

Ordered this 9th day of August, 1912, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, that leave be granted to the parties to the cause to take testimony, as prayed, before any one of the standing examiners of this Court.

John C. Metter.

To the Honorable the Judges of said Court--

The above cause being at issue and notice having been given to me by the Solicitor for the complainants of a desire to take testimony in said cause, leave of the Court having been first had and obtained, I, D. Princeton Bukey, one of the standing Examiners of the Circuit Court for Frederick County, duly appointed qualified and sworn pursuant to said notice, met at my law office in the City of Frederick, Maryland, on Monday the 12th day of August, 1912, and then and there in the presence of the solicitor for the complainants and the witnesses, proceeded to take the following depositions, that is to say--

Present, Arthur Willard, solicitor for Complainants and the witnesses.

Exhibits, 1, 2, 3, and 4 are herewith returned, having been filed and offered in evidence.

Edward J. Winebrenner, a witness of lawful age and one of the plaintiffs in this cause, having been duly sworn, deposes and says--

My name is Edward J. Winebrenner, Jr., I am 48 years of age and reside in Frederick City, Maryland. I am one of the plaintiffs in this cause.

My father, Edward J. Winebrenner died intestate in 1911, and I look at exhibit No. 4 filed in this cause and it is a certified copy of his last will and testament. My mother Caroline Winebrenner, the beneficiary and devisee under my father's will is dead. She died July 6th, 1912 intestate. At the time of her death she was seized and possessed of certain real estate situated in Frederick City, in Frederick County. I look at exhibit No. 1, it correctly describes the lot or parcel of ground conveyed to my father by Henry Lorents & wife, it is now improved with a two story double brick dwelling house, the value of which is about \$3500.00.

I look at exhibit No. 2, now shown me, it is a certified copy of a deed to my father from Reuben W. Young & wife, conveying a lot of ground which is improved with a 3 story brick dwelling house with a stable in the rear of the lot, its value is about \$3700.00 to \$3800.00. This certified copy has the name of Edward G. Winebrenner which is evidently an error of record, as my father had possession of this property since 1868, and after his death my mother had it until her death. There never was an Edward G. Winebrenner to my knowledge and the G. must have been an error for J. I look at Exhibit No. 3 now shown me, it is a certified copy of a deed conveying a lot of ground from Lavenia Taylor to my father and is improved by a corner 3 story dwelling house, this property is worth about \$7,000.00. All of the above described properties are located on South Market street, Frederick Maryland.

Exhibits 1, 2, 3, and 4 are now offered in evidence and filed with the Examiner as evidence.

Note by Examiner--At the time of my mother's death she left surviving her the following named children and heirs at law, all of whom are now living to wit--

A son, George B. Winebrenner, whose wife's name is Amy Winebrenner, both of whom are of full age and adults and reside in Philadelphia Pa.; a son Samuel E. Winebrenner, whose wife's name is Mary L. Winebrenner, both adults and reside in Frederick City, Maryland; myself, a son Edward J. Winebrenner, Jr., my wife's name is Minnie Winebrenner, both of us are adults and reside in Frederick City Maryland. An adult unmarried daughter, Mollie E. Winebrenner, who resides in Frederick City Maryland. An infant grandson, Byren Winebrenner, who is about 18 years of age and an infant grandson, Lloyd Winebrenner, about 7 years of age, both of whom reside in Frederick City, Maryland, with their mother Mary Winebrenner. These said infants are the children of William A. Winebrenner, having died 5 or 6 years ago and, prior to the death of my said mother Caroline M. Winebrenner,

The said real estate of which my mother died, seized and possessed is not susceptible of partition or division amongst the parties entitled thereto without great loss damage and injury to them, and