

No. 1524 Equity

Bill of Complaint

Your Complainants further charge that said John Heprange duly executed his last will and testament on the 20th day of March A. D. 1871, and died sometime in the year 1871, without having revoked the same, which will was duly admitted to probate by the Orphan's Court for Frederick County and by which he devised all his property to his Executors Horatio W. Bentz and Henry M. Seydoff, with power to sell the same and distribute the proceeds of sale as directed in said will a copy of which is filed herewith marked Exhibit No 9 and prayed to be taken as part of this Bill that by said will the sum of Three thousand Dollars was bequeathed in trust for the benefit of Ann Rebecca Heprange during her life, and after her death the same to be distributed as part of the residue of said John Heprange's Estate, that said Ann Rebecca Heprange died before the said testator, Jno Heprange, that by said Will the residue of said estate was directed to be equally distributed between your Complainants John A Heprange, Geo W Heprange and Elwood J. Heprange, Nathaniel C Heprange, Elwood W. S Heprange, Elizabeth C Elwood and Catharine W. Bentz and said Nathaniel C Heprange's share was directed to be held in trust by said Executors as in said will is directed, that although by said will the Executors thereof are empowered to sell said John Heprange's interest in said real estate yet inasmuch as said farm is composed of so many different parcels the titles to some of which was by said deeds of conveyance in said John Heprange and to others in said Elizabeth Heprange and as said farm is not susceptible of advantageous division but it would be to the interest and advantage of all the said parties in interest for said farm to be sold in one tract as at present laid out. Your Complainants charge it would be to the interest and advantage of all concerned for the whole of said farm to be sold by a trustee to be appointed by your Honorable Court and the proceeds equitably distributed to the parties entitled. - And your Complainants ^{further} charge that said Tract of Thirty one Acre is not susceptible of advantageous division among the heirs at law of said Elizabeth Heprange or the parties owning the same and it would be to the interest and advantage of all parties in interest for the same to be sold and the proceeds distributed among them. - Your Complainants would also charge that said Mountain lot which was owned by said John and Elizabeth Heprange as tenants in common is not susceptible of division without injury and loss and it would be to the interest and advantage of all parties concerned for the same to be sold and the proceeds distributed among the parties entitled according to their respective interests.

In tender consideration whereof and for that your Complainants are remedied on the premises by the strict rules of Common law and relievable only in a Court of Equity where matters and things of this nature are properly cognizable. To the end therefore that said defendants herein after named may answer the premises fully and particularly and that said real estate may be sold by a trustee to be appointed by your Honorable Court, and that your Complainants may have all such other and further relief in the premises, as the nature of the case may require, and to your Honor shall seem right, May it please your Honor to grant to your Complainants the State of Maryland's writ of subpoena against said Elwood J. Heprange and Josephine Heprange, his wife, Henry Bentz and Catharine Bentz, his wife, Anne Elwood and Elizabeth Elwood, his wife, Nathaniel C Heprange and Elizabeth Heprange, his wife, Charles R Hunt and Sarah Ann Hunt, his wife, and Horatio W. Bentz and Henry M. Seydoff, Executors as aforesaid, all of Frederick County, and Elwood W. S. Heprange and

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