

# CERTIFICATE OF PUBLICATION

From THE NEWS-POST

Frederick, Md.

ORDER OF PUBLICATION  
NO. 17450 EQUITY  
In The Circuit Court For Frederick  
County

Cecile Smith Clark and Barrett H. Clark, her husband, Constance V. O'Toole, and Eric Ericson O'Toole her husband, and Margaret L. Reesor, unmarried, Vs. Robert M. McIntyre and Nellie McIntyre, his wife.

The Bill of Complaint filed in this cause alleges that Robert V. Smith, late of Frederick County, Maryland, deceased, died July 19, 1938, leaving a last Will and Testament, duly probated and recorded in the office of the Register of Wills for Frederick County, a certified copy of which is filed as an Exhibit; that the said Robert V. Smith, among other things, provided in his last Will and Testament a trust for his sister, Rachel M. Smith, in which was included certain real estate, for life, and upon her death said trust was to cease and the assets distributed to his three nieces, Cecile Smith Clark, Constance Reesor (now Constance V. O'Toole) and Margaret L. Reesor, and his nephew, Robert M. McIntyre; that the said Rachel M. Smith died on August 5, 1952, thereby terminating said trust; that the said Cecile Smith Clark, whose husband's name is Barrett H. Clark, is a resident of Briarcliff Manor, New York; that Constance V. O'Toole, whose husband's name is Eric Ericson O'Toole, is a resident of Dundalk, Maryland; that Margaret L. Reesor, unmarried, resides at Rio De Janeiro, Brazil, South America; all of whom are complainants; and that Robert M. McIntyre, whose wife's name is Nellie McIntyre, is a non-resident of the State of Maryland, and whose last known address was Vancouver, British Columbia, Dominion of Canada; that the said Robert V. Smith, at the time of his death was seized and possessed of the following parcels of real estate:

(1) All that dwelling house situate, lying and being on the south side of Rockwell Terrace, Frederick, Maryland, and being the same real estate conveyed unto Robert V. Smith by deed from George E. Wilcoxon, and wife, dated December 8, 1911, and recorded in Liber H. W. B. No. 300, folio 18, one of the Land Records for Frederick County.

(2) All that parcel of land improved with a dwelling house known as No. 125 West Fifth street, and being the same parcel of land conveyed to Robert V. Smith by deed from James E. Bartgis, widower, dated November 17, 1936, and recorded in Liber No. 404, folio 483, one of the Land Records for Frederick County.

(3) All that parcel of land consisting of lot improved with a dwelling house situate on the north side of West Fifth street, fronting 20 feet thereon, and being known and designated as No. 115 West Fifth street, and being the same parcel of land conveyed unto Robert V. Smith by deed from Lewis R. Jamison, unmarried, dated June 22, 1937, and recorded in Liber No. 407, folio 328, one of the Land Records for Frederick County.

(4) All those four lots improved with dwelling houses situated on the west side of Jefferson street, and being known as Nos. 15, 17, 19 and 21 on said street, and being the same parcels of land conveyed to Robert V. Smith by deed from William Levy Mantz, et al. Executors, dated December 29, 1937, and recorded in Liber No. 411, folio 104, one of the Land Records of Frederick County.

Certified copies of the above mentioned deeds being filed with said Bill as Exhibits Nos. 1, 2, 3 and 4 respectively; that the above named parties are the only persons entitled to the real estate under the provisions of said Will, and that said real estate is not susceptible of division among the parties without loss and injury and it would be to the best interest and advantage of said parties that said real estate be sold under a Decree of your Honorable Court and the net proceeds be divided in accordance with the terms of said last Will and Testament.

The Bill then prays for the passage of a decree for the sale of said real estate, and the appointment of a Trustee or Trustees to make sale of said real estate, and distribute the net proceeds to the parties entitled under the provisions of the last Will and Testament of the said Robert V. Smith; also an order of publication against the said Robert M. McIntyre and Nellie McIntyre, his wife, both of whom are non-residents as aforesaid.

It is thereupon this 23rd day of October, 1952, by the Circuit Court for Frederick County, sitting as a Court of Equity, ORDERED that the Plaintiffs give notice to the said non-resident defendants, of the object and substance of the Bill by causing a copy of the same to be published in some newspaper published in Frederick County once a week for four successive weeks, prior to the 22nd day of November, 1952, commanding them and each of them to be and appear in this Court in person or by Solicitor on or before the 8th day of December, 1952, and show cause, if any they may have, why a decree should not be passed as prayed.

ELLIS C. WACHTER  
Clerk of the Circuit Court  
for Frederick County

William M. Storm, Solicitor  
Filed October 23, 1952

True Copy—Test:

ELLIS C. WACHTER

Clerk  
Oct. 24, 25, Nov. 7, 14, 21

BOOK

9 PAGE 88 Frederick, Md., FEB 13 1953, 194

This is to certify, That the annexed Order of  
Publication was published in The News,  
a newspaper published in Frederick County, once a week for  
four successive weeks prior to the 22nd  
day of November, 1952.

THE NEWS-POST

*W. V. Moore*  
Per

Filed February 13, 1953