

No. 11714 Equity.

Wm H. Albaugh

George Miller, John J. Baruhart, Alfred W. Baruhart & others

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

The Bill of Complaint of William H. Albaugh of Frederick County in behalf of himself and of all other creditors of Ann Rebecca Miller, wife of George Miller, who may, come in, and contribute to the expenses of this Bill of Complaint respectfully shows to your Honors that the said Ann R. Miller was in her life time indebted to your Complainant by her promissory note, executed by herself and her husband and dated on the first day of April 1880, payable twelve months after date to your Complainant William H. Albaugh or order for four hundred and sixty dollars, with interest from date, as will appear by said promissory note herewith exhibited, marked Exhibit No. 1, which your Complainant prays may be taken and considered as part of this his Bill of Complaint.

Bill of Complaint

Your Complainant further states that it was the intention of the said makers of said promissory note, at the time of the execution or making of the same to secure the payment of the same, by way of mortgage, upon the real estate of the said Ann R. Miller to this end a mortgage conveying the said land of the said Ann R. Miller was executed by her and signed by her said husband to secure the payment of the said note of four hundred and sixty dollars, at maturity, but your Complainant is advised that as a mortgage it is in operation the same not being executed in conformity to the laws of the State of Maryland in such cases made and provided, as will appear by a certified copy of said imperfect mortgage herewith exhibited, marked Exhibit No. 2.

Your Complainant further charges that the said Ann R. Miller, died intestate, in Frederick County Maryland, in the month of February, in the year Eighteen hundred and eighty one seized and possessed of a lot or parcel of land situated near Rocky Ridge, Frederick County, State of Maryland, containing Eighty two acres of land more or less and fully described in the deed from Burted Bennett and wife by deed dated on the ninth day of June in the year Eighteen hundred and eighty three and recorded in Liber B. G. L. No. 9 folio 136, one of the Land Records of Frederick County, as will fully appear by reference to a certified copy of said deed herewith exhibited, marked Exhibit No. 3.

Exhibit

Your Complainant further states that the said Ann R. Miller, died intestate as aforesaid, seized and possessed of the land aforesaid, and leaving her husband George Miller her surviving and without leaving issue or brother and sisters, but leaving the children of deceased cousins, one degree removed, as her heirs at law, as follows,

John Baruhart an only uncle of the said intestate, died leaving two children viz John M. Baruhart and Catharine Baruhart who became the wife of Catharine Jones.

- 1st John M. Baruhart, died leaving two children as follows
  - John J. Baruhart who resides at Quinn Bridge Carroll County Maryland, and Alfred W. Baruhart who resides in Baltimore City
- 2 Catharine Baruhart who married James Jones, died leaving three children as follows
  - 1 Ellie who married Marku an