

No 41172 Equity

and who died before her said mother leaving the following children her surviving

1 Eda V Favorite, 2 Mary Ellen Favorite, 3 Isabella Favorite, all of whom are infants under the age of twenty one years, and all of whom reside in Frederick's County Maryland

7 Susanna Penner married to Jacob Ashbaugh

8 Josiah Penner -

All of which children and grand-children above set forth reside in Carroll County and Frederick's County Maryland

Your complainants further charge that the real estate of which your complainant and the Defendants hereinafter named are seized as tenants in common and which descended to them as the heirs at law of the said Susanna Penner, cannot be divided without loss and injury, and that it will be to the interests and advantage of the parties interested infants as well as adults that the said Real Estate be sold under a decree of your Honorable Court and the proceeds of Sale be divided among them according to their several and respective interests.

To the end therefore that the Defendants hereinafter named may answer the matters and things herein before stated as fully as if they had been herein again repeated, and that the Real Estate in the proceedings mentioned may be sold under a decree of your Honorable Court, and the proceeds of sale be distributed among those interested according to their several proportions, and that your complainants may have such other and further relief as the nature and Equity of their cause may require

May it please your Honor to grant unto your Complainants the writ of Subpoena against the said Millard S Kump, Mary Emma Kump Eda V Favorite, Mary Ellen Favorite and Isabella Favorite of Frederick's County, commanding them to appear in this Court on some certain day to be therein named and answer the premises and abide by and perform such decree as may be passed therein.

William J. Ross  
Charles W. Ross  
Sols. for Complainant

Filed March 28, 1879

Exhibt No 1.

Samuel Kise

To my self

Susannah Penner

At the request of Susannah Penner the following deed is recorded the 22d day of October 1858  
This Indenture made the second day of June, in the year of our Lord one thousand eight hundred and thirty-eight between Samuel

Kise, of Frederick's County, State of Maryland of the one part, and Susannah Penner of the County and State aforesaid of the other part. Witnesseth that the said Samuel Kise for and in consideration of the sum of Fourteen dollars and six cents, current money to him in hand paid by the said Susannah Penner, at and before the executing and delivery of these presents, the receipt whereof the said Samuel Kise, doth hereby acknowledge, and himself to be therewith fully satisfied and paid. Hath given, granted, bargained, sold, aliened, released, enfeoffed and confirmed, and by these presents, doth