

No. 10315, Equity,

To The Honorable Judges of said Court;

The joint and several answers of Alfred G. Zimmerman and Charles Herbert Zimmerman, to the Bill of Complaint, of Nettie F. Zimmerman, in your Honorable Court;, exhibited against them,

THESE RESPONDENTS SAY;-

First, That they admit the Allegations contained in the First Paragraph, of said Bill of Complaint, and further state that Letters Testamentary have been granted to Charles Edward Zimmerman, and Robert Clinton Zimmerman, the Executors named in the said Will,

Second That they admit that the said Albert F. Zimmerman, died without issue, and that the Plaintiff is his lawful widow, but the further say that the said Alfred F. Zimmerman, also left surviving him two Brothers, and a Sister, Charles Edward Zimmerman, Robert Clinton Zimmerman, and Emma Virginia Thomas etc., who together with the Defendants, are named in said Will and Testament, a certified Copy of which is Exhibited with the Bill of Complaint,

Third; That they admit the allegations contained in the Third Paragraph, of said Bill of Complaint,

FOURTH; That they admit the allegations contained in the Fourth Paragraph, of said Bill of Complaint,

FIFTH; That they admit the allegations contained in the Sixth Paragraph, of said Bill of Complaint,

Sixth; that they admit the allegations contained in the Sixth Paragraph of said Bill of Complaint, qualifying their admission, however, with the explanations hereinafter, made, relative to the character and extent of the Plaintiff's present interest in her deceased husband's estate

Seventh; That they deny the allegations contained in the Seventh paragraph of said Bill of Complaint;

Eighth; That, Answering further and generally said Bill of Complaint these respondents, say That, in consequence of the Plaintiff's renunciation, and her omission to elect to take dower in the Lands of her deceased husband, they are advised under the provisions of Secs, 3 and 4, of Act 46, of the Code, and as decided by this Court, (Judges Urner and Worthington) in the case of Wallace R. Beall et al., Vs Augusta A. Beall, Widow, et al., No. 9934 Equity,

Ninth; That if the Plaintiff is entitled to upon her application, to have a decree for the sale of the property, involved in these proceedings, then they admit the allegations contained in the Eighth Paragraph of said Bill of Complaint,

Tenth; That as an Heir, entitled to One-third of the Estate, the Plaintiff becomes a Co-tenant as to said Farm, these respondents are advised, and she takes her interest, like the Devisee Alfred G. Zimmerman, one of the Respondents, subject to the annuity, created by the deceased, husband's will, in favor of the respondents Charles Herbert Zimmerman, and Expressly made a Charge, on the farm in question,

Eleventh; That although, as these respondents are advised and believe, the foregoing is the legal effect of the Widow's renunciation, yet the Plaintiff's according to her averments, in the Bill of Complaint, entertains a contrary opinion on the subject,

Twelfth; That, because of these divergent views and conflicting Claims, there arises the immediate, necessity, for the proper interpretation of the last will and Testament of the said

Albert F. Zimmerman, as well as a Judicial declaration, and all the Consequences, of the widow's renunciation, aforesaid,

THIRTEENTH, That, to insure the proper administration of the estate, and in order that complete Justice may be done, to all concerned, these respondents hereby request your Honorable Court, to assume Jurisdiction in the premises, construe the will of the said Albert F. Zimmerman, direct them in the settlement of the estate, and, to that end, determine the following questions,

- (1) What is the Extent of the Plaintiff's interest in her husband's estate, in view of her renunciation of his will?
- (2) What is the effect of the widow's renunciation on the other Devisees and bequests in the Will?
- (3) Are the Executors, named in said will, now authorized to convert into cash all the assets of the Testator, Albert F. Zimmerman, except those specifically devised of bequeath, and make distribution of said estate in accordance with said Will, as fully and to the same Extent as if the said Widow, Nettie E. Zimmerman, had departed this life?
- (4) What, if any effect has the widow's renunciation upon the annuity, expressly made a Charge, against the farm in question?
- (5) Upon whom is imposed the obligation to pay the same?