No. 5839 Equity.

(7) A brother Daniel Keller whose wife's name is Jane R.
(8) A brother Isaac Keller who is unmarried
(9) A sister Catharine wife of Lawson Alexander.

All of them are adults over 21 years of Age and all reside in the State of Maryland. The said Lydia Keller was at the time of her death seized and possessed of a one third interest in the property described in Exhibit No. 1: the other two thirds being owned by Malinda and Elizabeth her sisters. I am one of the grantors in said deed. It was the intention of the parties to have the property deeded in joint tenancy: but the party who wrote the deed wrote it as a tenancy in common, though the conveyance said that the interest of any one would go to the survivors. The Real Estate cannot be divided among the parties without lessening, because it is a house and lot and is incapable of being divided into two sisters. Malinda and Elizabeth believing that they had an entire title to the property sold it to Mr Charles M. Shank for $900.= and gave him a deed for it which is filed as Exhibit No 2 under that purchase he took possession and has made improvements and has paid them $300.= of the purchase money. - $900.= was the full value of the property at the time he purchased it in my opinion. Since that time all the parties in interest except one have expressed their willingness to have the purchase consummated. The interest of that one is one ninth of one third.

To the Gen. Int. by the Exmd.

Ans. That is about all I know about it except I think it would be to the interest of all concerned to have the sale carried out.

Henry Keller

Malinda Keller a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says:- My name is Malinda Keller; I am 62 years and reside in Frederick County I am one of the parties to this suit and I know all the rest. I knew Lydia Keller: she was my sister: she died intestate in August 1890 and left the same persons as her heirs at law as given by the preceding witness whose testimony I have heard. She died seized and possessed of an undivided one third interest in the property described in Exhibit No 1. I and my sister Elizabeth owning the other two thirds. At the time we bought the property it was our clear understanding and intention that the deed was to have been written so that when one of us died her interest was to go to the survivors. That is the way the deed was to have been written but it was not written that it was not written that way. Since my sister's death we have sold the property to Charles M. Shank for $900.= which we consider the full value, we sold and conveyed it because we thought we had the entire title. He has paid $300.= on the purchase money, took possession and has made some improvements on it. The property can not be divided of course as it is a house and lot.

To the Gen. Int. by the Exam.

That is all I know except that I think it would be to the interest

Decree