

is filed herewith and prayed to be taken as a part hereof and marked Exhibit "A".

Second: That being so seized and possessed of said tract or parcel of land, the said William Joseph Proctor, died testate in Frederick County, Maryland, on or about the 28th day of February, 1928, as aforesaid. His Will being probated and admitted to record in Liber G.E.S. No. 2, Folio 402 one of the Will Records of Frederick County, Maryland, a Certified Copy of which Will is filed herewith and prayed to be taken as a part hereof and marked Exhibit "B".

Third: That said last Will and Testament provided in part as follows:

- 6th. "I give and devise unto my son James Franklin Proctor 10 acres of the Tract of land more or less which I obtained from Levi Moody, situated in Urbana District Frederick County, Maryland, said ten acres being situated on the north side of the branch running through the same, the same to be marked off and located by me during my life."
- 7th. "I give and devise unto my son Linwood Proctor 10 acres, more or less, of the same Moody tract, adjoins the tract devised to Franklin Proctor and situated on the south side of said branch, together with the building and house now on the same, said tract to be marked off and located by me during my life."
- 8th. "I give and devise unto Mathias Proctor, my son, 10 acres, more or less, of the same tract obtained from Moody, this lot adjoining the lands of Mr. Wilson & Clint Nichols, south of the branch and joining the lot of Linwood Proctor, the same to be marked off and located during my life."
- 9th. "I give and devise unto my daughter Agnes Posey, ten acres, more or less of said same tract, situated south of Franks lot, and adjoining the lands of Wilson & Clint Nichols, the same to be marked off and located by me during my life."
- 10th. "I give and devise unto my daughter Jeroline Johnson, ten acres of said tract, more or less, and adjoining the land of Mr. Wilson, and the lot of Agnes Posey, the same to be marked off and located by me during my life."
- 11th. "Should my five children, to whom I have devised what I now own of the Tract I obtained from Levi D. Moody, desire they may sell said tract as a whole, or in parts to the best advantage, and divide the money among them as they shall determine, and if any of said tracts herein devised, should be ascertained to be of greater value than others, then he or she shall receive from the proceeds of sale the proportion that the same may bear to the whole lot."

Fourth: That the said James Franklin Proctor, departed this life intestate, survived by the following named heirs at law and next of kin: Maggie L. Proctor, his widow, whose address is Barnesville, Maryland.; a daughter, Mary Martha Ambush, whose husband's name is Henry Ambush, whose address is Barnesville, Maryland; a son, Thomas L. Proctor, whose wife's name is Ardella Proctor, whose address is 811-18th St., N. E. Washington, D. C.; a son, Calvin D. Proctor, whose wife's name is Henrietta Proctor, whose address is Route #1(Doubs) Adamstown, Maryland; a son, Ignatius R.