

## TESTIMONY.

The petition of the Plaintiffs in this cause respectfully represent that they desire to take testimony in this case, and pray Your Honor that leave be granted to do so before one of the standing examiners of this Court.

H. Kieffer DeLauter.

Solicitor for Complainants.

Ordered this 11th day of October, 1912, by the Circuit Court for Frederick County, sitting as a Court of Equity, that leave be and is hereby granted to the parties to this cause, to take testimony as prayed, before any one of the standing examiners of this Court.

John C. Motter.

Judge of the Circuit Court for Frederick County.

To the Honorable, the Judges of the said Court--

The above cause being at issue, and pursuant to the annexed order of Your Honorable Court, I, D. Princeton Buckey, one of the standing Examiners of the Circuit Court for Frederick County, duly appointed, qualified and sworn, met at my law office in Frederick city, Maryland, on Saturday, the 16th day of November, 1912, and in the presence of the solicitor for the complainants and the witnesses, proceeded to take the following depositions, that is to say--

Present--H. Kieffer DeLauter, Esq., solicitor for Complainants.

(Cross Examination waived by Solicitor for defendants.)

Martin L. Fink, one of the Plaintiffs, having first been duly sworn, deposes and says My name is Martin F. Fink. I am 46 years of age. I reside in Baker's Valley, Frederick County, Maryland, I am one of the Plaintiffs in this cause. I know all the parties to this suit and the land in question.

I look at exhibit A filed with the Examiner, and it is a certified copy of the deed for the lands mentioned in this case to my grand father Peter Arnold, and I think it correctly describes said lands. This same land was willed by Peter Arnold now deceased to my mother Sarah A. Fink, for her lifetime and at her death to her children.

I look Exhibit B., and it is a certified copy of my said grandfather's will.

My mother Sarah A. Fink is yet living and resides on the farm in Frederick County. She is 72 years old and her health is only reasonably good. My mother's children are Clayton E. Fink whose wife's name is Mary Ann Fink, both adults; John A. Fink, a son, whose wife's name is Evie<sup>E</sup> Fink, both adults. All of the above named children live in Frederick County, Maryland.

Annie M. Dodd, a daughter whose husband's name is Edward M. Dodd, both of whom are adults residing near Mt. Aiby, in Carroll County, Maryland.

Clarence P. Fink an adult son living near Martinsburg, W. va.

The real estate mentioned and described in this cause is a farm situated 2 miles below Urbana, in this county, comprising about 169 acres of land, with improvements consisting of one set of buildings, a house, barn and other outbuildings.

These buildings are in need of repairs and have not been kept in proper repair by the life tenant. The fences are in bad repair also. This land is not susceptible of partition or division among the parties entitled to interest therein without loss and injury to their interests therein and it would be to the benefit and advantage of all the parties to have the whole farm sold and the proceeds divided among<sup>st</sup> the parties according to their respective interests therein.

This farm is worth about from \$40 to \$45 per acre or as much as \$50. It is worth from \$6,000 to \$8,000. To gen. Int.

Nothing More.

Martin F. Fink.