

at a stone pile erected on the fourth outline of Samuel Carrick's part of the last re-survey called "Carolina" and running thence with said line South 53 1/2° West 28 3/4 perches to a stone pile, thence with the fifth line of Carrick's part of "Carolina", South 62° East 21 1/2 perches to a stone pile, then North 58° East 19 perches to a stone pile, North 35 1/2° East 21 3/4 perches to the beginning, containing 3 acres of land, more or less and being the same real estate as conveyed by Charles R. Hockensmith, et al., to Felix A. Stouter in a deed dated February 15, 1921 and recorded in Liber 335, folio 25, one of the said Land Records.

7. That Mary M. Stouter died, testate, on or about July 18, 1962, her Estate appearing in Estate Docket No. 7621, Liber TME 2, folio 365, in the Office of the Register of Wills for Frederick County.

8. That the said Mary M. Stouter, by her Last Will and Testament dated December 2, 1959, and recorded in the Office of the Register of Wills for Frederick County in Will Book TME 2, folio 250, provided that the rest and residue of her Estate was to be sold and the proceeds to be divided equally among her surviving children, namely, your Complainants and the Defendants named herein.

9. That the land which is the subject matter of this proceeding is the same which was before this Honorable Court in No. 22,788 Equity, wherein W. Jerome Offutt, Attorney named in a Mortgage for the purpose of foreclosure and collection, filed a Bill to Foreclose Real Estate Mortgage from George C. Menke and Kay Menke, his wife, to W. Jerome Offutt, Attorney-in-fact for y our Complainants and their respective spouses, which case was dismissed when the aforesaid Mortgagors, inter alia, executed a Deed dated November 19, 1970, and recorded in Liber 882, folio 282, one of the Land Records for Frederick County, Maryland, which conveyed their interests in the aforesaid property back to your Complainants and their respective spouses.

10. That your Complainants and the Defendants own the land which is the subject matter of this Bill of Complaint as tenants in common as follows: Upon the death of Felix A. Stouter, intestate, his wife, Mary A. Stouter, inherited a one-third (1/3) interest, and her children, your Complainants, inherited the remaining two-thirds (2/3) interest. Upon the death of Mary M. Stouter, testate, her one-third (1/3) interest was divided equally among the eleven (11) children named in her Will, namely, the seven (7) Felix A. Stouter heirs, your Complainants, and the four (4) Martin A. Stouter heirs, the Defendants. Thus, your Complainants are entitled to twenty-nine thirty-thirds (29/33) of