

alleges that she did not receive the legacy of One Thousand Dollars bequeathed to her in the fourth paragraph of said will, although said sum was ordered to be distributed to her in said Account. That said account shows an overpaid estate in the sum of \$2,061.66, which amount the said Nora G. Rogers individual-ly paid to herself as Administratrix, which ^{will} more fully appear by reference to a certified copy of said account filed herewith and marked "Exhibit Account No. 1" That a second administration account was filed by said Administratrix, which was passed and approved by said Orphan's Court August 12, 1931, and recorded in Administration Accounts Record E. V. M. No. 1, folio 314, in which said Administratrix, after providing for the payment of the costs of stating the account, distributed to herself the balance thereof, in the sum of \$1,581.72, as a credit on her overpayment as shown in the first account, as will appear by reference to a true copy test of said account, filed herewith as "Exhibit Account No. 2", as a part hereof. That all of the personal estate of the said Charles Arunah Rogers was administered upon and distributed as set out in the two accounts herein referred to. That the said William J. Groye, the trustee named in said Will died February 23rd. 1937 and no substituted trustee has been appointed in his place.

Eleventh: That the said Nora G. Rogers, widow and life tenant under the will of the said Charles Arunah Rogers and Administratrix C.T.A. of his estate, ^{intestate} died August 17, 1947 and letters of Administration have been issued on her estate to Edward J. Smith, of Frederick, Maryland.

Twelfth: That it is contended by some of the parties in interest that said real estate cannot be sold at this time because said testator provided in the second paragraph of his will that as long as his children remained unmarried they should always have a home at Eutaw Place. Also because there is no power of sale in the will authorizing the trustee to sell the same. That two of the children of the testator, Anna Margaret Rogers and Louise Rogers, also known as Sister Depaul Rogers, are unmarried. That other parties in interest contend that as the testator in the sixth paragraph of his will provided that at the death of his wife his estate must be closed and divided equally among his children. This could not be done except by making sale of the real estate at this time and dividing the proceeds as directed in the will.