

BILL OF COMPLAINT.

C. Edgar Dukehart and Blanche M. Dukehart Plaintiffs.

A G A I N S T.

Mary A. Dukehart, Widow, and Mary C. Dukehart, Alice G. Dukehart and Joseph R. Dukehart, Infants, Defendants.

No. 9378 EQUITY.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable the Judges of said Court:

Your orator and oratrix, complaining say:

1. That certain John J. Dukehart was, in his lifetime, and at the time of his death, seized and possessed of certain Real Estate, situated in the Town of Emmitsburg, in Frederick County, in the State of Maryland, on the East side of Frederick Street, adjoining the property of John Thomas Gelwicks on the North and the property of Vincent Sebold on the South, which was conveyed to the said John J. Dukehart by one Nicholas Baker and wife and others by their deed, dated the 26th day of May, in the year Eighteen hundred and ninety seven, and recorded in Liber J.L.J.No.16 folio 325, one of the Land Records of said Frederick County, a duly certified copy of which said deed is filed herewith as part hereof marked "Exhibit A".
2. That being so seized and possessed the said John J. Dukehart died intestate in said Town of Emmitsburg on or about the 27th day of July, in the year nineteen hundred and fifteen, leaving surviving him a widow, the defendant, Mary A. Dukehart, who is entitled to dower in said Real Estate, and who resides in said Town, and the following named children and heirs at law, namely, the plaintiffs, C. Edgar Dukehart, a son, and Blanche M. Dukehart, a daughter, both of whom are adults, unmarried and reside in said Town, and the Defendants, Mary C. Dukehart and Alice G. Dukehart, unmarried daughters, and Joseph R. Dukehart, an unmarried son, all three of whom are infants under the age of twenty-one years and reside in said Town, to which said heirs at law said Real Estate descended.
3. That said Real Estate cannot be divided without loss and injury to the parties interested therein and that, in order to make division of said interests it will be necessary that said Real Estate be sold, and the proceeds thereof divided amongst the parties according to their several interests.

To the end therefore,

1. That a decree may be passed for the sale of the aforesaid Real Estate.
2. That the proceeds of said sale may be distributed between your orator and oratrix and the remaining said heirs at law of the said John J. Dukehart, deceased, according to their respective rights and interests.
3. That your orator and oratrix may have such other and further relief as their case may require.

That it please your Honors to grant unto your orator and oratrix the writ of subpoena directed to the said Mary A. Dukehart, widow, an adult, and residing in Frederick County, and to the said Mary C. Dukehart, Alice G. Dukehart and Joseph R. Dukehart, all infants, and all residing in said Frederick County, commanding them and each of them to be and appear in this Court, on or before a certain day, to be named therein, and answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound etc.

Eugene L. Rowe
Solicitor for Plaintiffs.

Filed October 26th, 1915.

"EXHIBIT A"

At the request of John J. Dukehart the following Deed is received for Record and Recorded June 24th, 1897 at 12 O'Clock M.

TEST John L. Jordan Clerk.

This Deed made this Twenty Sixth day of May one thousand eight hundred and ninety seven by Nicholas Baker and Isabella M. Baker his wife Mary E. Adelsberger and Jesse H. Nussear all of Frederick County in the State of Maryland the said Mary E. Adelsberger and Jesse H. Nussear jointly in this deed for the purpose of giving title Witnesseth that in consideration of the sum of Fifteen hundred dollars