No. 5926 Equity

Terence Byrne,

vs.

Mary Cecelia Mullinix and Thomas Mullinix her husband Mary Anton Mullinix, Leonora Louis Mullinix, and Alice Catherine Mullinix,

No. 5926. Equity

In the Circuit Court for Frederick County, in Equity.

The Bill of Complaint of Terence Byrne of Jefferson County, State of West Virginia, respectfully shows unto your Honors:-

First:- That Mary Deck died intestate in or about the month of June in the year Eighteen hundred and Sixty four, as will appear from an exemplification of letters of administration granted on her estate by the Orphans Court of Frederick County herewith filed and marked Exhibit A, and which together with all other Exhibits hereinafter filed your Complainant prays may be taken and considered as part of this his Bill of Complaint.

Second: That the said Mary Deck was in her lifetime seized and possessed of valuable real Estate, situate, lying and being in Frederick County State of Maryland, consisting of certain lots of ground and improvements, situated in Frederick City, Frederick County State of Maryland, being the same property which was devised to the said Mary Deck by the last will of her husband Joseph Deck, late of Frederick County deceased, dated the Twenty fifth day of October, in the year Eighteen hundred and Fifty one, duly probated and recorded in Liber A.L.R. No. 1 folio 386, one of the Record Books of wills, in the Office of the Register of wills of Frederick County, as will appear from a Certified Copy of said will herewith filed and marked Exhibit B" a more full and particular description of said property will appear by reference to deed from John L. Fitz and wife to said Joseph Deck dated June 14th, in the year 1841, and recorded in Liber H.S. No 14. folio 214, one of the Land Records of Frederick County, and to deed from Henry Lorentz and wife to said Joseph Deck, dated December 4th 1856, and recorded in Liber C.S. No. 8. folio 116, one of said Land Records. Certified Copies of which deeds are herewith filed marked Exhibits C and D.

Third:- That upon the death of the said Mary Deck, intestate as aforesaid, her said real Estate descended unto Terence Byrne, the Complainant in this case a brother of the said Mary Deck, who resides in Jefferson County, West Virginia, to Joseph Byrne, late of Frederick County, deceased, a brother of the said Mary Deck, and to Catherine Lytle, late of Frederick County deceased, a sister of said Mary Deck as her only heirs at Law.

Exhibit C

Fourth:- That since the death of the said Mary Deck, about the month of August in the year 1874, the said Joseph Byrne died intestate, as will appear from an exemplification of letters of Administration herewith filed marked Exhibit E