No. 5839 Equity.

To the Honorable the Judges of said Court.

The Bill of Complaint of Malinda Keller and Elizabeth Keller of Frederick County respectfully states.

1. That a certain Lydia Keller late of Frederick County departed this life intestate, single and unmarried, about the month of September in the year Eighteen hundred and Ninety.

2. That said Lydia Keller was at the time of her death seized and possessed of an undivided one third interest in certain real Estate situate in Frederick County described in a deed from William Keller and Henry Keller Trustees to said Lydia Keller and your two Complainants Malinda Keller and Elizabeth Keller a Certified Copy whereof is herewith filed as part hereof marked Exhibit No. 1. your said two Complainants each owning an undivided third interest in said real Estate.

3. That said Lydia Keller left as heirs-at-law (1) your Complainant Malinda Keller who was her sister (2) a sister Elizabeth Keller one of the other Complainants in this Case (3) the following children of Jonathan Keller a deceased brother, namely Thomas E. Keller the name of whose wife is Delilah Keller Amanda E. Bier wife of Joshua F. Bier, Mary Jane Bier wife of George Washington Bier and Charlotte A. W. Leitle wife of Samuel E. E. Leitle, (4) a sister Mary Ann Routzahn who is a widow, (5) the following children of William Keller a deceased brother namely John D. Keller, the name of whose wife is Mary Elizabeth Keller Charles S. Keller the name of whose wife is Jennie Keller who are adults residing in Washington County, Lauretta F. Shafer wife of J. Edward Shafer, William H. Keller the name of whose wife is Amelia E. Keller and Calvin R. Keller who is unmarried (6) a brother Henry Keller the name of whose wife is Sarah Keller (7) a brother Daniel Keller the name of whose wife is Jane R. Keller both adults residing in Frederick County, (8) a brother Isaac Keller who is unmarried, (9) and a sister Catharine Alexander wife of Larson Alexander, all of said heirs at law being adults and none being infants —

4. That said real Estate cannot be divided without loss or injury to the parties interested, being a house and lot in Middletown in said County.

5. That the Plaintiffs Malinda Keller and Elizabeth Keller believing that the interest of said Lydia Keller passed to them on her death which was always their understanding of this deed and purchase and which was their intention sold said property to a certain Charles M. Shank of Frederick County who is also one of the Plaintiffs for Nine Hundred dollars who has taken possession of the same and improved it somewhat and improved it somewhat and desires to make further improvements thinking he had a good title to the same by virtue of a deed made and acknowledged by the said the plaintiffs to him. But finding that said deed does

Exhibit No. 1