

TO THE HONORABLE, THE JUDGES OF SAID COURT;-

The Answer of Isadore M.F.Barber to the petition filed in the above entitled cause by Lloyd H.Barber, respectfully shows unto your Honors;-

1. That she admits the allegations contained in the first paragraph of the Petition.
2. That she admits was was authorized, at the time the Court assumed jurisdiction of the within trust, to sell the real estate mentioned in the deed of trust, and constituting a part of the trust estate, it being a house and lot in the West end of Middletown, in Frederick County, Maryland, but although empowered to sell she has never exercised said power, that she has lived in and occupied the said house for about fifty-eight (58) years, and, therefore, lived therein about twenty- (20) years prior to the execution of the deed of trust; that she is now eighty-eight (88) years of age, and suffers somewhat with the usual infirmities of age; that she is well satisfied with her home; and that she has no intention whatever of selling or disposing of said property during her lifetime.
3. That your Respondent says that in addition to the aforesaid dwelling house, the trust estate herein included the four per cent (4%) interest account in the Citizens National Bank of Frederick, in the amount of Seventeen Hundred Eighty-Five Dollars (\$1785.00); that said account was carried in her name from the date the trust became effective until 1926, at which time at the request of, and after being especially urged by Lloyd H.Barber, the said account was transferred to the joint account of your Respondent and Petitioner; that your Respondent consented to said transfer without knowledge of the effect of the trust created; that she is informed that the said transfer was made in error, and she is ready and willing to restore said account to her name, as Trustee, to be held in accordance with, and for the uses and purposes of the trust. That your Respondent denies that the household furniture in said dwelling house constitutes a part of the trust fund, but says that it is her sole and absolute property.
4. That your Respondent admits the allegations contained in the fourth paragraph of the petition.
5. That answering the fifth paragraph your Respondent says that because of her age, which has now reached eighty-eight (88) years, she suffers with certain physical afflictions, but that her mind is as strong as usual, and says that during her whole life, and during the existence of this trust, she has lived parsimoniously, and had been as saving as possible at every point and she has kept the real estate in good repair at all times; and that she has preserved the corpus of the bank account in full, and has spent only the income therefrom. That she has never failed bond in this cause because of the following provisions in the deed of trust,

"It is further requested that no bond be required of the said Isadore M.F.Barber in carrying out the conditions of this instrument";

that although by implication the trust might authorize her to spend the principal of said trust, she has never done so, but has conscientiously, carefully, and in a business like manner preserved and strictly maintained the corpus of the trust fund, and she fully intends to continue to maintain said trust fund and use only the proceeds therefrom for and during her natural life.

WHEREFORE your Respondent prays;

FIRST; That an order may be passed by your Honorable Court authorizing and directing the Citizens National Bank of Frederick, Maryland, to restore the joint account herein mentioned of Isadore M.F.Barber and Lloyd H.Barber, to the name of Isadore M.F.Barber, Trustee.

SECOND. That she may be then dismissed with costs.

(Filed November 24, 1928)

Leslie N.Coblentz.