

2. Wilbur Stotelmyer, a son, who resides with his wife, Helen Stotelmyer, on R.F.D., Smithsburg, Md.

3. Willie Stotelmyer, a son, who resides with his wife, Lillian Stotelmyer, on R.F.D. 4, Smithsburg, Md.

G. Lemuel Stotelmyer, a brother, who died some years ago, leaving a widow, Anna Stotelmyer, who is supposed to reside somewhere in West Virginia, and who left no children.

Your Complainant is a resident of Frederick County, State of Maryland, while the residue of the heirs at law and next of kin as just stated.

The land and premises mentioned cannot be divided among the parties in interest equally without great loss and injury and it would be in the interest and to the benefit and advantage of all the parties to this cause that the said land and premises be sold and the proceeds distributed under the Orders of this Court. The land is lying idle, the taxes are accruing and none of the parties desires to pay the aforesaid taxes. My husband left some debts and obligations and I am administering his affairs through the Orphans' Court of Frederick County, Maryland, and wish to say that all of the said debts are settled.

NO CROSS EXAMINATION.

GENERAL INTERROGATORY: "I do not know of anything else."

Elizabeth C. Stotelmyer

EMORY FREY, a witness of lawful age, produced on the part of the Complainant, being first duly sworn, deposes and says as follows:

My name is Emory Frey. I am 62 years of age. I reside at Wolfsville, in Frederick County, Maryland, and have lived there all of my life time. I have known Mr. Harlan P. Stotelmyer, having grown up together as boys, in the same community. I have heard the testimony of Mrs. Elizabeth C. Stotelmyer, the widow of Harlan P. Stotelmyer, and I confirm her testimony in every particular. The heirs at law and next of kin are scattered over a large area. The four mountain lots in question are covered by fairly thick growth of trees, suitable for wood. It is not large enough yet for lumber purposes. They lie along the road leading from Grossnickle's Mill to Garfield on the East side of the road, in Catoctin District, Frederick County, Maryland, and will bring about \$3.00 per acre. I also know about the meadow tract containing something over 9 acres. It should be considered as meadow land, although there are a few apple trees on the lot, which is located on the road leading from Wolfsville to Garfield, in the same District on the West side of the road, and will bring about \$10.00 per acre. The land in question cannot be divided equally among the parties interested without great loss and injury.

NO CROSS EXAMINATION.

GENERAL INTERROGATORY: "I don't think it can ever be divided up unless it is sold".

Emory Frey

FANNIE R. FREY, A witness of lawful age, produced on the part of the complainant, being first duly sworn, deposes and says as follows:

My name is Fannie R. Frey. I am 56 years of age. I reside at Wolfsville, in Frederick County, Maryland, and have lived there all of my life time. I have known Mr. Harlan P. Stotelmyer all of my life. I also have known Mrs. Stotelmyer, having been school children together. I have heard her testimony and confirm it in every particular. I am sure that she has told the Court the truth. I know where the mountain lots are located. I also know particularly where the meadow land is located. I know that the land cannot be divided equally among the heirs without great loss and injury and expense. I think the land ought to be sold and the proceeds distributed under the orders of the Court.