

George F. Gouker, the Complainant, produced on his own behalf, after first being duly sworn, deposes and says:

By Mr. Nikirk

Q. Will you state your full name, age and residence?

A. My name is George F. Gouker, I am 43 years of age and I reside at Frederick, Route #5.

Q. What was your mother's name?

A. Minnie Gouker Barnes.

Q. When did your mother, Minnie Gouker Barnes die?

A. She died July 3, 1953.

Q. At the time of your mothers death was she seized and possessed of any real estate in Frederick City, Maryland?

A. Yes, at the time of my mothers death by a Deed dated November 13, 1922, my mother was the life tenant in a parcel of land conveyed by Woodward A. Roberts, and Sarah A. Roberts, his wife, and that parcel of land was located in Frederick City, Maryland, on the North side of East Patrick Street, be known as 417 East Patrick Street. The remainder in this property was vested in Xavious S. Gouker, also known as Lawrence Xavious Gouker, Ernest W. Gouker, deceased, myself, George F. Gouker, and Ethel May Gouker. This Deed is filed as an Exhibit in this cause and is recorded in Liber 340, Folio 463&c, one of the Land Records of Frederick County, Maryland.

Q. At the time of your mother's death who, if anyone had an interest in this real estate?

A. The remainder in the property was vested in me, my sister, Ethel May Lloyd, my brother Lawrence Xavious Gouker, and the heirs-at-law of my deceased brother, Ernest W. Gouker.

Q. Who are the heirs-at-law of your deceased brother, Ernest W. Gouker?

A. He left no children and his interest in this property, by operation of law, vested in myself, Ethel May Lloyd, and Lawrence Xavious Gouker, who were his brothers and sisters, and also in his brother William Ignatius Gouker, also a portion of this property vested by operation of law by reason of the death of Ernest W. Gouker in his half sister and his half brother who were Mary Miller, inter-married with Charles E. Miller, her husband, and Edward Waters, unmarried.

Q. Are all of the Defendants in this proceeding adults?

A. Yes, they are.

Q. Did Ernest W. Gouker die intestate without leaving a will?

A. Yes, he did.

Q. Would you describe the real estate and the improvements thereon which is sought to be partitioned in this proceeding?

A. This property is located 417 East Patrick Street, the lot is