

Hezekiah D. Summers, deceased, to my former husband, Dorsey B. Gilbert. It is dated the 3rd day of October, 1928, and it correctly described the little property in Harmony which is the subject of this proceeding. The deed also states a consideration of \$750 for the property.

Q Was there a mortgage on the property at any time during your husband's lifetime?

A Oh yes. I paid it off after his death. We didn't have it paid for when he died, and I finished paying it all off. Mr. Poffinberger at Myersville held the mortgage.

Q What was the amount of the mortgage?

A The mortgage was \$600 and I completed paying it off after my husband died.

Q Is this property susceptible of division among the parties entitled without loss and injury?

A No, the property would have to be sold and the proceeds divided.

Q Mrs. Shepley, I show you a contract entered into between you, in your individual capacity and on behalf of and as next friend for your infant children Elmer H. Gilbert and Josephine E. Gilbert, and your adult children with their respective spouses, on the one part, and Chester J. Simmons and Ruth C. Simmons, his wife, as parties to the second part, which is marked Exhibit B. This contract is dated March 30, 1946 and proposes to sell the property described in the deed I have just shown you at and for the sum of \$1500. Will you state whether or not you believe the price mentioned in the contract of sale for this property at Harmony is fair and adequate, and whether or not it would be to the benefit and advantage of the infant defendants that the proposed sale be consummated?

A I thought so at the time we made the contract and I entered into it in entirely good faith. Since, however, the contract was signed and this proceeding has been started, John F. Bussard and Hattie B. Bussard, his wife, who own the adjoining farm, have filed a petition in this proceeding and offered to pay \$2,000 for this property.

Q Do you think the \$2,000 price is a fair price and that it would be to the benefit and advantage of the infant defendants to have the Court decree a sale to the new bidders?

A Yes, I think \$2,000 is a fair price, and I believe that the reason Mr. Bussard and his wife are willing to pay \$500 more than Chester J. Simmons and wife is because this property adjoins the Bussard farm and they want it as an appurtenance to their farm to house a tenant. Mr. Bussard told me that he had lumber and material ready to build a tenant house, but because of the high price of construction at this time he felt it would be better for him to buy this place rather than attempt to build now.

Q Do you believe that it would be to the advantage of yourself and your children, particularly the infant defendants, to have the property sold to John F. Bussard and Hattie B. Bussard, his wife?

A Yes, I do.

Q Do you think if the property were offered at public sale it would bring more than \$2,000.

A Well, I hardly think it would, and I doubt if the additional expense involved in a public sale would produce more after the additional expense involved were paid.

TO THE GEN. INT.

Nothing more.

Eva M. Gilbert Shepley

WILLIAM O. KOLB, a witness produced in behalf of the Complainants, being first duly sworn, deposes and says:

By Mr. Mathias:

Q State your name, age and residence.

A William O. Kolb; 75; No. 5 East Third Streetm Frederick, Md.

Q Mr. Kolb, are you familiar with the property that us mentioned in these proceedings?