

No. 5571 Equity

is that described in a deed to him from Frederick N. Wilkie and wife, a certified copy whereof is herewith filed, marked Exhibit No. 4, and upon which said Mortgage and said Judgment are liens, and also said one hundred acres for which no deed has been recorded, subject to the claim of the vendors lien for about Eighty dollars.

6. That administration of the personal Estate of said George F. Eyer has been granted to your Complainant Frederick White of Frederick County, who has duly qualified as such administrator.

7. That the personal Estate is not sufficient to discharge all the debts due and owing by the said intestate at the time of his death. And that the personal Estate in the hands of said administrator ought to be applied to the payment of the claims of your Complainants and of the other creditors of the said George F. Eyer as far forth as the same will extend, and that said liens or the unpaid portion thereof should be paid out of the proceeds of sale of the real estate on which they are liens and any deficiency in the personal estate ought to be supplied from the surplus proceeds of sale of said real estate.

Your Complainants pray for the following relief.

1. That an account may be taken under the direction of this Court of the said debts as aforesaid due to your Complainants and of all other debts which were owing by the said intestate at the time of his death and which still remain unpaid and also of the personal estate and effects of said intestate received by or for the use of said administrator and that said personal estate may be applied in a due course of administration in payment of the debts of said intestate due to your Complainants and all other creditors who may come in and contribute to the expenses of this suit.

2. That said real estate or as much thereof as may be necessary for the purpose may be decreed to be sold for the payment of the liens claims of your Complainants and as much of the debts of said intestate as may remain unpaid and unsatisfied by the application of the personal estate as aforesaid.

3. That your Complainants may have all such further and other relief as they may be entitled to.

May it please your Honors to grant to your Complainants the writ of Subpoena directed to the said Frederick N. Eyer and Emma E. Eyer who are both infants residing in Frederick County commanding them to be and appear in this Court on some certain day to be therein named to answer the premises and to abide by and perform such decree as may be passed therein.

And as in duty bound we

C. V. J. Long  
Attorney for Plaintiffs

Filed May 31, 1889.

Exhibit No. 1.