

J. Peter Frey, a witness of lawful age, produced on behalf of the Plaintiff, after having been duly sworn, deposes and says:

(Examined by Mr. Byron W. Thompson)

Q. State your name and address.

A. J. Peter Frey, near Wolfsville, Frederick County, Maryland.

Q. Were you acquainted with Peter F. Shepley, Lillian H. Shepley and Elias E. Shipley?

A. Yes. Lillian H. Shepley was the sister of my father, David R. Frey, who is deceased. Peter F. Shepley was the husband of Lillian H. Shepley, and Elias E. Shepley was a brother to Peter F. Shepley.

Q. Are these parties living or dead?

A. All three are deceased.

Q. Do you know when they died?

A. I don't know exactly when Elias or Peter Shepley died, but Lillian Shepley died in the fall of 1954.

Q. Did any of these three leave a will?

A. No, not to my knowledge.

Q. Did Peter F. Shepley and his wife and Elias E. Shepley, his brother, own real estate in the Myersville area during their lifetime?

A. Yes. I know that at the time my Aunt Lillian died she had an interest in the real estate where she lived near Myersville, Frederick County, Maryland.

Q. I show you a certified copy of a deed marked "Plaintiff's Exhibit No. 1 and ask you if that deed describes the real estate you have just mentioned?

A. Yes, I believe that describes the real estate Lillian H. Shepley owned at the time of her death.