purchased a house in Berea town since the executing of my said will & first Codicil - I devise the same to my daughter Mary Coppersmith during her natural life only as a mark of my approbation of her kind and affectionate attention during my illness - and direct that the repairs and improvements now making to the same, be paid for out of my estate by my Executors - and upon the decease of my said daughter Mary - I direct my Executors or the acting or surviving one of them, to sell said House & lot, and divide the net proceeds equally amongst all my children then living, and the children of those that are dead, to receive the share to which the parent would have been entitled if living. - I do hereby appoint my son Joseph and my son in law John P. Zimmerman, Executors of this Codicil, and do hereby confirm all the clauses of my said testament and last will, bearing date on the 21st.

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