

## EXHIBIT "D"

## IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

SALLIE DETTER McINTIRE, who sues on behalf of herself and all other creditors of IDA E. FOCKLER, deceased,

PLAINTIFF,

vs.

IN CHANCERY

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.

DEFENDANTS.

TO THE HONORABLE D. H. RODGERS, JUDGE OF THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA:-

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.

Your respondent, The Old National Bank of Martinsburg, in its individual capacity and as Trustee under trust agreement with Ida E. Fockler, for answer to said bill of complaint or so much thereof as it is advised it is material to answer, answering says.

Respondent admits the allegations contained in Paragraphs 1-2-3-4-5-6-7-8-9-10 contained in said bill of complaint.

Respondent denies the allegations contained in Paragraph 11 in said bill of complaint insofar as said allegation alleges that it was agreed between The Old National Bank of Martinsburg, Trustee of Ida E. Fockler, and Sallie Detter McIntire, that the said Sallie Detter McIntire was to receive the sum of \$50.00 per month commencing as of the 16th day of March, 1931, but respondent says that the part of said allegation which alleges that the said Sallie Detter McIntire had the care, custody and control of the said Mary E. Fockler, is true and correct.

Respondent for further answer as Trustee of Ida E. Fockler says that on the 16th day of March, 1931, and after the death of Ida E. Fockler, your respondent requested the said Sallie Detter McIntire to continue to administer to the wants, care and custody of the said Mary E. Fockler, who was a mental defective, and that said respondent advised the said Sallie Detter McIntire that insofar as it was concerned it was satisfactory for the said Sallie Detter McIntire to continue to occupy the real estate owned by Ida E. Fockler, which had been conveyed to said respondent in trust, on a basis of \$25.00 per month rent for the same, which amount need not be paid to said Trustee but could be charged for taking care of the said Mary E. Fockler, and said respondent in addition thereto advised the said Sallie Detter McIntire that it would allow her for her services the sum of \$10.00 per month, beginning as of March 16, 1931, for taking care of the said Mary E. Fockler.

Respondent further says as to the allegations in said Paragraph 11, wherein the said Sallie Detter McIntire alleges there is \$50.00 due her for taking care of the said Ida E. Fockler during her life, and \$7.78 due her for papering hall, that said respondent was not advised and knows nothing about the correctness of these items or said charges.

Your respondent further says that the said Sallie Detter McIntire continued to occupy the real estate located on West John Street, in Martinsburg, West Virginia, which was owned by the said Ida E. Fockler, from the time of the death of the said Ida E. Fockler until after the time of the transfer of Mary E. Fockler to the home for incurables, at Huntington, West Virginia, during the year 1937; that during this said period of time the only charge insofar as your said respondent is concerned, that the said Sallie Detter McIntire should make