

of the Bill of Complaint, and the matter is now at issue for such a decree as your Honorable Court may pass herein.

THIRD: That your Petitioners have been engaged in the operation of the Excelsior Sanitary Dairy and in the preservation of the property of which Charles F. Rothenhoefer died seized and possessed for the benefit of the creditors of the said Charles F. Rothenhoefer as well as for the parties in interest named in his Last Will and Testament but your Petitioners feel that it will be difficult, impractical and financially unwise to further operate the said Excelsior Sanitary Dairy as a going concern to the advantage of the creditors thereof and to the advantage of the parties in interest under the will of the said Charles F. Rothenhelfer, deceased, since the operation of the dairy has shown a very small profit with which to pay the creditors of the said Charles F. Rothenhoefer, deceased, and further operation cannot be continued by your receivers without the purchase of additional and expensive equipment, the assumption of which obligation your receivers would be unwilling to recommend to your Honorable Court.

FOURTH: That many of the creditors of Charles F. Rothenhoefer, deceased, and of the Excelsior Sanitary Dairy are pressing for payment of their claims.

FIFTH: That your receivers have been approached by a number of individuals who are interested in purchasing the real and personal property of which Charles F. Rothenhoefer died seized and possessed, and who have indicated to your Petitioners that they are willing to pay a good price for the Excelsior Sanitary Dairy, the dairy equipment and other real estate.

SIXTH: That by the appraisalment of the real and personal property of which Charles F. Rothenhoefer died seized and possessed by Grayson H. Mercer and Kenneth Metcalfe, appraisers appointed by your Honorable Court, it appears that the personal property is assessed in the sum of Five Thousand, Three Hundred Thirty-Six Dollars and Eighteen Cents, and that the real estate is assessed at Twelve Thousand, Five Hundred Dollars; that your receivers have been unable to reduce the claims against the estate of Charles F. Rothenhoefer, deceased, in the approximate amount of Eleven Thousand, Eight Hundred Dollars, at the time of the filing of the Bill of Complaint in this cause, and that the personal property of which Charles F. Rothenhoefer died possessed is insufficient to pay all of his just creditors and your Petitioners aver that a sale of the real estate will be necessary to pay in full the just creditors of Charles F. Rothenhoefer, deceased.

SEVENTH: That your Petitioners are advised by the parties in interest under the will of Charles F. Rothenhoefer, deceased, that they are unable to raise sufficient money to pay the debts of the said Charles F. Rothenhoefer, deceased, and have indicated to your Petitioners that they are willing and anxious for the immediate sale of the real and personal property of which Charles F. Rothenhoefer died seized and possessed.

EIGHTH: That your Honorable Court has approved a survey of the real estate of which Charles F. Rothenhoefer died seized and possessed, by George B. John and John B. John, Surveyors, looking toward a subsequent sale of the said real estate and the said survey has been duly filed as a part of the proceedings in this cause; that your Petitioners recommend to your Honorable Court that the real estate of which Charles F. Rothenhoefer died seized and possessed be offered as a whole or in separate parcels, Parcel No. 1 being designated as the "Dairy Lot", which includes the dairy building and a garage now located on the residence property which your Petitioners feel will be more valuable to the "Dairy Lot" for a garage building than it will be to the residence property and will thereby cause the "Dairy Lot" to produce a substantially higher price; Parcel No. 2 designated in the survey as the "Residence Lot" and including the residence property known as the home of Charles F. Rothenhoefer, deceased.