

The answer of John H. Eyler, to the Petition filed against him in this cause, says:

FIRST: That he admits the matters and things stated in the Bill of Complaint filed in this cause and consents to the sale of the real estate.

John H. Eyler

STATE OF MARYLAND, FREDERICK COUNTY, TO-WIT:

I hereby certify that on this 5th day of June, 1933, before me, the subscriber, a Notary Public for the State of Maryland, in and for Frederick County, personally appeared John H. Eyler, who is personally known to me, and acknowledged the above and foregoing answer to be his act.

Place of  
Notarial  
Seal

Peter F. Burket  
Notary Public

(Filed June 6, 1933)

TESTIMONY

Esther Wetzel, et al	"	No. 12,691 Equity
Vs.	"	In the Circuit Court
Pauline Hess, et al	"	for Frederick County.

TO THE HONORABLE JUDGES OF SAID COURT:

The above cause being at issue and a notice having been given me by the Solicitors for Plaintiffs of a desire to take testimony in the above entitled cause, leave of the Court having first been had and obtained, I, Guy K. Motter, one of the standing Examiners of the Circuit Court for Frederick County, having been duly qualified and sworn as such, met at the law offices of Stoner & Storm, Solicitors for the Plaintiff, on the 31st day of July, 1933, at the hour of two o'clock p.m., and then and there in the presence of the witnesses for the Plaintiff, proceeded to take the following testimony, that is to say:

Present: Witnesses for Plaintiff

Solicitors for Plaintiff

Peter F. Burket, a witness of lawful age, after having been duly sworn, deposes and says:

My name is Peter F. Burket, I am a resident of Frederick County, residing in Emmitsburg, Maryland. I am seventy years of age. I know the parties to this cause as well as the real estate involved. The property is located on the south side of the Hampton Valley Road and the property is described in a deed from George S. Springer and wife to Charles W. Hess and Nellie G. Hess, a certified copy of which is filed as Exhibit No. 1 to this cause, which I hold in my hand. This property was conveyed to Charles W. Hess and Nellie G. Hess and after Charles W. Hess died Nellie G. Hess married John H. Eyler. On this property there is a weatherboarded house containing five rooms and cellar and is not in very good condition. This property cannot be divided among the heirs without great loss and injury and it would be to the best interest and advantage of all the parties that the same be sold. Upon the death of Nellie G. Eyler, which occurred in 1933, she left as her heirs at law, her husband, John H. Eyler, a daughter Esther Wetzel, by her first husband, and Esther's husband's name is Edward Wetzel, another daughter Ethel Miller, by her first husband, and she married Charles Miller, all of these are adults. Another daughter Pauline Hess who is nineteen years of age and who resides with Dr. O. H. Stinson in Emmitsburg. She is also by the first husband. Another daughter, Margaret Alexander by her first husband, who is seventeen years of age and who married Clarence Alexander, they residing in Thurmont. A son Millard Hess, by the first husband, who resides with his sister, Mrs. Miller, and aged sixteen years. By her second marriage she had three children by Mr. Eyler, William aged about seven, Bruce Dale, aged about five and Thomas aged about three, all of whom reside with their father, John H. Eyler, in Emmitsburg District. These are the only parties interested in the land described as Exhibit No. 1.

Knowing the property as I do and market conditions for real estate, I believe the property to be worth about from \$200.00 to \$300.00.