

No. 5383 Equity.

At Homer a certified copy whereof is filed herewith, as part hereof  
Marked Exhibit B.

4. That, all, of said children and heirs-at-law, of the said David  
At Homer together with their respective Wives, and Husbands United in  
a certain Power of Attorney duly Executed, acknowledged, and recorded  
in which the said Oliver A. Homer, and Winfield G. Homer were  
constituted, and appointed their Attorneys-in-fact to sell and convey  
the Real Estate therein mentioned, and also, described in said  
Exhibit B. all of which will fully appear by reference to a duly  
certified copy of said Power of Attorney herewith filed as part hereof  
marked Exhibit C.

5. That said Attorneys-in-fact have failed, and neglected to sell  
said Real Estate and as Your Orator is informed, cannot agree among  
themselves as to the Sale thereof nor as to the Terms of sale of the same.

6. That administration, of all, and Singular, the Personal Estate  
of the said David W. Homer has been lately, granted by the Orphans  
Court, of Frederick County to the said Oliver A. Homer, and Winfield  
G. Homer, of Frederick County, who in virtue thereof have possessed them-  
selves of the said Personal Estate, of the said David W. Homer, as  
will fully, appear by reference to, a Certificate, of letters, of Administration  
granted, on the estate of said, David W. Homer herewith filed, as part  
hereof marked Exhibit D.

7. That Your Orator is, advised, and believes that said Personal Estate  
is not sufficient to pay the debts, due and owing by the said David  
At Homer at the Time of his Death, and costs of Administration, on the  
said Intestate's Estate, but he is advised that the same, now in the  
hands of the said Oliver A. Homer, and Winfield G. Homer, and Winfield  
G. Homer, Administrators, as aforesaid, ought to be, applied to the payment  
of the claim of your Orator, and other creditors of the said David W. Homer  
so far as the same will extend; and that any deficiency in said Personal  
Estate ought to be supplied by a sale of the Real Estate of his said Deceased

8. That the said Oliver A. Homer, and Winfield G. Homer Administrators  
as aforesaid have wholly failed to pay, any part of the aforesaid claim  
of your Orator, or to render unto him, any account, of the aforesaid Personal  
Estate in their hands.

To the End Therefore -

(1) That an account may be taken under the direction of this Court  
of the said Debts so, as aforesaid, due to Your Orator, and of all other  
Debts which were owing by said Intestate, at the time of his death  
and which still remain unpaid; and, also of the Personal Estate  
and effects of the said Intestate, received by or for the use, of the  
said Oliver A. Homer, and Winfield G. Homer as Administrators aforesaid.

(2) That the said Personal Estate may be, applied in due course of admin-  
istration in payment of the debts of the said Intestate due to Your Orator  
and all other creditors who may contribute to the expenses of this suit.

(3) That the said Real Estate, of the said David W. Homer, deceased, or  
so much thereof as may be necessary for the purpose, may be sold for  
the payment of so much of the aforesaid debts, as may remain unsatisfied  
by the application of the Personal Estate, as aforesaid -

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