

of which will appear by reference to certified copies of extracts from the said last will and testament and codicils, herewith filed and marked "Exhibit Will and Codicils", and prayed to be taken as a part hereof.

Second: That The Frederick County National Bank, Frederick, Maryland, named as Trustee in the said Will, is now in the process of liquidation and is incapable of performing the duties of Trustee, and its successor, Frederick County National Bank of Frederick, is not authorizing and empowered to execute trust in this case, and that your petitioners have communicated this fact to the said Wilfred S. McCardell, the life beneficiary of the said trust, who had requested your petitioners, his brothers, Adrian LeRoy McCardell and Edgar S. McCardell, to act as substituted Trustees under the order and direction of your Honorable Court, and your petitioners are willing to accept the said trust.

Third: That in the settlement of the second account of your petitioners as Executors of the said Adrian C. McCardell, there is distributed on account of the aforesaid trust securities and cash in the value of Nine Hundred Eleven Dollars and Eighty Cents (\$911.80); that your petitioners as Executors have retained for further administration a small amount of personal property of doubtful and uncertain value, and your petitioners as Executors are empowered by the said Will and codicils of Adrian C. McCardell, to sell the real estate of the testator, which consists of a certain farm in Frederick County, Maryland, and a certain warehouse on the corner of East and Second Streets in Frederick City, Frederick County, Maryland, to which the testator held the legal title, but was in fact an asset of a certain partnership existing between the testator in his life time and the said A. LeRoy McCardell, which real estate your petitioners, as Executors have been endeavoring to sell, but because of the state of the real estate market they have not received the price therefor which they deemed adequate, and that the same has not been sold, but your petitioners believe that the total amount to be distributed on account of the trust aforesaid by the Executors of the said Adrian C. McCardell, including the amount heretofore distributed will not exceed the sum of Three Thousand Dollars (\$3,000.00)

Fourth: That the residuary estate of the said Adrian C. McCardell, in addition to the aforesaid assets, consists of certain real estate on North Market Street in Frederick City, Frederick County, Maryland, improved with a three story brick apartment house, with store rooms on the first floor, known as "McCardell Apartments"; that under the terms of the will and codicils referred to, your petitioners as Executors are authorized to sell the said real estate and divide the proceeds among the children of the testator and the trust created for the benefit of the said Wilfred S. McCardell, and that the children of the said testator and your petitioners have deemed it inadvisable at this time to sell the said real estate and have elected to retain the same as an investment, and to divide the net proceeds arising from the rentals thereof, and your petitioners desire to hold the undivided interest of the trust estate in said real estate as an investment of the said trust, and that it is agreeable to the said Wilfred S. McCardell, the life beneficiary of this trust, for the said real estate to be held as a part of the investment of the trust.

WHEREFORE, your petitioners pray your Honorable Court to assume jurisdiction of the trust created by the last will and testament of Adrian C. McCardell, and to appoint Trustees to Administer the same, and to authorize the said Trustees to hold as an investment of the said trust, the undivided interest in the real estate of the testator, known as the Mc Cardell Apartments.

Witness-  
Robert C. McCardell  
 Parsons Newman  
 Solicitor

A. LeRoy McCardell  
Edgar S. McCardell  
 Executors of Adrian C. McCardell