No 8281 Equity.

afflicted and she has accordingly been for some months in the Eastern Sanatarium in the State of Pennsylvania where she will remain indefinitely as her disease is considered incurable.

8. That your Petitioner, while entitled under said will to have the said Church Street home maintained as a home for himself, does not desire that it be so maintained in view of the fact that the said Katherine E. Diehl is prevented by her mental condition as aforesaid from occupying and enjoying said home, and the practical question confronting your Petitioner as Trustee under said will is as to whether it is to the interest and advantage of the trust estate and the persons interested therein that the said Church Street property be rented out, or that it be sold and the proceeds invested for the benefit of the said life beneficiary under the limitations of said will.

9. That all of the persons who may be entitled under said will to the proceeds of the sale of the said Church Street property, except the said Society for the prevention of Cruelty to animals, an unincorporated association all of whom are adults have consented to the sale at the present time of the said property and have declared their desire that the proceeds of sale, after supplementing any deficiency that may exist in the personal estate of the said Marie Diehl for the payment of her just debts, may be used and invested by your Petitioner for the benefit of the said Katherine E. Diehl for and during her life, and that after her death the said fund be distributed to the legatees who may be entitled thereto under said will as will appear by the petition of said legatees herewith filed, and as the said property has a value largely in excess of $1000= the said Society for the prevention of Cruelty to animals if entitled as a legatee, could not be any way affected by a sale of the said property at this time instead of at the expiration of the life estate of the said Katherine E. Diehl, and the said Society was therefore not requested to join in the said petition of the said legatees.

10. That the said Church Street property is subject to a mortgage of $1000= which also covers the said Berry Street property, and which is held by the Franklin Savings Bank of Trenton the said mortgage being dated June 4, 1904