

(B) Unto Charles William Eyler and Elizabeth B. Eyler, his wife, at and for the sum of Three Thousand Eight Hundred Dollars (\$3,800.00), the following described real estate, to wit:

All that piece or parcel of land situate, lying and being in Thurmont, Thurmont Election District, Frederick County, State of Maryland, and being on the east side of Lombard Street, beginning for the same at a point at the edge of the pavements line, being the southwest corner of the lot to be hereby conveyed and also a corner of Roser's lot, and running thence with the pavements North 37° East 90 feet to a corner of the Powell lot, thence with said Powell lot South 53° East 170 feet to an alley, thence with said alley, South 37° West 90 feet to a corner of the Roser lot., thence with said Roser lot North 53° West 170 feet to the place of beginning, containing 59 square perches of land, more or less.

Being all and the same real estate which was conveyed unto C. Harry Eyler by Effie A. Riggs, widow, by deed dated November 27, 1937, and recorded in Liber No. 411, folio 226, one of the Land Records of the County aforesaid, and at public auction, after due advertisement in "The Catoctin Enterprise" and "The Frederick Post", newspapers published at Thurmont and Frederick, respectively, in Frederick County, Maryland, offered the remaining real estate of which the said C. Harry Eyler died seized and possessed, as will appear by advertisements of sale filed herewith as Exhibits "Nos. 9 and 9A", and prayed may be taken and considered a part hereof, and, at the time and date mentioned in said advertisement of sale, sold said real estate to the following persons at and for the sums set forth, to-wit:

Parcel No. 1: Unto Paul D. Brandenburg and Lucille D. Brandenburg, his wife, at and for the sum of Nine Thousand, Two Hundred Fifty Dollars (\$9,250.00).

Parcels Nos. 2 and 3: Unto Joseph H. Eyler and Ruth C. Eyler, his wife, at and for the sum of Eight Thousand, Five Hundred Dollars (\$8,500.00).

9. That doubt has arisen concerning the marketability of the title which the said O. Ruth Eyler, life tenant, and Virginia Ruth Elder, Mabel Jane Diffenderfer, Joseph H. Eyler and Charles William Eyler, remaindermen, together with their respective spouses, can give to the several parcels of real estate aforesaid, by reason of the provisions of the Will of the said C. Harry Eyler providing:

"I given and bequeath the proceeds thereof to my children, or their heirs, to be divided equally, share and share alike."

it being contended that the interests of the aforementioned remaindermen may be defeated by their death prior to the demise of the said O. Ruth Eyler, life tenant, and that the contingent interest of "their heirs" may not be conveyed except by the aid of your Honorable Court.

10. That Joseph Galt Eyler and Joseph Eugene Eyler are all the children of the said Joseph H. Eyler and Ruth C. Eyler, his wife; that Harry Scott Diffenderfer is the only child of Mabel Jane Diffenderfer and Irvin V. Diffenderfer, her husband; that Arthir Spaulding Elder and Virginia Gay Elder are all of the children of the said Virginia Ruth Elder and Charles A. Elder, her husband; and that Sue Ann Eyler is the only child of Charles William Eyler and Elizabeth B. Eyler, his wife; that the aforesaid children are all infants under the age of twenty-one years and are made parties hereto for the reason that they, together with the other parties hereof, constitute all the persons now in being who may possibly come within the category of "their heirs" as provided by the Will aforesaid, but that the interests of other persons not now in being may be affected by the proceedings herein, and your Petitioners recommend the appointment of a guardian ad litem to appear and answer for such persons as provided by Article 16, Section 252A, of the Annotated Code of Public General Laws of Maryland.

11. That the said O. Ruth Eyler, life tenant, is becoming advanced in years and has found it difficult to obtain satisfactory tenants and to discharge all the problems of management arising in recent years in connection with the real estate of which the said C. Harry