

Eyler died seized and possessed; that the rents and profits accruing from said real estate have been insufficient to provide a reasonable living for the said life tenant and to permit her to properly maintain and keep in repair the improvements on the said real estate; and that in order to avoid further depreciation of value and loss to all the parties in interest, your Petitioners aver that it would be to the benefit and advantage of all the said parties concerned that the real estate mentioned in these proceedings be sold, and that the proposed sales as herein reported in paragraph 8 to be adopted, ratified and confirmed, it appearing by affidavits of disinterested persons filed herewith as Exhibits "Nos 10 and 11" that the proposed sales are fair and adequate, and to the best interest of all the parties hereto, and that the proceeds thereof be invested so as to inure in like manner to the benefit of the parties entitled under the provisions of the Last Will and Testament of the said C. Harry Eyler, deceased.

WHEREFORE, your Petitioners prays for the following relief:

(1) That your Honorable Court will assume jurisdiction in the premises and pass an order appointing some suitable person as guardian ad litem to appear for and answer this petition on behalf of any person or persons not in being who may be affected thereby.

(2) That your Honorable Court will pass a declaratory decree construing the Last Will and Testament of the said C. Harry Eyler, and determining the legal effect of the Order of said Court dated the 14th day of November, 1947, passed in No. 16, 302 Equity, together with the Agreement and Election of Parties in Interest to Take Realty in Lieu of Personalty in connection therewith, and designate the person now invested with the title to the real estate of which the said C. Harry Eyler dies seized and possessed.

(3) That your Honorable Court may decree a sale of the said real estate set forth in these proceedings, and that a Trustee or Trustees may be appointed to convey said real estate to the purchaser or purchasers thereof, and upon the payment of the purchase money therefor, to bring said purchase money into your Honorable Court for distribution and investment under the supervision and direction thereof in order that the same may inure to the benefit and advantage of the parties entitled thereto under the terms and provisions of the Last Will and Testament of the said C. Harry Eyler, deceased.

(4) And for such other and further relief as the nature of their case may require.

MAY IT PLEASE YOUR HONORABLE COURT to grant unto your Petitioners a writ of subpoena directed to the said O. Ruth Eyler, Trustee and cestui que trust, respectively, and Joseph H. Eyler and Charles William Eyler, Executors of the Last Will and Testament of the said C. Harry Eyler, deceased, Joseph Galt Eyler and Joseph Eugene Eyler, Harry Scott Diffenderfer, Arthur Spaulding Elder, Virginia Gay Elder and Sue Ann Eyler, infants, commanding them to be and appear in this Court on or before a certain day to be named therein, to answer the premises and show cause, if any that have, why the relief herein should not be granted as prayed.

And as in duty bound, etc.

O. Ruth Eyler
O. Ruth Eyler

Virginia Ruth Elder
Virginia Ruth Elder

Charles A. Elder
Charles A. Elder

Mabel Jane Diffenderfer
Mabel Jane Diffenderfer

Irvin V. Diffenderfer
Irvin V. Diffenderfer

Joseph H. Eyler
Joseph H. Eyler

Ruth C. Eyler
Ruth C. Eyler

Amos A. Holter
Solicitor for Petitioners