

said Benjamin F. Zimmerman, the subject of this Petition; that by an Order of this Honorable Court, passed on the 25th day of January, 1932, the Trustee was ordered by Publication once a week for four (4) successive weeks in some Newspaper published in Frederick County prior to the 27th day of February, 1932, to give notice to the creditors of Benjamin F. Zimmerman to file their claim duly authenticated with the Clerk of the Court on or before the 15th day of March, 1932; that said Trustee did proceed to sell the personal property of the said Benjamin F. Zimmerman and a report of the same was returned to this Court, but said Trustee did not sell or otherwise dispose of any of the real estate assigned to him under said Deed of Trust and as returned in the Inventory and Appraisement aforementioned.

FOURTH: That on the 10th day of June, 1933, the said Benjamin F. Zimmerman was discharged in bankruptcy from all debts and claims which are made provable by the Acts of Congress relating to bankruptcy, against his estate and which existed on the 18th day of February, 1933; excepting such debts as were by law excepted from the operation of a discharge in bankruptcy, all as will appear in the original "Discharge of Bankrupt" recorded in Liber 416, folio 167, one of the Land Records of Frederick County and as filed herewith as a part hereof and marked "Petitioner's Exhibit C".

FIFTH: That the said H. Noel Haller, Trustee, died on or about the 21st day of February, 1939, and no successor fiduciary has been appointed in this proceeding.

SIXTH: That the said Benjamin F. Zimmerman died intestate on or about the 3rd day of July, 1948 and left surviving him as his only heirs of law, a daughter, Mollie V. Zimmerman, unmarried, and the following children of Evie A. Shook, a deceased daughter, to wit:

- a. A son, Murray O. Shook, unmarried;
- b. A son, Authur E. Shook who has intermarried with Helen Shook;
- c. A daughter, Ruth A. Warner who has intermarried with Grant D. Warner, her husband;
- d. A son, Roscoe M. Shook, who has intermarried with Kathleen Shook;
- e. A daughter, Margaret E. Shook, unmarried;