

ROSCOE HARBAUGH
Route 2, Box 586
Thurmont, Maryland 21788
Petitioner

VS.

DORIS L. HARBAUGH
28 Pennsylvania Avenue
Walkersville, Maryland 21793
AND
THE FEDERAL LAND BANK OF BALTIMORE
Baltimore, Maryland 21202
Respondents

* NO. 30,525 EQUITY
* IN THE
* CIRCUIT COURT
* FOR
* FREDERICK COUNTY
* MARYLAND
*

* * * * *

PETITION FOR PARTITION OF REAL ESTATE

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Roscoe Harbaugh, Petitioner, by Franklin D. Stillrich, his solicitor, respectfully represents unto your Honorable Court:

FIRST: That by a Decree of the Circuit Court for Frederick County, Maryland, dated August 14, 1980, in No. 30,324 Equity, your Petitioner was divorced A VINCULO MATRIMONII from the Respondent, Doris L. Harbaugh, A copy of said Decree is attached hereto as Complainant's Exhibit No. 1.

SECOND: That your Petitioner and the Respondent are owners, in fee simple, as tenants in common, of that real estate lying in Thurmont District, as more particularly described and conveyed in a deed from Samuel T. Royer, Jr., et ux, and Ross V. Smith, et ux, dated 10/12/59 and recorded in Liber 625, Folio 460, among the Land Records of Frederick County. A copy of said deed is attached hereto as Complainant's Exhibit No. 2.

THIRD: That said property is subject to two mortgages from Roscoe T. Harbaugh, Jr. and Doris L. Harbaugh, to The Federal Land Bank of Baltimore, the first being dated 5/22/70 and recorded in Liber 824, Folio 464 in the amount of \$58,000.00, covering Parcels 1 and 6 and the second dated 6/9/72 and recorded in Liber 879, Folio 440 in the amount of \$22,000.00 covering Parcels 2, 3 and 4, among the aforesaid Land Records. Copies of said mortgages are attached hereto as Complainant's Exhibits 3 and 4 respectively.

FOURTH: That your Petitioner desires that the subject real property and improvements be sold in lieu of partition because the said real property cannot be divided in kind without substantial loss of value.

WHEREFORE, your Petitioner prays for the following relief:

1. That the court pass an Order appointing a Trustee to make a sale of the subject real estate in lieu of partition.

2. And for such further relief as the nature of his case may require.

And, as in duty bound, etc.