

No 5233 Equity.

5. That on the 4th day of April A.D. 1877, the said Daniel Rinehart together with Rebecca L. Rinehart, his wife, by their Deed of Mortgage of said date did convey to Edwin G. Gilbert, the payment of the sum of Twenty five hundred dollars which the said Daniel Rinehart owed to said Edwin G. Gilbert, and which indebtedness is still unpaid, all of which will appear by a copy of said Mortgage filed herewith marked Exhibit No. 5.

6. That on the 17th day of April A.D. 1880, the said Daniel Rinehart and Rebecca L. Rinehart his wife, by their Deed of Mortgage of said date conveyed to Mordecai C. McKinstry, all of said Tract of land containing One hundred and thirty two acres, three rods, and fifteen perches, More or less, to secure to said M. C. McKinstry the payment of the sum of Nine thousand Dollars, which the said Daniel Rinehart owed to said Mordecai C. McKinstry, and which indebtedness is still unpaid - All of which will fully appear from a copy of said Mortgage filed herewith marked Exhibit No. 5.

7. That said Real Estate is not susceptible of division among all of said heirs at law of said Daniel Rinehart, without injury and loss, and it would be to the interest and advantage of all of said parties in interest, infants, as well as adults, for said Real Estate to be sold and after the payment of said Mortgages out of the proceeds of Sale of the respective parcels conveyed by them, to distribute the balance among the heirs at law and widow of said Daniel Rinehart, deceased, according to their respective interests.

8. That the Plaintiff, Rebecca L. Rinehart, widow of said Daniel Rinehart is willing for said Real estate to be sold free and clear of her right of dower such proportion of the proceeds of Sale to which she may be entitled under the terms of Your Honorable Court and the laws of the State.

9. That all the said Defendants reside in the State of Maryland with the exception of Joseph P. Rinehart who is a Non-resident residing in the State of Iowa, and Thomas M. Rinehart and Elizabeth Rinehart, his wife, who are also non-residents, residing in the State of Texas, and all of said resident defendants live in Frederick County with the exception of Edwin G. Gilbert, and Mordecai C. McKinstry who reside in Carroll County.

And the Plaintiff asks the following relief:

1st That a decree may be passed by Your Honorable Court appointing some suitable person, as Trustee to sell said Real Estate and apply the proceeds of Sale in the first place to the payment of said Mortgage Debt, and then distribute the balance among the parties entitled, according to their respective interests.

2. That process in the usual form may be issued against said Lucy M. Rinehart and Grace L. Rinehart, who are infants, of Frederick County, and Edwin G. Gilbert and Mordecai C. McKinstry of Carroll County.

3. That an order of publication may be granted against said Joseph P. Rinehart, Thos. M. Rinehart and Elizabeth Rinehart, his wife, who are non-residents giving them notice of the object and substance of this bill, &c.

Exhibit
No. 1.