

NO. 8356 Equity.

to share equally with your Petitioners in the distribution of the residue of the estate of the said Joseph N. Lohr, after the death of the said Margaret A. Shank, intermarried with James W. Kauffman, and died intestate and the issue of said marriage, Frank E. Kauffman, a son and Emma Kauffman, a daughter also died intestate.

Third: That the said Margaret A. Shank (nee Lohr), the widow of the said Joseph N. Lohr, who under the provisions of said will is entitled to a life estate in the property and estate of the said Joseph N. Lohr and who is named as the Executrix of said will, intermarried with John Shank, who is now deceased.

Fourth: That on or about the 31st day of March, 1902, the said Margaret A. Shank, Executrix of the said Joseph N. Lohr, as aforesaid, filed a petition in the Orphans Court for Frederick County, in which she alleged, among other things, "That she did not have any funds belonging to said estate, and that she was in need of money to properly care for and keep in proper repair the properties of which said estate is made up;" and in pursuance of the order of said Court passed thereupon the said Margaret A. Shank, individually and as Executrix of Joseph N. Lohr, deceased, executed a mortgage for fifteen hundred dollars on the property mentioned in these proceedings to the said James T. Kayle.

Fifth: That the estate of the said Joseph N. Lohr, so far as your Petitioners are informed, consisted of two farms situated in Frederick County, aforesaid, which were at the time of his death unincumbered and valuable, one of which said farms is mentioned in these proceedings and has been sold under the mortgage aforesaid.

Sixth: That the farm mentioned in these proceedings was sold under the mortgage aforesaid for the sum of two thousand seven hundred and fifty (\$2750) dollars, and after the payment of the mortgage debt, interest and the costs and expenses incident to said sale there will be a substantial surplus, amounting to about \$____, which surplus, your Petitioners are advised, is a part of the estate of the said Joseph N. Lohr, to which they will be entitled after the death of the said Margaret A. Shank, as remaindermen under said will.

Seventh: That the said Margaret A. Shank is very old and physically and mentally weak and infirm and wholly incapable of properly managing and caring for the properties and money of said estate and

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