No. 9768. Equity,

VI. That the defendant herein is a person named in said last will and Testament who will receive the rest, residue and remainder, of the estate of the said Mary E, Ehrehart in the event that your Orator Charles Eichelberger dies during the life-time of his mother before reaching the age of Thirty five years, without child or children, living at the time of his death,

VII- That as part of the rest and remainder of the said estate of the said Mary E, Eherhart, deceased, there is certain real estate, situated in the town of Emmitsburg, Frederick County, State of Maryland, improved with a three Story Brick dwelling house; a fee simple title to said real estate, was required by said deceased, by two deeds --one from James M. Eichelberger, Jr, E, Minnie Eichelberger, bearing date, of September 30th 1899, to Marian f, Eichelberger, and the said Mary E. Eherhart, recorded in Liber 286, folio 267, one of the Land Records of Frederick County, aforesaid, and the other bearing date of March 9th 1911from Marian F, Eichelberger to the said Mary E, Eherhart, recorded in liber 298 folio 403, one of the land records for Frederick County, aforesaid all of which will appear more fully by reference to A certified Copy of said Deeds filed herewith, marked Plaintiffs Exhibit C. an D " respectively,

VIII That lots No. 175-176 in the town of Emmitsburg being part of the real estate acuired by the said Mary E, Eherhart as aforesaid, were conveyed by the sad Mary E, Ehrehat to C, Felix Adams, by deed dated October 15th, 1912, recorded in Liber No, 308, folio 29, one of the land records of Frederick County, aforesaid, as will more fully appear by reference to a certified copy of said Deed filed herewith, prayed to be made apart hereof. and Marked Plaintiffs Exhibit E, that lots nos, 130-131, being part of the real estate acquired by the said Mary E, Eherhart, as aforesaid, were conveyed by Eugene L, Rowe, deceased, executor of Mary E, Ehrehart, deceased, to the Vigilant Hose Company, by deed dated April 29th, 1915, recorded in Liber No 324, folio 2. one of the Land Records of frederick County, aforesaid, as will fully appear reference to a certified copy of said deeds filed herewith, prayed to be made a part hereof, and marked Plaintiffs, Exhibit F, that a tract of ten acres of land, being part of the real estate acquired by the said Mary E, Eherhart as aforesaid was conveyed by Eugene L, Rowe, deceased, executor of Mary E. Eherhart, deceased, to Edgar L. Annan and Andrew A, Herner, by deed February 16th, 1915, recorded in Liber 324, folio 2, one of the land records for Frederick County, aforesaid, as will more fully appear by reference to a certified Copy of said deed filed herewith. prayed to be made a part hereof and marked Plaintiffs, Exhibit G".

VIIII That the said Mary E, Eherhart died seized and possessed, of all that part or those parts of a lot situated in the twon of Emmitsburg, Frederick County Maryland, on the North west Corner of Main a Gettysburg streets fronting on Main Street and extending back along said Gettysburg Street to a public alley being all that part or those parts of a lot designated on a plat of the town as lot No 10, which was conveyed to the said Mary E, Eherhart as aforesaid.

X. that your Orators allege and charge that it will be advantageous to the Parties concerned and to the trust estate to sell the said real estate, and invest the proceeds arising therefrom under the Order of this Court.

Wherefore Your Orators Pray.

That a decree of Your Honeable Court may pass authorizing and directing a sale of said real estate,

2, that a trustee may be appointed to make such sale, at public or private, sale,

3- That the proceeds arising from said sale may be distributed to your Orator Edwin F, Ohler. Trustee in No, 9570. Equity, to be invested under the order of your Honeable Court, and the investment so made to be retained by said Trustee as part of the Assets of the trust fund in said No, 9570, Equity,

4, And for such other and further relief as the nature of your Orators case may require.

May it please your Honors to grant unto your Orators the writ of Subpoena