

Exhibits A, B and C to the Bill of Complaint filed with the Examiner as evidence and are so marked

Heten E. Wenner, a witness of lawful age, produced on the part of the Plaintiffs, deposes and says as follows--

My name is Heten E. Wenner. I am twenty-four years of age and reside in Brunswick, Frederick County, Maryland. I am one of the complainants mentioned in this proceeding. My grandmother Susan A. Wenner, died about fifteen years ago and left a last will and testament by which she devised her property lying adjacent to the town of Brunswick.

I look at Exhibit A which is now handed me. It is a certified copy of the last will and testament. This will was construed by the Circuit Court for Frederick County about the year 1906 in No. 8050 equity and by the decree passed in the Court in this cause, a copy of which decree is filed herewith marked exhibit "C". It was adjudged, ordered and decreed that all the property lying below the dotted line on the plat exhibit "B" marked A B pass under the will to my uncle Americus A. Wenner and his two sisters, Susan and Virginia with the exception of the two acres upon which the farmhouse is located. Ever since this time my father, brothers and sisters on the one part and my uncle Americus A. Wenner and his two sisters, Virginia and Susan have been anxious to make the exchange which is proposed to be made by these proceedings.

The piece of land containing 198,500 square feet of land and indicated on Exhibit "B" as surrounded by a brown line lies adjacent to the two acres upon which the farmhouse stands. This piece of land lying as it does adjoining the farmhouse and between the rest of our farm and the public road is very valuable and desirable to us in order that this portion of our property can be opened up by projecting Brunswick street through this property. It would then become a very valuable building lot development. The portion of land containing 204,000 square feet and indicated on said plat Exhibit B as surrounded by a red line lies next to the property of my Uncle Americus A. Wenner and his two sisters and is necessary to complete a building development which they have had under way for some time.

The two pieces or parcels of land are of practically equal value, but owing to their location each would be of a great deal more value to the parties who would obtain the same in the event the exchange proposed to be made by this proceeding is ratified by the Court.

I believe that my father and brothers and sisters who are the cestui que trust and remainder-men respectively under the trust created by my grandmother's will would be greatly benefited by this exchange as it would open up quite a valuable piece of property for us.

In my opinion it would be to the distinct advantage and benefit of all the parties to this cause and particularly those having an interest in the trust estate created by my grandmother's will that the piece of land indicated on the plat as surrounded by a red line be sold by a trustee to be appointed by Your Honorable Court and the proceeds therefrom invested in the piece of land indicated on said plat Exhibit "B" as surrounded by a brown line and be held by the trustees named under my grandmother's will so as to ensure in like manner and for the use and benefit of the same parties as the piece or parcel of land surrounded by the red line does at the present time.

I believe that the offer of the Brunswick & Frederick Railroad Company for \$600.00 for a right of way across the Wenner farm, a part of which right of way is indicated on Exhibit "B" is about what this right of way is worth and this price is agreeable to all of our family. To the general interrogatory. Nothing further. Heten E. Wenner.

William H. Van Meter, a witness of lawful age, being produced on the part of the Plaintiffs, deposes and says as follows--

My name is William H. Van Meter. I am fifty years of age and reside in the town of Brunswick. I know all the parties to this cause with the exception of Susan W. Wenner and Virginia R. Wenner, who live near Lovettsville, Va.

I look at Exhibit "A" which is now handed me. It is a certified copy of the will of Susan A.