

No. 5601 Equity

Michael Linzy ^{and}
 Margary A. V. Linzy his wife
 Plaintiff

Richard J. O'Toole
 and Anna V. O'Toole his wife,
 Thomas E. Warthen
 and Louisa P. Warthen his wife
 George Livors ^{and} Mary Holvors
 his wife ^{and} Emma L. O'Toole

No. 5601 Equity

In the Circuit Court for Frederick County
 sitting in Equity.

To the Honorable the Judge of said Court.

Your orator and orators Complaining say—

1. That Ann C. O'Toole late of Frederick County deceased, was in her life time and at the time of her death seized and possessed of certain real estate situated in Frederick County which said real estate is described in a deed from Matthew Moxon and wife to the said Ann C. O'Toole a certified copy of which is filed herewith as part hereof marked Exhibit A.
2. That Thomas O'Toole, the husband of the said Ann C. O'Toole, late of Frederick County deceased, was also in his lifetime and at the time of his death seized and possessed of certain other real estate situated in Frederick County which said real estate is described in two deeds, one from William H. Dorsey and wife, the other from John T. Peddicord and wife to the said Thomas O'Toole, certified copies of which two deeds are filed herewith as parts hereof marked respectively Exhibits B & C.
3. That the said Ann C. O'Toole died intestate some years ago and that the said Thomas O'Toole her husband, after surviving her some years, also died intestate on or about the seventeenth day of September in the year Eighteen hundred and Eighty nine.
4. That the said Ann C. O'Toole and Thomas O'Toole her husband left during their life time the following children and heirs at law—
 - (a) Your orators, Margary A. V. Linzy intermarried with your orator Michael Linzy both of whom are of full age and reside in Frederick County.
 - (b) The defendant Richard J. O'Toole intermarried with the defendant Anna V. O'Toole both of whom are of full age and reside in Frederick County.
 - (c) The defendant Louisa P. Warthen intermarried with the defendant Thomas E. Warthen both of whom are of full age and reside in Frederick County.
 - (d) The defendant Mary H. Livors intermarried with the defendant George Livors both of whom are of full age and reside in Frederick County.
 - (e) The defendant Emma L. O'Toole who is an infant unmarried and resides in the State of New York.
5. That the said real estate owned by the said Ann C. O'Toole and by the said Thomas O'Toole her husband, at the time of their respective deaths descended to their said children upon their parents' decease.
6. That the said real estate is not susceptible of partition or division among the said parties entitled thereto and cannot be divided without loss and injury to the parties interested therein, and that it is necessary and to the interest and advantage of all the parties entitled thereto that the same be sold and the proceeds thereof divided among them according to their respective rights.

To the end therefore—

Exhibit A