

No. 5580 Equity

Jeremiah W. Etyler vs  
 Fanny E. Etyler his wife  
 Andrew H. Etyler and  
 Ida M. Etyler his wife  
 Harriet V. Etyler  
 David M. Derilbuis v  
 Ida B. Derilbuis his wife  
 and Margaret C. Etyler

Alice May Etyler

In the Circuit Court for Frederick  
 County sitting as a Court of Equity.

To the Honorable the Judges of said Court.

Your Orators and Petrices complaining, show—

- 1<sup>st</sup>. That George W. Etyler late of Frederick County died intestate about the 25<sup>th</sup> day of March A.D. 1886, seized and possessed of valuable real Estate being the same described, in certain deeds of conveyance to said George W. Etyler Certified copies of which are filed herewith marked Exhibits Nos 1, 2, 3, & 4. Except so much thereof as was sold and conveyed by said George W. Etyler by deeds, copies of which are filed herewith marked Exhibits Nos 5, 6, & 7, all of which said exhibits together with all other Exhibits herewith filed are prayed to be taken as part of this bill of complaint as fully as if here inserted, in words and figures.
2. That said George W. Etyler died leaving the Plaintiff, Margaret C. Etyler as his widow and the following as his only children and heirs at law, viz:
  - 1<sup>st</sup>. The plaintiff Jeremiah W. Etyler whose wife is named Fanny E. Etyler.
  - 2<sup>d</sup>. The plaintiff Andrew H. Etyler whose wife is named Ida M. Etyler
  - 3<sup>d</sup>. The plaintiff Harriet V. Etyler.
  - 4<sup>th</sup>. The plaintiff Ida B. Derilbuis whose husband is named David M. Derilbuis.
  5. The defendant Alice May Etyler.
3. That all of said parties reside in Frederick County and they are all adults with the exception of said Alice May Etyler who is an infant.
4. That said real estate is not susceptible of division among said parties in interest without injury and loss and it would be to the interest and advantage of all of said parties, the infant as well as the adults, for said real estate to be sold and the proceeds distributed among them according to their respective rights.
5. That the plaintiff Margaret C. Etyler is willing for said real Estate to be sold free and clear of her right of dower therein she to receive such proportion of the proceeds of sale to which she may be entitled under the rules of your Honorable Court and she files herewith her separate consent in writing therefor.

And the Plaintiff prays for the following relief—

- 1<sup>st</sup>. That said real estate may be sold by Trustees to be appointed by decree of your Honorable Court thereof and the proceeds divided between said heirs at law and widow of said Geo. W. Etyler dec<sup>d</sup>, according to their respective interests therein.
2. That a subpoena in the usual form may issue against said Alice May Etyler the infant defendant.