

No. 5364 Equity

George J. Whip Sr

William L. Culler, William V. Culler and Lilly Culler his wife, George M. Culler, Leticia M. Phipps, Nellie B. Culler, Ralph E. Culler, Hattie E. Culler, Henry Culler and Hattie Culler his wife.

No 5364 Equity

In the Circuit Court for Frederick County

sitting as a Court of Equity

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

The Bill of Complaint of George J. Whip of Frederick County Maryland who brings this suit in behalf of himself and such other Creditors of Mary M. Culler as shall come in and contribute to the expenses of the same respectfully represents unto Your Honors -

Bill of Complaint

1<sup>st</sup> That on the 5<sup>th</sup> day of April 1883, one William V. Culler, (William L. Culler and Mary M. Culler, his wife, became indebted unto the Plaintiff in the sum of five hundred dollars payable in twelve months from date with interest from date, as is witnessed by their promissory note herewith filed marked Exhibit No 1. to this Bill, which Exhibit with all other Exhibits herewith filed by plaintiff, is prayed to be considered as a part hereof.

2<sup>nd</sup> That the said sum of Five hundred dollars is yet due, and unpaid the plaintiff, and also some interest on it

3<sup>rd</sup> That being so indebted the said Mary M. Culler, on the day of - 1885, departed this life intestate, seized, and possessed, of certain real estate, situated lying and being in Frederick County, Maryland, which real estate is fully described in a deed from George W. Harker, and wife to the said Mary M. Culler a certified copy of which deed, as recorded, among the Land Records, of Frederick County is herewith filed marked exhibit No 2 to this Bill -

4<sup>th</sup> That the said Mary M. Culler left surviving her, a husband William L. Culler and the following children and heirs at law to-wit. a son William V. Culler - whose wife's name is Lilly Culler, a son George M. Culler, a daughter Hattie E. Culler and a son Ralph E. Culler, all of whom are adults over twenty one years of age, excepting the said Nellie B. Hattie E. and Ralph E. Culler, who are infants under twenty one years of age; to whom the said real estate, of which Mary M. Culler, died seized and possessed, descended and vested in as follows, to the husband by the right of Courtesy for life, and then to the said children as Tenants in common in fee simple -

5<sup>th</sup> That on the 7<sup>th</sup> day of October 1847 the said William L. Culler and Lilly Culler, his wife, conveyed by deed to Henry Culler all his interest in said real estate as a child and heir of the said Henry M. Culler, a certified copy of which deed is herewith filed marked Exhibit No 3

6<sup>th</sup> That the said Mary M. Culler was totally insolvent as to her personal Estate, she having died without leaving any, and consequently no letters of administration have been asked for, or obtained by, any one

7<sup>th</sup> The plaintiff charges that the said William V. Culler, are both insolvent, and that it is impossible to make said debt, out of them or either of them; and that inasmuch as the said Mary M. Culler left no personal Estate to pay the same, the plaintiff has the right to have applied to that purpose the real estate of which the said Mary M. Culler died seized and possessed.

8<sup>th</sup> The plaintiff further represents that the said William L. Culler are now residents