

When did your father John H. Toms die?

He died on or about the 6th day of February, 1923.

This was before the time of the death of your mother?

Yes my mother didn't die until September 1937.

Did your mother leave a will, Mrs. Recher?

No she didn't.

Did your mother leave any personal property?

She left a few articles such as several stoves and a little kitchen furniture but all of it wouldn't amount to more than about \$50.00.

Are you of the opinion that there is not sufficient personal property to pay the indebtedness of your mother?

I know there is not sufficient personal estate to pay her indebtedness because I know that the funeral bill has never been paid. We were waiting to settle it out of the proceeds from the sale of her property.

Is the property susceptible to division without loss or injury to the parties in question?

I don't see how the property can be divided because all there is is a piece of real estate and I don't know how it could ever been divided among all my brothers and sisters and grandchildren, as there are too many heirs. I recommend that the Court appoint a Trustee to sell the real estate in question and for the Court to distribute the proceeds according to law after the payment of the just debts of my mother. We all signed an answer in this case acknowledging the indebtedness of my mother and consenting to the sale of the real estate in question, except Brinton Toms and Howard Toms. They knew that mother was indebted however they were just hard headed, Brinton said that he was going to hold up the sale of the property for a year. Of course, J. Stanley Toms didn't sign because he is an infant and is a grandchild of my mother Martha A. Toms.

Do you know of any indebtedness on behalf of your mother other than her funeral expenses?

I know she owes the undertaker \$246.50 and then there has been some insurance taken out on the property and no doubt there are some taxes to be paid.

There is some lettering to be put on her monument and a foot stone for her grave and the moving of the stone. I don't know of anything else that she owes other than the bills states above.

To the general interrogatory: That's all.

Olive A. Recher

Harry A. Flohr, a witness of lawful age produced on behalf of the Complainant having been first duly sworn, deposes and says:

Please state your name and residence?

My name is Harry A. Flohr and I reside at Thurmont, Maryland.

What is your occupation?

I am a retired Railroader. Having worked for the Western Maryland Railroad for 36 years.

Are you acquainted with the real estate situated north of Thurmont which Mrs. Martha A. Toms owned at the time of her death?

Yes sir. My home is just above the place where Mrs. Toms lived prior to her death and I pass the property practically everyday.

Mr. Flohr are you familiar with the value of real estate in this particular vicinity?

I feel that I should be familiar with the value of property in this vicinity I have lived there for approximately 25 or 26 years and I have seen quite a bit of it bought and sold. During war time this property would have brought around \$4,000.00 but at the present time it is in some what of a run down condition and I feel that a fair price for the property would be \$1500.00 and would be about as good a price as could be expected at this time.