

A. I do not think it could. I think it will be advantageous to all the parties in interest that the same shall be sold and the net proceeds of sale divided among them as their interests may appear. The land is a small farm and to divide it up into several parts would be to a disadvantage, and then the farm buildings would be worth so much more than each little tract it would be almost impossible to divide it.

Q. Do you know whether or not Simon P. Kuhn and wife left any other real estate at the time of their death in Frederick County, Maryland?

A. Yes, sir.

Q. Will you state what real estate and describe it?

A. A parcel of land containing 1.83 acres, more or less. This adjoins the little farm, or home place. This piece was deeded to my father and mother, Simon P. Kuhn and Savilla Kuhn, his wife, intended for Ann Amelia Kuhn. This piece of land is cleared. He farmed a part of it and it is also pasture land.

Q. Will you look at the paper writing herewith shown you marked "Exhibit C", and see whether or not it describes the real estate of which Simon P. Kuhn and his wife died seized and possessed?

A. I look at "Exhibit C", and it correctly describes the small tract of land of which Simon P. Kuhn and his wife died seized and possessed, and now descended to their heirs. (Exhibit C offered in evidence by Plaintiffs)

Q. State whether or not you think that said parcel of land as described in "Exhibit C" could be divided or partitioned among the parties entitled thereto according to their several interests without loss or injury to them?

A. No, it could not. It is a part of the home place, is adjacent thereto, and it is now a part of the home place or farm. I think it would be advantageous to all the parties in interest that the same should be sold and the proceeds divided among them as their interests may appear. This small piece could not be divided into lots, and it would be to a disadvantage to the farm and also<sup>to</sup> the parties in interest. In fact it is impossible to divide it. (Exhibit C offered in evidence by Plaintiffs)

Q. Was your father Simon P. Kuhn seized and possessed of any other parcel of land at the time of his death?

A. Yes, I know that my father was possessed of a parcel of woodland and pasture land, containing about 10 acres, the same situated in Hauvers Election District, known as the Farsht lot, and I know that my father was in possession of it since about the year 1907. I remember when my father bought the property in about about 1906 or 1907 from Howard J. Wolf and his wife, Lulu Wolf, and they afterwards moved from Frederick County to Ames, Nebraska, and have been gone about 27 years and have never returned. This property is located near Garfield and is unimproved, part of it is pasture land, and part of it has some little timber on it. We have never been able to find a deed for the property, or among my father's possessions since his death, nor has any deed been located among the Land Records of Frederick County, Maryland. We are also informed by our Attorney, Mr. Reno S. Harp, who has informed us he has made diligent search for the same. I, also, with the assistance of one of the deputy clerks in the Clerk's office, made effort to locate a title deed for this property, but we were unable to find same. I know that my father was in constant use and possession and absolute uninterrupted ownership of said ten acres since about the year 1906 and 1907, and that the property was assessed to him on the tax books and that he paid taxes on it since that time.

Q. State whether or not this ten acres tracts can be divided among the parties in interest without loss or injury to them, and if not, give the reasons therefor fully in your answer?

A. No. It cannot be divided because there are no buildings on it, and as it is very small tract and to divide such a small tract among all the heirs, no one would receive any part