

EXHIBIT "NO. 8 "

AGREEMENT AND ELECTION OF PARTIES IN INTEREST

TO TAKE REALTY IN LIEU OF PERSONALTY

WHEREAS, C. Harry Eyler, late of Frederick County, Maryland, deceased, departed this life on or about the 15th day of November, 1940, leaving a Last Will and Testament dated the 25th day of June, 1935, and recorded in Liber R.L.L. No. 1, folio 86, one of the Will Records of Frederick County, Maryland;

AND WHEREAS, the said C. Harry Eyler at the time of his death was seized and possessed of the following parcels of real estate situate, lying and being in Frederick County, Maryland, to-wit:

A. All that piece or parcel of land situate, lying and being about 1/2 mile north of the Two of Thurmont, in Thurmont Election District, Frederick County, Maryland, on the east side of the highway leading from Thurmont to Emmitsburg, and also bordering on the public road leading from Thurmont-to-Emmitsburg Highway to Apple's Church, containing 40 acres of land, more or less, improved with a large brick house, a 1½ story stone house, farm barn and other outbuildings.

Being all and the same real estate which was conveyed unto the said C. Harry Eyler by W. Clinton McSherry, Assignee, by deed dated February 4, 1937, and recorded in Liber No. 406, folio 527, one of the Land Records of the County aforesaid.

EXCEPTING AND RESERVING THEREOUT AND THEREFROM all that piece or parcel of land described in a deed from C. Harry Eyler, et. ux., to Joseph H. Eyler, dated May 21, 1937, and recorded in Liber No. 407, folio 329, one of the Land Records of the County aforesaid.

B. All that lot or parcel of land situate, lying and being near the Town of Thurmont, in Thurmont Election District, Frederick County, Maryland, located on the west side of the State Highway leading from Thurmont to Emmitsburg, improved with a 2-story modern frame dwelling, frame sales and stock barn, and other outbuildings.

Being all and the same real estate which was conveyed unto C. Harry Eyler by Joseph H. Eyler, by deed dated June 28, 1934, and recorded in Liber No. 395, folio 149, one of the Land Records of the County aforesaid.

C. All that lot or parcel of ground situate lying and being on the east side of Lombard Street, in the Town of Thurmont, in Thurmont Election District, Frederick County, Maryland, improved with a 2-story brick house.

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.

D. All that piece or parcel of ground situate, lying and being about 1 mile east of Graceham on the public road leading from Thurmont to Rocky Ridge, in Creagerstown Election District, Frederick County, Maryland, containing 56 acres, 2 roods and 23 square perches of land, more or less, improved with a frame house, frame barn and concrete block dairy barn addition.

Being all and the same real estate which was conveyed unto C. Harry Eyler by T. Fisher, et. ux., by deed dated May 21, 1935, and recorded in Liber No. 399, folio 27, one of the Land Records of the County aforesaid.

AND WHEREAS, by terms and provisions of the fourth paragraph of the Last Will and Testament of the aforesaid decedent it is provided as follows:

"I give, devise and bequeath unto my wife, O. Ruth Eyler, all of my real estate, where-soever situated, in trust and confidence nevertheless, she to enjoy the income and profits arising therefrom for and during the term of her natural life. Upon the death of my wife,