

No. 5726 *Querty*

"attached all my real and personal property during her natural life, and in no way subject to any control of her present or any future husband she may have, and at her death I devise and bequeath the property aforesaid to her children to be divided in share and share alike among them, the children of any deceased child of any deceased child to take the share the parent would be entitled to if living" as will appear by Exhibit 5, filed in the above case.

2<sup>d</sup> That among the property so devised was an individual one half interest in certain real Estate in Frederick City and fully described in the proceedings in this case and for the sale of which real estate the Plaintiff in this case, the owner of the other one half interest, filed his bill of Complaint as by reference to the proceedings in the above case will fully appear.

3<sup>d</sup> That your petitioners were made parties defendant to said bill and when they were summoned to appear they were asked to sign an answer prepared by the Plaintiff's Solicitor, which they did, and whereby they consented to the passage of a decree for the sale of real Estate, upon the condition that such proceeds of sale as should pass under the will of Catharine Lytle Deceased, should be invented for the benefit of the said Mary Cecelia Mullins for and during her life in accordance with the provisions of said will.

4<sup>th</sup> That your petitioners understood when they signed said answer that the proceeds of sale of said real Estate devised to your Petitioner Mary Cecelia Mullins by said will, would be invented in other real estate for her use and benefit for her life and after her death to her children taking the place of her interest in the real estate of which said Catharine Lytle died seign and possessed.

5<sup>th</sup> That after due proceedings had the said real Estate was decreed to be sold and Charles W. Hoffman was appointed Trustee to make such sale, who has sold said real Estate and reported the proceeds to your Honorable Court for distribution and the sum of \$3354.<sup>22</sup> being one half of the net proceeds of said sale, was by the order of your Honorable Court, distributed to Francis F. Smith of Frederick Md. Executor of the last will and testament of Catharine Lytle Deceased.

6<sup>th</sup> That your Petitioner had no notice or knowledge of said order of the petition upon which it was passed or said distribution until long after the same was filed, passed and made.

7. That the proceeds of sale of said real estate are not assets of the Estate of said Catharine Lytle Deceased, passing into the hands of her Executor by virtue of his office, but are impressed with the character of real estate and it would be to the interest of your Petitioner Mary Cecelia Mullins and her children for the same to be really invented in real Estate for the benefit of your Petitioner Mary Cecelia during her life and after her death to her children.

8. That there are two contiguous tracts of land lying