

No, 9258, Equity.

## - P E T I T I O N

Henry Trail, Surviving Trustee,

(

No, 9528 Equity,

)

In The Circuit Court for Frederick County,

on

(

Sitting as a Court of Equity,

PETITION

)

To The Honorable, the Judges of said Court,

The Petition of Milton G. Urner, Jr. Trustee, in the above entitled case, respectfully Shows;

1- That on May 21, <sup>1921</sup> he filed his report and petition in this case stating the Death of Arthur Trail, the beneficiary for life, of the trust estate, on May 3rd, 1921,

Said Report and Petition containing a statement of the Corpus of the said Estate, as it was on said last mentioned date and is now, and your petitioner filed therewith, an Itemized Statement of his receipts and disbursements, of the Income from the said estate to the time of the filing thereof.

2- That as shown by said Report and Petition the Said Corpus includes a Farm in Baker's Valley, Urbana District, Frederick County, Md., Containing 200 Acres of land, more or less, Which said Farm was formerly Owned by Charles E. Trail, deceased, whose will originating the Trust in this case, disposed of the said Farm as follows; " I give and devise unto my Sons Charles and Henry in Trust for my son Arthur the Farm in Bakers Valley now Tenanted by Whitmore, containing about Two Hundred Acres, ----- If my Son Arthur Shall begin within One year after my death to reform his dissipated habits, and for three consecutive years wholly and totally abstain from all alcoholic liquors, the farm in Bakers Valley, shall be released from the trust, and Shall belong to him and his heirs forever, ---- But if my said son Arthur shall not begin to reform and cease to use or taste intoxicating liquors, within one Year after my death, ----- The Trustees above named shall then hold the Whitmore Farm in Bakers Valley, during the lifetime of my son and pay to him the net income thereof in lieu of the annuity before mentioned, and at his death said farm Shall be sold, and proceeds divided among my residuary legatees," The Residuary clause of the said Will is as follows; " all the rest and residue of my estate, I Give and bequeath to my Sons Charles and Henry, and my Four Daughters, to be equally divided between them, the Share of any deceased, Child, going to his or her lawful Heirs." All of which will appear by reference to a Certified copy of Extracts from the said Will heretofore filed as an Exhibit in this case,

3, That the said Arthur Trail did not begin within one year after the death of the said Testator, to reform his dissipated habits, and did not begin to reform and cease to use or taste intoxicating liquors, within one year after the death of the said Testator, as prescribed in said will, and the said farm was not released, from the said trust, but remained in the hands of the Trustees named in said Will, and subsequently in the hands of Your Petitioner, as their successor in said Trustship, subject to the provisions of said Will,

4- That the residuary legatees mentioned in the said will were the said Charles B. Trail and Henry Trail, and the Testator's Four Daughters, Anna M Harding, Ariana T. Belt, Florence Trail, and Bertha Trail; all of whom survived the said Testator, and all of them are Still Living, except the said Charles B. Trail, who died intestate, on or about the 8th, day of December, A.D, 1914, leaving a Widow, Grace W. Trail and five Children Surviving him, Namely; Grace W. Trail, Jr, Florence Trail, Davidson, Theresa M. Trail, Beatrice N. Trail, and Charles B. Trail, Jr., All of Whom are adults over the age of Twenty-One years, except the said Charles B. Trail Jr., who is and infant, and they all reside in Frederick County, except, the said Florence Trail Davidson, whose residence is in York County, Pennsylvania,

5- That said will having directed that the Trustee should hold, said farm during the lifetime of the Testator's said son, Arthur Trail, and at his death said farm should be sold, and the proceeds divided among said residuary legatees, and your Petitioner being now the sole Trustee, to execute the trust of the said Will, with reference thereto, he is advised it is his duty to sell said farm as directed by said Will, to enable him to make distribution among said residuary legatees. and the parties entitled under the provisions of said Will.

And Your Petitioner prays for the following relief;

1- That your Honors shall pass a decree authorizing and directing your Petitioner as Trustee to sell said Farm and prescribing the terms, and

2 that your Petitioner may have all such other and further relief to which he may be entitled he will ever pray,

Urner &amp; Urner.

Solicitors,

And as in Duty, &amp;c.,

Milton G. Urner, Jr,

Trustee,