

No. 0027 Equity.

6. That said Hester Ann Gibbet daughter of said Alexander H. Gibbet is entitled under his said last will and testament to one equal undivided moiety or half of said Real Estate subject to a first proportion of said Mortgage lien thereon and that as the heirs at law of said Miranda Catharine Thomas her said children are each entitled to one equal fifth part of the other equal undivided moiety or half of said Real Estate subject to a first proportion of said Mortgage lien thereon and the right of Courtesy of their father the said Charles A. Thomas the husband of said Miranda therein.

6. That said Real Estate is not susceptible of partition or division among the parties entitled according to their respective rights therein without serious loss and a injury, that they cannot agree upon a sale among themselves and that it would be for the interest benefit and advantage of all the parties concerned to have the same sold by a Decree of your Honorable Court and the proceeds of such sale distributed to the parties entitled according to their respective rights under the direction of your Honorable Court.

7. That your orator the said Charles A. Thomas is willing that said Real Estate should be so sold free and clear of all claim or right on his part as tenant by the Courtesy as the husband of said Miranda C. Thomas and to accept in lieu thereof such proportion of the proceeds of sale as he may be entitled to by the laws of this State and the rule of your Honorable Court in such case made and provided as will appear by his want thereof in writing herewith filed as part hereof and marked Exhibit No. 6.

8. That your Orators and Oratrices believe that said Rebecca C. Wallis will consent to such sale free and clear of the Mortgage lien thereon provided said incumbrances thereon are paid her out of the proceeds of sale.

So the end therefore that the respective rights and liabilities of the parties hereto under said Mortgage may be ascertained and determined by your Honorable Court, that a decree may be passed by your Honorable Court for the sale of said Real Estate by a trustee or trustees thereto appointed by such decree and the proceeds of such sale distributed among the parties entitled thereto according to their respective rights may it please your Honors to grant unto your orators and oratrices 1st The State of Maryland writ of Subpoena to the said Defendants Hester Ann Gibbet and Rebecca C. Wallis of Frederick County State of Maryland directed Commanding and requiring them and each of them to be and appear in your Honorable Court by a day certain to be therein named to answer the foregoing and to stand to abide by and perform such order or decree as your Honorable Court may pass therein.

2^d And for such other and further relief as their

Exhibit A