is Doris E. Brown; a daughter, Constance B. Smith, whose husband's name is Edward V. Smith.

Tenth: That the STATE ROADS COMMISSION OF MARYLAND, ACTING FOR AND ON BEHALF OF THE STATE OF MARYLAND, filed its suit in Condemnation, on the 3rd day of March, 1965, being No. 3989 Law, against WESTERN MARYLAND TRUST COMPANY, Frederick, Maryland, Substitute Committee of Myrtle A. Brown, Life Tenant; Gladys Lakin and Henry Lakin, her husband, et al., for a portion of the real property"now held under the provisions of the Last Will and Testament of Samuel W. Brown, deceased, duly probated on July 27, 1937 and recorded in the Register of Wills Office for Frederick County, Maryland, in Liber J.H. No1. Folio 256&c., and by the defendants named herein as heirs at law of Lena Wright, deceased; Lewis W. Brown, deceased; Viola Brubaker, deceased; Chester W. Brown, deceased and Samuel W. Brown, deceased." The land therein sought to be Condemned being 18.29 acres, more or less, in fee simple; 0.14 acres, more or less, as a perpetual easement and 0.40 acres, more or less, for Revertible Easement, depositing therefor the sum of Eight Thousand, Five Hundred Seventy Five ($8,575.00) Dollars.

Eleventh: That by a Contract of Sale, bearing date July 14th, 1965, the Complainants herein, and a majority of the Respondents herein, some of the remaindermen, devisees of remaindermen, heirs at law and next of kin of remaindermen, with their respective spouses, entered into the aforesaid Contract of Sale, with one Clifford B. Lull, Jr., or his designee, purportedly for the sale of the "Samuel W. Brown" farm, for the sum of Seventy Five Thousand ($75,000.00) Dollars, Fifteen Thousand ($15,000.00) Dollars cash at the date of conveyance, the balance by a Purchase Money Mortgage in the sum of Sixty Thousand ($60,000.00) Dollars. A copy of which is attached hereto marked Exhibit "Contract of Sale."

Twelfth: That under the terms of the last Will and Testament of Samuel W. Brown, there is no Power of Sale in the Executor, Henry D. Lakin, now being the Surviving Executor, until after the termination of the life estate; that the Surviving Executor, as such, has not joined in the aforesaid Contract of Sale, nor has he Petitioned any Court for authority to join therein, as Surviving Executor.

Thirteenth: That Western Maryland Trust Company, of Frederick County, Maryland, a body corporate, Substitute Committee of Myrtle A. Brown, did not join

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