

specifically devised and bequeathed in my last Will and testament and in this Codicil in trust to sell and dispose of the same and valid conveyance thereof to make, and to divide and to distribute the net proceeds among all my heirs at law share and share alike."

8. That a question has been raised as to the proper construction of the Will and Codicil of the said Daniel Kolb which it now becomes necessary for your honorable Court to determine; and this question arises upon the language hereinbefore quoted from the second clause of the Will and the Sixth paragraph of the Codicil.

9. That a certain Ralph L. Hall who is the surviving husband of the said Sophia M. A. Hall acting upon the theory, that by a proper construction of said Will and Codicil the brothers and sisters of Daniel Kolb had a vested interest in remainder, which vested at the time of the death of the said Daniel Kolb, attempted to purchase the interest in said real estate (Known as "The Homestead") of a certain Alfred B. Kolb who was the father of your Petitioners and who has since died; and caused the said Alfred B. Kolb and Alice B. Kolb his wife, to execute a deed conveying their said interest to Ralph L. Hall; which said deed dated August 24, 1903 and recorded in Liber D. H. H. No. 17, folio 556 one of the Land Records for Frederick County and an office copy of which is herewith filed as part hereof and marked "Exhibit A".

10. That your Petitioners are advised that by a true and proper construction of said Will and Codicil the said Alfred B. Kolb had no vested interest in said real estate, but that the title to the same vested in Naomi Utermehle and her successors in trust and the shares of the heirs at law in the proceeds of the sale of the said real estate (which is the only interest said heirs at law have) did not become vested until the period fixed for distribution namely, the death of the life tenant Sophia M. A. Kolb; and consequently said deed, or purported deed held by Ralph L. Hall is absolutely null and void.

11. That the said Naomi Utermehle the Executrix named in the said Codicil having died, leaving as her only heir at law, a son Charles H. Utermehle (who is now a resident of Washington, D. C.) and the said Daniel Kolb having given, devised and bequeathed unto the said Naomi Utermehle, Executrix "her heirs, executors, administrators and assigns" all the rest and residue of his estate not specifically devised and bequeathed, the power to sell said real estate vested in said Charles H. Utermehle, according to the true and proper construction of said Will and Codicil, and there is therefore a person in existence authorized and empowered to execute the trust, and consequently this Court was without jurisdiction to appoint Trustees to make said sale.

12. That the said Ralph L. Hall is a non-resident of the State of Maryland and a resident of Washington in the District of Columbia.

Wherefore your Petitioners prays as follows:--

1. That they are well as the said Ralph L. Hall may be made parties to this proceedings.
2. That the Will and Codicil of the said Daniel Kolb be construed and the rights of your Petitioners be determined.
3. That if it be decided that the said Alfred B. Kolb had no interest that he could legally sell and convey, then, in that event the deed of August 24, 1903 to Ralph L. Hall, be declared null and void.
4. That the Clerk of this Court be directed to pass an order of publication giving to the said Ralph L. Hall a non-resident as aforesaid, notice the object and substance of this Petition and requiring him to show cause if any he has why the prayers of the Petition should not be granted.

Stoner & Weinberg
Solicitors for Petitioners.