T E S T I M O N Y

Rufus E.Faubel Vs. Frank L.Stoner,Trustee under the Will of Catharine E.Bentz.decd et al.	"	No. 9 3 3 3 Equity. In the Curcuit Court for Frederick County,Sitting as a Court of E Q U I T Y.

To the Honorable,the Judges of said Court,the above cause being at issue and a notice have been given to me by the Solicitors for the plaintiff of a desire to take testimony in said cause,leave of the Court having first been had and attained,I D.Princton Buckey,one of the standing Examiners of the Circuit Court for Frederick County,Maryland,duly appointed,qualified and sworn met at the l law office of Stoner and Weinburg,Esqs,in Frederick,Maryland,on August 27th 1915.and then and there in the presents of the Solicitor for Complainant and the witnesses,proceeded to take the following depositions,that is to say.-Present!-

Frank L.Stoner,Esq.
of Solicitors for Complaintant
and the Witnesses-

(There are four Exhibits filed with Examiner as evidents and one Exhibit "Survey" Herewith Returned) Benjamin E.Phoebus,a witness of lawful age,produced on the part of the plaintiff having first been duly sworn,deposes and says!-

My name is Benjamin E.Phoebus,I am 55 years of age,I reside in Frederick City.Mayyland and knew the real estate mentioned and described in these proceedings I havelived on West Patrick Street the whole of my life excepting three years and have had considerable experience in dealings in real estate in that part of Frederick during these years ;I am now the owner of thirty three dwellings in that part of Frederick.I knew Catharine E.Bentz,all my life time I lived within a few feet of her for 40 years,she died on August 23,1914,I look at Exhibit No.1,and it is a correct certified copy of her last Will and testament,I knew the real estate of which she died seized and posessed ,I look at Exhibits Nos 2,3,and four and they correctly describe and identify the properties on West Patrick Street of which Catharine E.Bentz died and seized,Exhibit NO.2,describes the properties now occupied by Mary R.Starr.George Culler and Mrs.Cora Miller the title was aquired by one deed Exhibit No.2,and consists of three dwelling houses,The house occupied by Mary R. Starr is a two storry brick dwelling house with a new back building erected about seven years ago, at a cost of about $1300,This is a very desirable house in a fair state of repair,but only rents for $8.50 I am informed,I believe this property would yeald a much better return on the money if it would be sold and the proceeds invested even at 4% per annum.This is an expensive and large property and is expensive to keep up,It is suitable for some one to buy as a house,but to expensive to keep up to rent,The water rent,taxes and insurance on this property would about $50 to $60 per year.It would cost at least $25.per year on an average to keep this property in repair.It would be decidely to the interest and benefit to the remainder even that this property should be sold.I believe it will bring about $2500.00 and unless the money mentioned by use for repairs,the property will depreciate weekly the remaindermen would loose.The other two properties mentioned in Exhibit 2,occupied by George Culler and Mrs Cora Miller was originallly the old Market house of Frederick,It is an old property,I have rembered it for over 50 years,It is a brick dwelling with a frame workshop in the rear,These properties I am informed rent for $11.00 and $7.00 respectfully.Thereis a tin roof on these houses,paint would not hurt them,the fencing about them is bad and the roof leaks I understand and the roof needs paint The best thing to do with these two properties is to sell them and I believe these two will bring $2500-It would be to the best interest and advantage of the remaindermen that these properties be sold they are very old and very expensive to keep in repair .The property mentioned and described in Exhibit No.3 and is described by courses and distances in the survey made by Emory C.Crum as the property No.338,that is now filed as evidence with the Examiner as Exhibit,"Survey"This property is occupied by Allen Kline and has been tenanted by him for 27 years-I am informed he pays $7.oo a month rent-This property,with its frontage and the drive way into it it should bring about $1500,It is improved