

No. 4484 Equity

Certified Extract from said last will and testament filed here as Exhibit E: that said "Home Farm" in Exhibit E is the home land mentioned and described in Exhibit filed herewith and that said interest of said Phoebe Thomas is devised subject to the payment of an Annuity of \$100 for and during his natural life to William Nottley Thomas. And your Complainants Charge that the said Christian Keefe Thomas is seized as tenant in Common with the said Ann Simmons the wife of James S. Simmons and the said Cecilia Stone, Samuel Thomas Stone, Albert Stone the only children and heirs at law of Adelaide or Adeline Thomas who was married to Edward W. Stone and died before said Phoebe Thomas and with said Edward W. Stone the husband of said Adelaide or Adeline, in so far as he has or may have any estate or title in said land as the husband of said Adelaide or Adeline; That the Complainant C. Keefe Thomas owns three undivided fifths of said land in fee simple subject to the payment of One hundred dollars to William Nottley Thomas during his natural life, as to 1/5 of the same; That Ann Simmons owns one undivided fifth of said land land mentioned in Exhibit "E" and that the said Cecilia Stone Samuel Thomas Stone and Albert Stone own the remaining one undivided fifth part of said land, subject to such estate of any as the said Edward W. Stone the surviving husband of said Adelaide or Adeline Stone may have if any in said one undivided fifth of said land.

And your Complainants represent that it would be for the benefit and advantage of all the parties who has an interest in said land as herein mentioned that the same should be sold and the proceeds of said sale divided among the parties entitled in proportion to their legal interest in said land; That the said lands are incapable of division without loss and injury to the several parties interested as herein named.

And your Complainant further show that it is for the interest & advantage of all parties interested in said lands as herein mentioned that the same should be sold clear & free of the charge of \$100 per annum to be paid to the said William Nottley Thomas for & during his natural life and that the same should be secured to him by such disposition of sufficient of the proceeds of sale as shall secure to him the payment of said sum of One hundred dollars per annum for & during his natural life.

And your Complainants further show that said Adelaide or Adeline Stone died intestate and that your Complainants are advised that by reason of the minority of said Cecilia Stone and said Samuel Thomas Stone a sale cannot be had of said lands without the aid of your Honorable Court and that said Samuel Thomas Stone is a non resident of the State of Maryland.

To the end therefore that the said Ann Simmons and James S. Simmons her husband Albert Stone Cecilia Stone Samuel Thomas Stone Edward W. Stone and William Nottley Thomas may answer the premises and that a decree may be passed for the sale of said lands free and clear of any charge or incumbrance whatsoever and that provision may be made by the Decree for the learning out of the proceeds of sale which shall accrue to your Complainant for the payment to said William Nottley Thomas by the Complainant C. Keefe Thomas of the sum of One hundred dollars per annum for & during his natural life and that the proceeds of sale may be divided among the parties owning said land in the proportion herein mentioned and according to the measure of their legal interest in said land and that your Complainants may have such further & other relief in the premises as their Case may require.

May it please your Honors to grant unto your Complainants the Subpoena of your Honorable Court addressed to Ann Simmons and James S. Simmons Edward W. Stone Cecilia Stone Albert Stone and William Nottley Thomas all of Frederick's County in the State of Maryland commanding them & Each of them to be and