

"To my son William H. Summers one sixth, to my daughter Laura C. Deter intermarried with John C. Deter, one-sixth, to my daughter Susan E. Palmer intermarried with Upton U. Palmer one sixth, to my daughter, Mary M. Flock intermarried with Luther C. Flock, one sixth, to my daughter Alta M. Wiles, intermarried with Charles C. Wiles, one-sixth, to my daughter Effie L. Ausherman intermarried with David E. Ausherman, one-sixth, each child share to be invested in their name for their benefit and their children at their demise. If the purchase of a home is desired the title papers to be made in the name of said child for her benefit and at her death to her children; should any of my herein-named children die leaving no children, then said child's share to revert back share and share alike to my remaining children, or their children, as to my daughter Alta M. Wiles, intermarried with Charles C. Wiles, heretofore and herein-named I authorize my hereinafter named executor to invest her share of my estate, in trust for her benefit she to be paid the income during her life, or should she prefer it invested in a house, my executor shall have power to do so in trust, she to use it during her lifetime and after her death, to be sold and equally divided among her children."

All of which will appear by reference to said last will and testament of Isaac J. Summers, deceased, as recorded in Liber C.E.S. No. 1, folio 472, one of the Will Records in the office of the Register of Wills for Frederick County, a certified copy of which said last will and testament is herewith filed marked Exhibit A and which, together with all other exhibits herewith filed, it is prayed may be taken and considered as a part of this Bill of Complaint.

(2) That the property of the testator, the said Isaac J. Summers, was sold in accordance with the provisions of said will under the order of the Orphans Court for Frederick County, and the proceeds thereof, after the payment of proper expenses, was distributed to his children for life, as will appear by reference to a certified copy of the distribution under said will recorded in Administration Accounts C.E.S. No. 2, folio 668, one of the records in the office of the Register of Wills of Frederick County, filed herewith marked Exhibit B; said distribution having likewise been made in accordance with the opinion of your Honorable Court as filed in No. 7696 Equity in this Court in a cause wherein William H. Summers, the Complainant in this cause, as Executor, was Complainant, and Laura C. Deter et al. were Defendants, the object of the bill filed in said cause being for the purpose of obtaining a construction by this Court of the distribution clause of the said will of Isaac J. Summers, deceased, as will appear by reference to a certified copy of said opinion filed herewith marked Exhibit C.

(3) That, as shown in said Exhibit B filed herewith, there was distributed for life to Mary M. Flock, a daughter of said Isaac J. Summers, the testator, the sum of \$703.84, which distribution to the said Mary M. Flock, or the major portion of it, was invested by her in an unimproved lot of ground containing 5 Acres, 2 Roods and 30 Square Perches, situated near Myersville in Frederick County, Maryland, as will appear by reference to a deed from Thomas C. Derr and Lavinia Derr, his wife, to Mary M. Flock, dated April 1, 1907, and duly recorded in Liber No. 326, folio 27, one of the Land Records of Frederick County, a certified copy of which said deed is filed herewith marked Exhibit D.

(4) That the said Mary M. Flock departed this life on or about the year intestate, leaving surviving her a husband, Luther C. Flock, but leaving no children or descendants surviving her, and the said Luther C. Flock, surviving husband, also departed this life in the month of April, 1939.

(5) That the said piece or parcel of land purchased by the said Mary M. Flock