

140.8805. Equity,

all of which were paid by your Petitioner.

6. That there is due and owing to the Mt. Olivet Cemetery Company the sum of \$25.00 for a burial lot as per "Exhibit E S. M. Claim", upon which are interred the remains of both the said Mahlon S. Myers and wife the father and mother respectively of your Petitioner and at present there is no tombstone, marker or other means of identifying said grave.

7. That the property mentioned in these proceedings is worth approximately \$3000.00 and your Petitioner feels and believes that it is only right, proper and equitable that he should be reimbursed out of the proceeds of the sale of the property for the bills that he has paid, and that the bill of \$25.00 mentioned in the preceding paragraph should be paid out of the <sup>same</sup> funds, and also your Honors should allow a reasonable sum to provide markers for the graves of the said Mahlon S. Myers and wife.

8. That while the bill for fertilizer is properly a charge against the wheat crop aforesaid, yet your Petitioner believes that it would be advantageous to the sale of the property therein mentioned to sell the same without any reservation, and your Petitioner is willing that the property should be sold without reserving the interest of the said Mahlon S. Myers and his representatives in the wheat crop, provided all of the bills aforesaid, including the bill for fertilizer, and the cost of markers for the graves of Mahlon S. Myers and wife, as aforesaid, be paid out of the proceeds of the sale of the real estate.

9. That your Petitioner is advised and believes it is within the equitable powers and jurisdiction of your Honorable Court to direct the payment of these legitimate, just and righteous claims, and with this understanding, and proviso he is willing for the said farm to be sold as indicated in his said answer, wherefore your Petitioner, Ernest S. Myers, prays that your Honorable Court will pass an order directing that he be reimbursed for the amounts expended by him as aforesaid; that the bill of the Ramsburg Fertilizer Company and the bill of the Mt. Olivet Cemetery Company for the burial lots mentioned in the foregoing Petition all be paid out of the proceeds of the sale of the real estate mentioned in these proceedings, and that your Honors will also allow out of said fund to be derived from the sale of said real estate a reasonable sum to purchase markers for the graves of the said Mahlon S. Myers and wife.

And as in duty, etc.

Ernest S. Myers, Solicitor for Petitioner