

I am the widow of the late Henry Z. Culler, who died June 12, 1933, leaving me as his widow and the following children: Mildred L. Culler, unmarried, Evelyn L. E. Culler, unmarried both adults, and Viola H. Culler aged 19 years and Henry H. Culler aged 15 years. All of these children make their home with me.

My late husband at the time of his death owned a onw-half interest in a parcel of mountain land in Ballenger District containing five acres, 2 roods and 11 square perches of land, as referred to in the deed from William O. Michael and Nannie D. Michael, his wife to Henry Z . Culler and Kirtz E. Culler, dated January 13, 1905, and recorded in Liber S. T. H. 269, Folio 172, &c., one of the Land Records of Frederick County aforesaid. The said Kirtz E. Culler, who owns the other half interest, resides at Feagaville. This piece of mountain land lies adjoining the farm of William D. Zimmerman and others and has some timber on it. My husband and his brother, Kirtz, used this mountain lot to get wood and saw timber, and so on.

My husband also owned at the time of his death a small tract of land near Feagaville, called R ed Spring Mills, containing 1 acre, 3 roods and 28 square perches of land, more or less, and being the same premises as described in the deed from Catherine R. Culler unto Harry Z. Culler (his correct name should be Henry Z. Culler) dated November 6, 1915, and recorded in Liber H. W. B. 306, Folio 383 &c., one of the Land Records aforesaid.

Certified copies of both of the aforesaid deeds have been filed with the papers in these proceedings and are offered herewith in evidence "Exhibit Deed A", and "Exhibit Deed B".

The said pieces of real estate are not susceptible of partition among the parties of interest without great loss and injury and accordingly, a Trustee should be appointed by this Court to sell the said real estate and divide the proceeds among the parties according to their several interests.

NO CROSS EXAMINATION.

GENERAL INTERROGATORY: "Nothing else that I know of."

Mildred R. Culler

HARRY M. FEAGA, a witness of lawful age, produced on the part of the Complainants, being first duly sworn, deposes and says as follows:

My name is Harry M. Feaga. I am 47 years of age. I reside at Feagaville, in Frederick County, Maryland, where I conduct a general merchandise store.

I am well acquainted with the family of the late Henry Z. Culler who died last June. His widow, M ildred R. Culler, resides near Feagaville and her children, Mildred L. Culler, Evelyn L. E. Culler, Viola H. Culler and Henry H. Culler, reside with Mrs. Culler. These are the only heirs and next of kin of the late Henry Z. Culler.

At the time of his death, Mr. Henry Z. Culler owned a one-half interest in a mountain tract containing something over five acres of land, adjoining the land of William D. Zimmerman and his brother, Kirtz E. Culler, who is still living, owns the other one-half interest. This mountain land is probably worth around \$6.00 per acre. Mr. Culler also owned at the time of his death a small tract of land, which at one time was used as a mill site. It contains something over one acre, but does not have any buildings on it at this time. It lies about one mile East of the Village of Feagaville, along what is known as the Mill Road. It is worth about \$25.00.

I know that these parcels of land cannot be divided equally among the parties in interest without great loss.

NO CROSS EXAMINATION.

GENERAL INTERROGATORY: "Nothing else that I have to say."

Harry M. Feaga