

No 4488 Equity

Orators and Oratrix pray may be taken and considered, as part of this Bill of Complaint as fully as if herein at large in words and figures set forth:

That after the death of the said David Trundle and before the death of his said widow, two of the aforesaid children, namely Henry Trundle and Mary Eliza Ward, departed this life leaving the following named children respectively, that is to say the said Henry Trundle leaving Mary Cordelia Haller wife of William Haller, Alice Berquica Trundle and Henry Clayton Trundle his surviving, and the said Mary Eliza Ward leaving Elias H. Ward, William T. Ward, Charles W. Ward and John Henry Ward her surviving, and also leaving a husband Thomas A. Ward surviving her.

That the said David Trundle died seized and possessed of a tract of Land, conveyed to him by Benjamin Rutherford by deed dated the second day of February in the year Eighteen hundred and twenty eight and duly recorded in Liber S. S. No 27 folio 411 one of the Land Records of said Frederick County as will appear by reference to a certified copy of said deed herewith filed, marked Exhibit B. a certain other tract conveyed to him by John A. Kimmons by deed dated the \_\_\_\_\_ day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_ and duly recorded in Liber H. S. No. 3 folio 137 one of the Land records of said County, as will appear by reference to a certified copy thereof herewith filed as Exhibit C. and a certain other tract lying in Montgomery County aforesaid, conveyed to him by \_\_\_\_\_ by deed dated the \_\_\_\_\_ day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_ and duly recorded in Liber \_\_\_\_\_ No \_\_\_\_\_ folio \_\_\_\_\_ one of the Land Records of said Montgomery County as will appear by reference to a certified copy thereof herewith filed, marked Exhibit H.

Your Orators and Oratrix charge that by the true construction of the herein before recited clause of the said will of the said David Trundle all the aforesaid mentioned and described real estate was devised to his widow for life with a contingent remainder to the aforesaid children dependent for its vesting upon their surviving the said widow, and that the said widow being now dead the said remainder has vested in the said four surviving children to the exclusion of the children of the said Henry Trundle and Mary Eliza Ward, they the said Henry and Mary Eliza having died during the life time of the said widow.

Your Orators and Oratrix further charge that some of the children of said deceased children being the grand children of the said testator - assert that under the said clause of said will they are entitled to an interest in said real estate equal to that which their parents would have received had they, the said parents, survived the said widow, which assertion and pretense is without foundation as your Orators and Oratrix charge and believe.

Your Orators and Oratrix further charge that said estate is not susceptible of partition or division among the parties lawfully entitled thereto without detriment and loss and that some of the said parties so entitled thereto are unwilling to come to an agreement whereby the same may be sold and the proceeds divided, and therefore your Orators and Oratrix charge that it will be to the interest and advantage of all parties in interest that the said estate be sold under a decree of this Court and that the proceeds be divided amongst and between your Orator William H. Trundle your Oratrix Henrietta Hummel and the said Marietta Trundle and Annie Bruckey equally.