testimony in said cause, I, Walter E. Sinn, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, having assigned the 9th day of October, 1941, at 10:30 o'clock A.M., and the 11th day of October 1941, at 10:30 o'clock A.M., at the office of Amos A. Holter, Frederick City, Maryland, as the time and place for taking the testimony in said cause, did, at the appointed time and place, proceed to take the following depositions to-wit:

PRESENT:

Amos A. Holter, Attorney for Plaintiff

Leslie N. Coblentz, Attorney for Frederick County National Bank of Frederick

Arthur V. Myers, witness

Howard A. Gross, witness

Lillian R. Tinney, witness

Exhibits "A", "B" and "C", filed with the Bill of Complaint, were filed as evidence with the Examiner and are so marked.

Arthur V. Myers, a witness of lawful age, produced on behalf of the Plaintiff, being duly sworn, deposes and says as follows:

Q. State your name, address, age and occupation.

A. Arthur V. Myers, 108 West College Terrace, Frederick, Maryland; forty-two years old; bank official.

Q. Did you know Franklin S. Tinney during his lifetime?

A. I did.

Q. Do you recall the time of his death?

A. About ten years ago.

Q. Were you acquainted with his family?

A. I knew them all.

Q. Whom did he leave surviving him in his family?

A. His wife and four children.

Q. What was the widow's name?

A. Lillian R. Tinney.

Q. What were the names of the children?

A. Julia Louise, Franklin Stephen, Edna Rebecca and Louis Milton.

Q. Do you know the present ages of those children?

A. They are all less than twenty-one years of age. In fact, I think the oldest child is about eighteen.

Q. Do you known whether or not Franklin S. Tinney left a Will?

A. Not to my knowledge. He didn't.

Q. Do you know whether or not there was any administration on his estate?

A. I don't think there was.

Q. He left no personal property?

A. No

Q. Did he at the time of his death own any real estate?

A. Yes.

Q. Where was that located?

A. He left a property on Hamilton Avenue and some lots in the Trail Addition.

Q. I show you a deed from Joseph A. Weeks and Clara M. Weeks, his wife, to Franklin S. Tinney, dated February 4, 1914, and recorded in Liber H.W.B. No. 308, Folio 110, one of the Land Records of Frederick County, marked Exhibit "A" to the Bill of Complaint, and a deed from Franklin S. Tinney to Edward P. Oden and wife, dated March 21, 1919, and recorded in