No. 5724 Equity

her husband has the entire and absolute estate in said real estate and that the heirs at law of the said George W. Delauter took no interest in the same upon the death of their said father.

4. That plaintiff is desirous of having said real estate sold but some persons are afraid to purchase the same believing that said heirs at law have an interest in the same by inheritance from their father and that as they are now of tender years they will when of mature age set up such claim.

5. That there is a balance due on the purchase money of said real estate, of about one hundred and seventy said George W. Delauter having given his promissory note payable to said Henry Delauter or order for two hundred and fifty dollars, with interest from date, dated on the thirtieth day of January A.D. 1888 on which note is credited sixty-five dollars on the thirtieth day of January A.D. 1889 and forty-two dollars on the thirtieth day of January A.D. 1890. leaving a balance of about $170.00.

6. That said balance of purchase money ought to be paid but said George W. Delauter left no personal estate of any consequence whatever, hardly sufficient to pay his funeral Expenses, and Plaintiff has no means to pay the debt outside of said real estate and said real estate will have to be sold to pay said claim and besides this Plaintiff wants the same sold as she does not wish to reside on the premises and cannot farm the same.

7. That no letters of administration have ever been granted upon the estate of said Henry Delauter but said note is in possession of his widow Elizabeth Delauter.

8. That the only satisfactory method of disposing of said real estate so as to obtain its full value is by decree of your Honorable Court whereby the purchaser will get and be qualifiedly clear title to the same.

Your Complainant prays therefore —

1. That a decree may be passed for the sale of said real estate for the payment of the unpaid purchase money and the remaining proceeds of sale be distributed to the parties entitled thereto according to their respective rights.

2. That your complainant may have all and further and other relief as she is entitled to including a proper construction of said deed.

And Your Complainant prays for the following process —

That the Writ of Subpoena may be issued directed to the Charles Upton Delauter, Orestes Levi Delauter and Mary Manie Delauter, the infant defendants in this cause commanding them to be and appear in this Court on some certain day to be therein named to answer the premises by guardian to be duly appointed and to abide by and perform such decree as may be passed therein and as in duty bound

Charles N. S. Levy
Solicitor for Complainant

Filed August 29. 1890.

Exhibit No. 1.

At the request of George W. Delauter & wife the following Deed is received for record and recorded February 27. 1888 at 10 O'clock 55 minutes A.M.

Test: W. Irving Parsons, Clerk

This Deed made this 30th day of January Eighteen hundred & Eighty Eight by Henry Delauter and his wife Elizabeth Delauter of Frederick County