Petition & Counts Order.

No. 4937 Equity.

Jacob J. Houck on Petition. } No. 4937 Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of Valeria E. Houck in the above entitled cause respectfully represents unto your Honorable Court:-

1. That the Original Trustee in the above entitled cause Emma Houck, died during the month of August in the year Eighteen Hundred and Eighty two, and that upon the petition of Jacob Houck one of the cestui que Trust mentioned in the deed of trust, Your Petitioner by a decree of your Honorable Court passed on the 29th day of October in the year Eighteen Hundred and Eighty three, was appointed trustee, in the place and stead of the said Emma Houck, deceased.

2. That your petitioner Valeria E. Houck entered upon the discharge of her duties as such Trustee immediately after filing said decree and has continued to administer said Trust, until the present with the full knowledge of all the parties of interest and has received no compensation in the way of commissions or otherwise for her services in that capacity.

3. That Jacob Houck one of the cestui que trust died several weeks ago at which time under the provisions of the deed creating the trust, Your petitioner was authorized to sell and dispose of the real estate constituting said trust fund or property, which it was the intention of Your petitioner to do, as required by the trust, and which Your petitioner is now ready and willing to do, by submitting herself to the Jurisdiction of your Honorable Court, giving the necessary bond, and to fully carry out and discharge any order or decree of your Honorable Court in the premises.

4th That on the 11th day of October A.D. 1900 upon the application of Sarah C. Warner and Samuel C. Warner her husband, Your Honorable Court passed a decree appointing John J. Houck and John S. Newman trustees to execute the payable of sale contained in the deed of trust mentioned and to administer the fund so arising from said sales and on the 13th day of October in the year A.D. 1900, the said John J. Houck and John S. Houck & John S. Newman, qualified as such trustees, by giving bond for the discharge of their duties as provided by the decree, which bond has been filed and is now of record in the office of your Court, which petition and decree from the allegations and representations therein contained, was based upon the hypothesis that the substituted trustees were to take the place of the said Emma Houck deceased, overlooking and ignoring the fact that petitioner was the acting trustee in said cause under a decree of your Honorable Court.

5th. That it would be a great injustice, hardship and wrong to petitioner after having administered said trust all those years without compensation to have some one substituted in her place and stead to administer the trust by making sale of the corpus of the trust and thereby deprive her of the small commissions to which she would be entitled under the rules of your Honorable Court.

6. That your petitioner had no notice whatever of the petition so filed by the said Samuel C. Warner and Sarah C. Warner, and the decree was entirely and exparte proceeding as far as petitioner is concerned.

7. That Your Honorable Court was without Jurisdiction to pass said decree without the knowledge consent and or authority of petitioner which had never been obtained.

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Answer of E. Houck