No. 8984. Equity.

1903. Since which time no person has been appointed by your Honorable Court to be the trustee as aforesaid in the place and stead of said deceased Trustee, and no person has acted as such Trustee. Your Oratrix, Martha M. Foutz, having assumed the management and control of said trust estate, the same consisting of said real Estate, and annually receiving the rent, issues, profits and income thereof and therefrom.

12.

That upon the death of the said Cyrus A. Foutz, Trustee who was seized of the naked legal title in and to the trust estate, the said real estate "Parcel No. 1." without having or being entitled to any beneficial interest or estate whatsoever in the said land, the legal estate thereon devested to and become vested in the Defendant, Clayton E. Foutz, he being the eldest son of George H. Foutz deceased, who was the eldest brother of the said Cyrus A. Foutz, and the said Clayton E. Foutz therefore being the Common law heir of said Trustee, Cyrus A. Foutz, who died without any child, or a descendant of any child, surviving him.

13.

That your Oratrix, Martha M. Foutz, is yet the widow of said Cyrus A. Foutz and is at the time of the filing of this Bill of Complaint near Seventy five year of age having been born on the date March 13th, in the year 1848, and no child has been born unto your Oratrix, Martha M. Foutz.

14.

That Fanny Rupley, daughter of said William H. Ramsburg and sister of your Oratrix, Martha M. Foutz, and named in said "Exhibit A." died on the date May 9th, in the year 1887, leaving surviving her four children, namely, a son William R. Rupley, and Gilbert King Rupley, your Oratrix, Emma R. Rupley, and a daughter Ruth F. Rupley who died in the year 1889, an infant aged about 14 years.

15.

That the said William R. Rupley, together with his wife Ida Rupley, died on the date May 8th in the year 1907, granted, conveyed and assigned all of his right, title interest and estate both at law and in equity of, and to said "Parcel No. 1" above herein referred to unto John H. Kolb of Frederick County, Maryland, as will appear by a duly Certified Copy of the deed of said Conveyance at