

Said property is not susceptible of being divided among the said children of Mrs. Pearl without loss and injury to the parties and it would be to the interest and advantage of all the parties interested therein for the same to be sold and the proceeds divided among them. The property is too small to admit of any advantageous division. It is located in Tuscarora Dist, in Frederick County;-

It is worth about \$500.-

To the Gen. Int by the Examiner.

Ans- Nothing further.

Spencer E. Stup.

Marshall L. Zimmerman a witness of lawful age produced on the part of the plaintiff being duly sworn and examined viva voce deposes and says as follows;-

My name is Marshall L. Zimmerman; my age is 52 years, I live near Charlesville in Tuscarora Dist, in Frederick County-

I knew the John A. J. Zimmerman who was the father of Mrs. Pearl, mentioned in these proceedings. He is dead having died many years ago.

I also knew his daughter Mrs. Lethy Ann O. Pearl, she is also dead, having died a few months ago- she was the wife of Daniel B. Pearl, who is also dead. She left the children named (with their husbands and wives) by Mr. Spencer E. Stup the proceeding witness whose testimony I have heard and the grand child, Mattie Violet Grimes, a child of a deceased daughter, Mattie Grimes who died before her mother.

The said Mattie Violet Grimes is age about 15 years.

I know the property mentioned in the Will of said John A. J. Zimmerman, and described in Exhibit No. 2 and on which Mrs. Pearl lived up to the time of her death a few months ago. It cannot be divided among the parties in interest without loss and injury, because it is too small and the parties are so numerous to divide it at all would destroy its value. It would be to the advantage of all the parties for the property to be sold and the proceeds divided among them.

I think it is worth about \$500--

To the Gen. Int of the Examiner.

Ans. I don't know that there is.

Marshall L. Zimmerman

Wherefore there being no other witnesses to be examined and no further time being required for the production of evidence the said Examiner hereby certifies that the foregoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectively; and I herewith return the same enclosed to the Court this 1st day of October A. D. 1921-

Clayton O. Keedy
Examiner.

Costs of the foregoing Testimony;

C. O. Keedy Exam. (1 day) \$4.00

Spencer E. Stup, Wit. Mlg. & Attn. 1.35

Marshall L. Zimmerman 1.35

Certified to;-

1.35
\$ 6.70

Clayton O. Keedy
Examiner.

(Filed October 1-1921)