

David F. Kolb
Lewis A. Kolb
Joseph Kolb et al
vs
Alfred B. Kolb &
J. M. A. Kolb

No. 3740 Equity ~

In the Circuit Court for Frederick County, sitting
as a Court of Equity, ~

Bill of
Complaint

To the Honorable the Judges of the Circuit Court for Frederick
County, sitting as a Court of Equity. ~

The Bill of Complaint of David F. Kolb and Lewis A. Kolb of
Frederick County, Maryland, Joseph Kolb and Cynthia his wife of New
Richmond, Ohio, Daniel Kolb Jr. Nassim Utermehle, Andrew Whitaker
and Louisa Whitaker his wife of Washington City D.C., humbly shows
unto your Honors, That Daniel Kolb late of said Frederick County, died
in said County, on or about the second day of October in the year Eighteen Hun-
dred and seventy one, seized and possessed of a parcel or tract of Land, on
which he resided, situate in Mt. Pleasant Dist in said County, adjoining the
lands of Cromwell Dutrow, Alpheus Harriott and others, and containing One
hundred and two acres, two rods and thirty three perches, more or less. ~

That said land was conveyed to him in a deed from Joseph and
Eliza Stauffer in the year Eighteen Hundred and forty one, and recorded
in Liber H. S. No. 13, fol. 32, One of the Land Records of Frederick County,
and was part of, and included in the land therein conveyed, of which deed
a Certified Copy is herewith filed as Exhibit "A," and is prayed, to be taken
with all other Exhibits herewith filed, as part of this Bill of Complaint;

That the entire quantity of land conveyed by said deed was 140 acres, 3 rods
and eighteen perches, of which the said Daniel Kolb and Caroline his wife, by
Deed dated the twenty sixth day of May in the year 1862, conveyed to William
Dean 38 acres and twenty five perches, a certified Copy of which deed is
herewith filed as Exhibit "B". ~

That the land of which said Daniel Kolb died seized and possessed was
the land so conveyed to him by Joseph Stauffer and wife as aforesaid, less
the portion thereof so conveyed as aforesaid by said Daniel and wife to
said William Dean. And further shows, that during his lifetime the said
Daniel Kolb duly executed his last Will and Testament in form to pass
real estate, on the 29th day of September in the year 1860, in which he did
dispose of the real estate of which he died seized and possessed as follows
to wit ~ "I give and bequeath unto my dearly beloved wife, Caroline
Kolb, the whole of my estate Real and personal and mixed, to have
and to hold the same to her in absolute property, and to control and dispose
of the same, as she may deem proper for the support of herself and family
during her natural life, and after her death to be divided among my
children, share and share alike, to all except my son Jacob M. Kolb
to whom I have already advanced as much as he would have been en-
titled to, had he not received his portion until my Estate was equally
divided", and did appoint and constitute his said wife Caroline
the executrix of said Will. ~ That said Caroline died before the
said Daniel Kolb, on or about the 14th day of November in the year
1868, and on the 19th of the same month the said Daniel Kolb exe-
cuted a Codicil to his said last Will, affirming the same as to his