

-3-

SIXTH: That upon the death of Mamie A. Barrick, her interest in the hereinabove described real estate therein descended unto her husband, William D. Barrick and the aforementioned children of said marriage, Kathleen R. Smith, Lillian A. Riggs and your Complainant; that the interest of the said Kathleen R. Smith was disposed of upon her death by her Last Will and Testament aforesaid of which the said H. Kieffer DeLauter is Executor and the interest of the said William D. Barrick vesting in him upon the death of his wife, descended upon his death as aforesaid, unto his surviving children, Lillian A. Riggs and your Complainant.

SEVENTH: That the said real estate is not susceptible of partition without material loss and injury to the parties entitled to the interests herein stated, 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 among the parties according to their separate interests.

TO THE END THEREFORE:

1. That a decree may be passed for the sale of the said real estate.
2. That the proceeds of the said sale may be distributed among your Complainant, the said Lillian A. Riggs and Ralph W. Riggs, her husband, and H. Kieffer DeLauter, Executor of the Last Will and Testament of Kathleen R. Smith, according to their respective rights and interests.
3. That the Complainant may have such other and further relief as his case may require.

MAY IT PLEASE YOUR HONORS to grant unto your Complainant the Writ of Subpoena directed to the said Lillian A. Riggs and Ralph W. Riggs, her husband, who reside at R.F.D. #2, Frederick, Maryland, and H. Kieffer DeLauter, commanding them to be and appear in this Court on some certain day to be named therein and answer the premises and abide by and perform such decree as may be passed therein.

Byron W. Thompson  
Solicitors for Complainant

David Martin Barrick  
Complainant