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SECOND: That the said Teresa I. Zeigler left surviving her, her husband, Walter F. Zeigler, who subsequently intermarried with Mary Edna Zeigler, whose address is 714 N. Market Street, Frederick, Maryland; a son, J. Walter F. Zeigler, who intermarried with the defendant, Anne Graham Dennis Zeigler, and a son, George A. Zeigler, who intermarried with Marianna R. Zeigler, the Complainants herein.

THIRD: That the said Walter F. Zeigler died, leaving a last Will and Testament, which has been duly admitted to probate and is of record among the Will Records of Frederick County, in the office of the Register of Wills of Frederick County in Liber HDR 1, folio 77. Certified copy of which said last Will and Testament is filed herewith, and prayed to be taken as a part hereof. Said Will provides in part as follows:

...All the rest and residue of my property I give, devise and bequeath to my wife, Mary Edna Zeigler, for and during the term of her natural life, and upon the death of my said wife, I give, devise and bequeath the whole of my estate to my son, George Adolphus Zeigler in fee simple.

FOURTH: That the said J. Walter F. Zeigler, died intestate, leaving surviving him, his wife, Anne Graham Dennis Zeigler, who is now intermarried with Patrick J. Morris, and who are non-residents of the State of Maryland, and whose last known address is 53 Whitehall Road, Handsworth, Birmingham, England, and an infant son, James Dennis Zeigler, who is now the adopted child of James C. Sappington, and who is now 22 years of age, ^{unmarried,} and a non-resident of the State of Maryland...

FIFTH: That the interest of the said Walter F. Zeigler in the real estate aforesaid, being a one-third interest, became part of the residue of his said estate.

SIXTH: That the said real estate can not be divided without loss or injury to the parties interested, and that it is for the benefit and interest of all parties concerned that the same should be sold and the proceeds distributed among those entitled.