

the carrying charges; and that your Petitioner as Trustee under said deed of trust, "Exhibit A", has been attempting to ascertain what price can be received for said real estate, and the highest offer that has been made unto your Petitioner as Trustee has been the sum of \$850.00.

EIGHTH. That a suit has recently been entered in Chancery in the Circuit Court of Berkeley County, West Virginia, by Sallie Detter McIntire, who sues on behalf of herself and all other creditors of Ida E. Fockler, deceased, against Old National Bank of Martinsburg, a corporation, Trustee, W. W. Downey, Trustee, Old National Bank of Martinsburg, a corporation, Trustee of Ida E. Fockler, (deceased), assignee, H. S. Miller, Sheriff, Committee for Mary E. Fockler, a mental defective, the object of said Bill being to have sale made of the real estate of the said Ida E. Fockler, deceased, by a Trustee for the purpose of paying the creditors of Ida E. Fockler, deceased, and to which suit in Chancery there has been filed the joint and several answer of the Old National Bank of Martinsburg, a corporation, and of the Old National Bank of Martinsburg, a corporation, trustee, a copy of which Answer is filed herewith as a part hereof and marked "Exhibit D".

NINTH. That it will be to the best interest of all parties concerned, including the creditors of the said Ida E. Fockler, and of all the Defendants in the said suit in Chancery in the Circuit Court of Berkeley County, West Virginia, and for the best interest of Mary E. Fockler, a mental defective, and of all parties concerned in the real estate, as described in "Exhibits B and C", being real estate located in Brunswick, in Frederick County, Maryland, that said real estate, as conveyed unto your Petitioner as Trustee under the trust agreement executed by the said Ida E. Fockler, should be sold, and the net proceeds therefrom distributed in the payment of the liens and debts against the real estate of the said Ida E. Fockler, and the balance of the purchase money after the payment of the said debts and costs and expenses, under the direction of your Honorable Court to be retained by your Petitioner as Trustee, if any balance be then left, for the use and benefit of the said Mary E. Fockler, a mental defective, under the terms of said deed of trust, "Exhibit A".

WHEREFORE, your Petitioner prays your Honors for the following relief:

1. That your Honors will assume jurisdiction of the trust in so far as the real estate of Ida E. Fockler, deceased, of which she was seized and possessed, at the time of her death, located at Brunswick, in Frederick County, Maryland, as named in said deed of trust, "Exhibit A".
2. That your Honors will authorize and direct your Petitioner, as Trustee named in said deed of trust, to sell said real estate mentioned in said "Exhibit B", excepting that portion thereof mentioned in "Exhibit C", at either public or private sale as to your Honors will appear to be more advantageous for said trust estate.
3. And for such other and further relief to which you Petitioner may be entitled in the premises.

And as in duty bound, etc.

The Old National Bank of Martinsburg
Trustee
By L. I. Rice
its President.

Jacob Rohrback
Solicitor.

STATE OF WEST VIRGINIA, BERKELEY COUNTY, SCT;:-

I HEREBY CERTIFY that on this 7th day of October, in the year nineteen hundred and thirty-seven, before me the subscriber, a Notary Public of the State of West Virginia, in and for Berkeley County, duly commissioned and qualified, personally appeared L. I. Rice, personally known to me to be the President of Old National Bank of Martinsburg, West Virginia, the above named Petitioner, as Trustee, who made oath in due form of law that the matters and facts stated in the above and foregoing Petition are true as therein set forth, to the best