

thereof that would be worth anything to them, and it could not be utilized in very small lots by any of the parties in interest.

Q. Did your father leave a last Will and Testament?

A. No. He died intestate.

Q. Did your mother leave a last Will and Testament?

A. No. She died intestate.

Q. Is there any lien against the property left by Simon P. Kuhn and his wife, Anna A. Kuhn?

A. Yes. Simon P. Kuhn and Anna A. Kuhn, his wife, my parents, gave a mortgage on the 14th day of April, 1919, to the Smithsburg Bank of Washington County, Maryland, for the sum of \$1,000.00, covering the property mentioned in "Exhibits A and B". There was paid on this note certain monies at different times, leaving a balance due at the death of Simon P. Kuhn of \$700.00 as far as I understand. My mother had a deposit in the same Smithsburg Savings Bank for \$120.49 and which deposit, as well as the mortgage, was taken over by the Central Trust Company of Maryland.

Q. Look at "Exhibit D" now submitted to you and state whether or not this is the mortgage mentioned in your testimony?

A. It is. (Exhibit D is offered in evidence by the Plaintiffs)

Q. Was this mortgage assigned during the lifetime of your father and mother to the Central Trust Company of Maryland?

A. Yes, on March 30th, 1929, this mortgage executed to the Smithsburg Bank of Washington County, was assigned unto the Central Trust Company of Maryland, as it should appear on the mortgage itself, and if you examine "Exhibit D", you will find that the Central Trust Company of Maryland held the mortgage at the death of my father and mother, Simon P. Kuhn and Ann Amelia Kuhn.

Q. Who is now the owner of said mortgage?

A. George W. Page, Receiver of the Central Trust Company of Maryland, and he, or his successor as Receiver, whose name I do not know, he now is in possession of the promissory note and also the mortgage mentioned in "Exhibit D", and the balance of this mortgage indebtedness is due and owing to the Receiver of the Central Trust Company of Maryland.

In my testimony, I desire to state for the benefit of the Court that the heirs are willing to have the deposit of my mother, wife of Simon P. Kuhn, set off against said mortgage indebtedness. I am told we, as the heirs of Simon P. Kuhn, are entitled to have this deposit of my mother set off against said mortgage indebtedness.

Q. Will you state what in your opinion is the present market value of the farm you have described of which Simon P. Kuhn and his wife died seized and possessed.

A. Around \$1000.00. This contains nine acres, 2 roods and 12 square perches and 1.83 acres.

Q. Will you state in your opinion the present market value of the of the 18 acres and 70 square perches?

A. About \$400.00.

Q. Will you state what in your opinion is the present market value of the 10 acres, more or less, for which real estate your father received a Deed for from Howard J. Wolf and wife?

A. About \$100.00.

To the general interrogatory propounded by the Examiner:

Nothing further.

Mary V. Toms

Paul Kline, a witness of lawful age, produced on behalf of the Plaintiffs, having been duly sworn, deposes and says:

Questions by Mr. Rohrback

Q. State your name, age, residence and occupation.