

sworn met at the residence of Mr. and Mrs. Ernest Helfenstein, in Frederick City, Maryland on Tuesday the 29th day of October 1912, at the hour of 7 o'clock P. M., 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--

William S. Levy, Esq.

Solicitor for Complainants, and the witnesses.

Mrs. Mary G. Helfenstein, one of the complainants, having been first duly sworn, deposes and says-- My name is Mary G. Helfenstein. I am 40 years of age. I reside in Frederick City, Maryland. I am one of the Plaintiffs in this case and know all the parties to this suit. My mother Mary G. Levy died November 22nd 1899, intestate, seized and possessed of the property and real estate described in exhibit No. 1 filed in this cause. I look at said exhibit and I think it correctly describes the said property and is situated on West Third street, in Frederick City, Maryland, and consists of that lot of land and a three story house, brick. In my judgment it is worth from \$4,000. to \$6,000. My mother died seized and possessed of this property and she died without any will as I have stated seized of this property. The following heirs survive her--Myself, and my husband's name is Ernest Helfenstein, a son, William S. Levy, whose wife's name is Edith H. Levy; both of whom are residents of Baltimore City Maryland; and both of whom are adults.

My husband and I are adults and reside in Frederick Md. A son Roger S. Levy, whose wife's name is Mary L. Levy, both of whom are adults and reside in Clerke County, Va.; A son Arthur E. Levy, whose wife's name is Jane B. Levy, both of whom are adults and reside in Frederick City Md., A son Walter V. S. Levy, who by an order of the Circuit Court for Baltimore City, in Court No. 2, had his name changed to Walter Van Swearingen, whose wife's name is Evelyn Van Swearingen, both of whom are adults and reside in Washington D. C. A daughter Elizabeth S. Levy also survived my mother and she intermarried with a certain George B. McCleery and he is an adult and resident of Frederick County. This daughter Elizabeth S. McCleery died intestate leaving said George B. McCleery her husband surviving her, and she left no children surviving her. She died on about the 22nd of January 1905. A son, an adult, Charles P. Levy also survived my mother at the time of her death and he intermarried with one Roberta H. Levy, who is an adult and resident of Frederick Maryland.

This son Charles P. Levy died intestate on the 24 of August 1912, intestate at Frederick Maryland, and left surviving him a widow, Roberta H. Levy aged 38 years and resides in Frederick Md., and the following infant children, viz--

Charles R. Levy, Jr., aged 13 years and Roberta D. Levy, aged 11 years, both of whom reside with their mother in Frederick Maryland.

The real estate mentioned in this cause is not susceptible of division among the parties entitled to interest therein, without loss and injury to heir several interests therein, and it would be to the benefit and advantage of all the parties and especially the infants to have the property sold and the proceeds divided among them according to their respective interests. It consists of a large three story brick dwelling situated on West Third street and could not, possibly, be divided amongst the parties entitled under any circumstances.

To Gen. Int.

No sir.

Mary Grace Helfenstein.

Ernest Helfenstein, one of the Plaintiffs having first been duly sworn, deposes and says-- My name is Ernest Helfenstein, I am 43 years of age, and reside in Frederick City, Maryland. I know the real estate mentioned in this cause and all the parties to this suit. I heard the testimony of my wife, Mary G. Helfenstein, and I know that Mary G. Levy died intestate as stated by Mrs. Helfenstein seized and possessed of this property.

Mrs. Mary G. Levy left surviving her the children and heirs at law as stated and described by the previous witness, and their names and residences are correctly given by her.