

Present: Mr. Parsons Newman, Solicitor for the plaintiff, no appearance for the defendants. Exhibits Numbered 1 and 2, filed with the Bill of Complaint were also filed with the Examiner and are so marked.

Lloyd C. Culler, a witness of lawful age, produced on the part of the plaintiff deposes and says:

"My name is Lloyd C. Culler. I am sixty-three (63) years of age. My residence is Frederick, Maryland, and I am a contractor and builder.

I knew Joseph A. Unglebower in his life and I remember the occasion of his death about thirty-five years ago. I never heard of any will left by him. I now look at Exhibit No. 1, shown me, being the deed from Benjamin F. Stonesifer and Mary C. Stonesifer, his wife, dated March 22, 1880, and believe it to be a copy of the deed to the property owned by Unglebower at the time of his death. I remember when Stonesifers lived at this property. The deed calls for six (6) acres and six and forty-one-hundredths (6.40) perches of land more or less, which I believe to be about correct. Joseph A. Unglebower left him surviving his widow, Josephine V. Unglebower, who is now deceased and has been dead for some twelve years as it seems to me. He also left three children: Albert F. Unglebower, the complainant in this case, who is married and whose wife's name is Rosa; a daughter, Bertha, who is married to and is now the wife of William H. C. Gross, who now live in this property; and a son Maurice A. Unglebower, who was killed last October a year ago, that is, October, 1931. Maurice A. Unglebower left him surviving his widow, Goldie M. Unglebower and three infant children, two boys and a girl. I believe that one of the boys is the oldest and he is now about eighteen years old. None of the children are married.

I remember hearing that the interest of Mrs. Gross was sold by the Sheriff under a judgment belonging to Collins and Grossnickle and I knew at the time that they bought it in. I now look at Exhibit No. 2, which appears to be a copy of the Sheriff's deed conveying the interest of Mrs. Gross and her husband to Collins and Grossnickle. I know that George Grossnickle has been dead for some time, but I can not say just how long. He died before Charles A. Collins who is now also deceased and has been deceased for some years. I do not know of the settlement of the affairs of Collins and Grossnickle.

I do not see how it would be possible to divide this property without loss and injury and it is to the benefit and advantage of the parties interested, especially the infants, to have it sold.

The property is improved with an old log house, weatherboarded and plastered. I think that it is a full two-story house, with six rooms, with no modern improvements. The house is in a very bad condition. There is still a small stable on the property and maybe a few other small out buildings. The land is fair for farming or gardening purposes. At the present time, I think it might be worth about Six Hundred Fifty Dollars (\$650.00)."

To the general interrogatory-

"Nothing further".

Signature of witness waived.

Grayson H. Mercer, a witness of lawful age, having been duly sworn, produced on the part of the plaintiff, says:

"My name is Grayson H. Mercer. I am fifty-three (53) years old. I live in Frederick, Maryland and my occupation is real estate and insurance.

I did not know Joseph A. Unglebower, nor his wife, Josephine V. Unglebower. I know Albert Unglebower, and I knew his brother, Maurice A. Unglebower, and I know his sister, Bertha Gross. Albert's wife's name is Rosa Unglebower and Bertha Gross is the wife of William H. C. Gross. Mrs. Gross and her husband now live in this property. Maurice A. Unglebower was killed in the fall of 1931 and left surviving his widow, Goldie M. Unglebower