

No 5227 Equity

Margaret E. Custard, Martha A. S. Hanshaw, and Fitchie Hanshaw, her husband, and Mary Michael, and John L. Michael, her husband, Plaintiffs,

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

vs
Melancthon S. Custard, and Mary Custard, George W. Custard, and Annie Custard, and Annie V. Guyer, and William F. Guyer, Defendants.

September Term 1886.

To the Honorable the Judges of said Court:

Your Orators and Oratrices complaining show:

Bill of Complaint

1. That a certain Adam Custard, departed this life nearly forty years ago intestate leaving surviving him the children herein after named and possessed of considerable real estate situate in Frederick County of said
2. That the real estate owned and possessed by the said Adam Custard at the time of his death is fully described in a deed of conveyance to him from Jacob Hard, a certified copy whereof is herewith filed marked Exhibit A which, as well as all other exhibits hereinafter exhibited, the plaintiffs 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;
3. That the said Adam Custard, at the time of his death intestate as aforesaid, left surviving him the following children to wit, a daughter, Margaret Custard, a daughter, Martha A. S. Hanshaw, the wife of Fitchie Hanshaw, a daughter, Mary Michael, the wife of John L. Michael, a son, Melancthon S. Custard now married to Mary Custard, a son, George W. Custard, now married to Annie Custard, and a daughter, Annie V. Guyer, the wife of William F. Guyer;
4. That all of said parties are adults and that the said plaintiffs all reside in Frederick County in the State of Maryland, and that the said defendants all reside beyond the limits of the said State and are not residents thereof;
5. That said real estate of which the said Adam Custard, so as aforesaid, died seized and possessed, descended, at and upon his death, to his said children, and vested in them;
6. That said real estate, of which the said Adam Custard, died seized and possessed is now owned by the said parties to this cause, both Plaintiffs and Defendants;
7. That said real estate is not capable of being divided and partitioned among and between the said parties entitled thereto, without great loss and injury to said parties, and to all, and each, of them;
8. That said parties to this cause are unable and unwilling to agree to a sale said real estate, and to a division of the proceeds of such sale according to their respective rights therein, and thereto;
9. That it will be to the interest and advantage of all the said parties, both plaintiffs and defendants, that said real estate be sold under a decree of this Court, and that the proceeds arising from such sale be divided and distributed among the said parties to this cause;

Exhibit A