

Present: Alton Y. Bennett, Esq., Solicitor for Complainants

Louise M. Zimmerman, Clerk

Witnesses:

Thomas J. Russell

James H. Cramer

Calvin Lohr

Thomas J. Russell, one of the parties in this cause, after being duly sworn, deposes and says:

Q. State your full name, age and address.

A. My name is Thomas J. Russell, I am 55 years old and reside on East Third Street, in Frederick, Maryland.

Q. Are you one of the parties to this cause?

A. Yes I am.

Q. Are you married or single?

A. I am single.

Q. In the Bill of Complaint it is prayed that the Court pass an decree for the sale of the real estate formerly belonging to your father, Michael Francis Russell.

A. That is correct.

Q. Do you know how your father obtained the title to this real estate?

A. Yes, in a deed from David Lowenstein and wife, dated the 5th day of June, 1907, and recorded in Liber 281, Folio 24, one of the Land Records of Frederick County, Maryland. This property consists of a frame dwelling.

Q. When did your father die?

A. My father died intestate in the year 1928.

Q. Who did he leave surviving him?

A. He left my mother, Marcella Frances Russell, a daughter, Katharine Russell Duvall, wife of Edwin V. Duvall, a daughter, Agnes Russell Connell, wife of William Connell, a son, Charles A. Russell, whose wife is Isabel F. Russell, a daughter, Mary T. Russell, unmarried, a son, James P. Russell, unmarried, and a son, John M. Russell, divorced, and a son, Thomas J. Russell, unmarried.

Q. Has your mother or any of the children died since the death of your father?

A. Yes. James died on August 19, 1931 and he was not married. John died the 3rd day of April, 1943. He had been divorced before his death but he left surviving him an infant daughter, Marcella My sister Mary died on the 27th day of August, 1949. She was unmarried and my mother died on the 17th day of May, 1950. They all died intestate.

Q. Do you have an interest now in the property?

A. Yes.

Q. Can you state whether or not your interest is susceptible to of partition in kind and can be divided without loss or injury?

A. No, it cannot be divided without being sold and the proceeds divided according to our interest in the property.

Q. Can you state the value of the real estate in question and if you can, what would you consider a fair value for the property?

A. I think that a fair value for this property would be \$8,000.00.

Q. Who lives in the house at the present time?

A. I do and also my niece Marcella, the daughter of my deceased brother, John.

Q. What can you say if anything as to the condition of the dwelling house?

A. I think that the house is in fair condition.

To the GENERAL INTERROGATORY "NOTHING FURTHER"

Thomas J. Russell