

## No. 8356. Equity.

entitled to an estate in remainder, under the last will and testament of said deceased to so much of the estate of said deceased as may be remaining at the time of this Respondent's death, but she denies that they are entitled in remainder to any interest in the balance of the money in the hands of James T. Bayne, Mortgagee, from the proceeds of the sale of the Real Estate sold by him as Mortgagee.

2. She admits the delegations contained in the second, third, fourth and fifth paragraphs of said Petition to be true.

3. She admits the allegations of the sixth paragraph of said Petition to be true in so far as it charges that the said farm was sold for Twenty-Six Hundred and Fifty Dollars, and that after the payment of the mortgage debt, interest, costs and expenses incident to said sale there will be some surplus, the exact amount of which is not known to this Respondent, but she denies that such surplus is a part of the estate of said Joseph N. Lohr, deceased, to which the Petitioners will be entitled after the death of this Respondent as remaindermen under said will.

4. That it is not true, as alleged in said Petition that this Respondent is very old and physically and mentally weak and infirm and wholly incapable of properly managing and caring for the property and money of the estate of her deceased husband, Joseph N. Lohr, and she denies the allegation in said Petition that her improvidence and lack of care much of the estate of her said husband, has been wasted and what remains has greatly deteriorated in value.

5. She denies the allegations contained in the eighth paragraph of said bill, except that she admits she claims an absolute title to said surplus funds of sale.

6. And further answering said Petition and further showing why the prayer of said Petition should not be granted as against this Respondent, she says that by a true and proper construction of said will she was authorized to sell any part of the property of said "Testator" by which benefit may accrue to her or to the estate and that in the exercise of the power thus conferred upon her she has the right to use so much of said proceeds of sale as in her judgment may be necessary for her benefit, and that the appointment of a Trustee to hold and invest such surplus would be entirely