

2. THAT BY HIS LAST WILL AND TESTAMENT, DATED JULY 24, 1894, DULY ADMITTED TO PROBATE BY THE ORPHANS' COURT OF FREDERICK COUNTY, AND RECORDED IN LIBER J. K. W. No. 1, FOLIO 328, ONE OF THE WILL RECORDS OF FREDERICK COUNTY, A CERTIFIED COPY OF SAID WILL BEING HEREWITH FILED AS EXHIBIT No. 9, THE SAID JONAS URNER DEVISED 3 ACRES OF WOODLAND, FORMING PART OF HIS SAID FARM, TO HIS DAUGHTER, SUSAN ELIZABETH ENGLAR, THE OUTLINES OF THE PARCEL OF WOODLAND SO DEVISED BEING DESIGNATED BY SAID WILL, AND THE SAID FARM, EXCLUSIVE OF SAID THREE ACRE PARCEL, WAS DEVISED BY SAID WILL AS FOLLOWS: AN UNDIVIDED ONE-FOURTH INTEREST IN SAID FARM TO THE SAID SUSAN ELIZABETH ENGLAR ABSOLUTELY, TOGETHER WITH AN UNDIVIDED ONE-FOURTH INTEREST IN SAID TEN ACRE WOOD LOT DESCRIBED IN EXHIBIT No. 5, AND THE REMAINING UNDIVIDED THREE-FOURTHS INTEREST IN SAID FARM AND WOOD LOT WAS DEVISED BY SAID WILL TO THE TESTATOR'S DAUGHTER, LAURA N. CLARY, WIFE OF THE DEFENDANT, JESSE E. CLARY, FOR AND DURING HER NATURAL LIFE AND AFTER HER DEATH TO HER CHILDREN, IF SHE SHOULD DIE LEAVING CHILDREN, BUT IF SHE SHOULD DIE LEAVING NO CHILDREN OR CHILD SURVIVING HER, THEN TO SUCH OF THE TESTATOR'S LINEAL DESCENDANTS AS SHOULD BE THEN LIVING, "TO BE EQUALLY DIVIDED BETWEEN THEM PER STIRPES THAT IS TO SAY" TO THE TESTATOR'S DAUGHTER, SUSAN ELIZABETH ENGLAR, AND HIS SON, S. AMOS URNER, IF LIVING, "AND IF EITHER OR BOTH BE DEAD THEN TO THEIR CHILDREN LIVING".

3. THAT THE SAID SUSAN ELIZABETH ENGLAR CONVEYED HER UNDIVIDED ONE-FOURTH INTEREST IN SAID FARM AND WOOD LOT TO THE SAID JESSE E. CLARY BY DEED DATED FEBRUARY 19, 1896, AND RECORDED IN LIBER D. H. H. No. 3, FOLIO 390, ONE OF SAID LAND RECORDS, A CERTIFIED COPY OF WHICH DEED IS HEREWITH FILED AS EXHIBIT No. 10.

4. THAT THE SAID LAURA N. CLARY DIED ON OCTOBER 2, 1940, LEAVING NO CHILDREN OR ISSUE THEN LIVING, BUT SURVIVED BY HER HUSBAND, THE SAID JESSE E. CLARY, WHO IS ENTITLED, UNDER THE TERMS OF SAID WILL, TO THE USE AND OCCUPANCY OF SAID FARM FOR ONE YEAR FROM THE DEATH OF HIS SAID WIFE.

5. THAT THE SAID TESTATOR'S ONLY LINEAL DESCENDANTS, ^{having interests in said real estate,} LIVING AT THE TIME OF THE DEATH OF HIS DAUGHTER, LAURA N. CLARY, WERE AND ARE YOUR ORATRIX, MARGARET T. ENGLAR, DAUGHTER OF THE SAID SUSAN ELIZABETH ENGLAR, WHO WAS THEN DECEASED, AND YOUR ORATOR, ROBERT U. ENGLAR, AND THE DEFENDANT, DONALD G. ENGLAR, THE ONLY SURVIVING ISSUE OF JOHN URNER ENGLAR, WHO WAS A SON OF THE SAID SUSAN ELIZABETH ENGLAR AND WHO DIED IN THE SAID LAURA N. CLARY'S LIFETIME; THE SAID S. AMOS URNER HAVING ALSO PREDECEASED HIS SISTER, THE SAID LAURA N. CLARY, AND HAVING LEFT NO ISSUE.