No. 8851. Equity.

are adults non residents and reside in the State of Ohio; and that the undivided interests therein of said Susan Gebhart and David C. Wagner respectively in the share of Hiram Wagner, deceased have descended, and are vested in the aforesaid heirs at law of the said Susan Gebhart, and David C. Wagner, respectively.

2. That in view of the said allegations your petitioner is advised that the said Clara A. Turner and John H. Turner, her husband, Ellen Shupert and Nelson Shupert, her husband, and Jesse Lauder her husband, William F. Wagner, Clayton E. Wagner and Maud Wagner, his wife, Thomas Goonan, Myrtle Hertz, and Oscar Hertz, her husband, Russell Goonan, Mae Goonan, Sylvester Goonan, Paul Goonan, Nora Stutzgens and Frank Stutzgens her husband, Henry C. Wagner and Wagner, his wife and Mary A. Bechtel are necessary parties to this cause and should be made parties defendant thereto.

And your petitioner therefore prays:—

1. That leave be granted him to amend his said bill of complaint and to allege that said David C. Wagner died intestate on January 12th, 1909, that his wife Elizabeth Wagner had died about the year 1904, leaving surviving him the said David C. Wagner as her sole heir at law, five children, viz. Clara A. Turner whose husband's name is J. H. Turner, Ellen Shupert whose husband's name is Nelson Shupert, Edna V. Lauder whose husband's name is Jesse Lauder, now residents and residing in Montgomery County, in the State of Ohio, William F. Wagner, unmarried and Clayton E. Wagner whose wife's name is Maud Wagner, now residents and residing in the State of Washington, all of whom are adults, and to whom the undivided interest therein of said David C. Wagner has descended and is vested as tenants in common; that said Susan Gebhart died intestate about June 1889, leaving surviving her as husband Isaac R. Gebhart now living and about 86 years of age, and as her sole heir at law a daughter Winnie Goonan, who died intestate in April 1911, leaving surviving her as husband Thomas Goonan now living and about 50 years of age, and the following children, viz. Myrtle Hertz whose husband's name is Oscar Hertz, Russell Goonan, unmarried, adults, and Mae Goonan, Sylvester Goonan, and Paul Goonan, infants under the age of 21 years and unmarried, as her sole heirs at law and to whom the undivided interest of said Susan Gebhart, deceased, has descended