

## No. 6028 Equity.

the said Rosanna Flare also vice regina and possessed of a certain other parcel of land conveyed to her by one Edward Routshaw & wife before her death but the deed for which has been misplaced and containing about fifteen acres of land more or less.

2<sup>d</sup> That the said Rosanna Flare left a last will and testament duly executed according to the laws of Maryland and which will was duly admitted to probate by the Orphans Court of Frederick County, Maryland a Certified Copy of which will is filed herewith as Exhibit No. 1 to this petition.

3<sup>d</sup> That the said Rosanna Flare by said will devised said real estate described in Exhibit No. 1 and the Routshaw tract to her husband Peter Flare during his natural life and after his death she devised it to be appraised by two judicious persons appointed by the Orphans Court and that the said Lewis Flare have the privilege of keeping it at the appraisement first retaining four hundred dollars as his share and the balance if any to be equally divided between her children including the said Lewis, but if he shall not elect to keep said property, then she directed the same to be sold and the said Lewis to have four hundred dollars and the balance to be equally divided amongst all of her children, share and share alike and one Edward Routshaw of said County are appointed in said will as the sole Executor thereof, all of which will fully appear by reference to said Exhibit No. 2.

4<sup>th</sup> That the said Peter Flare recently died, as did also the said Edward Routshaw, whose death occurred after the said Rosanna Flare, but proceeded the death of the said Peter Flare.

5<sup>th</sup> That the said Lewis Flare, who is one of the petitioners in this proceeding, refuses to accept said property at any appraisement whatsoever, but desires to have the same sold according to the provisions of said will, and that a distribution of the proceeds of said sale be made as provided in said will, he to receive four hundred dollars first out of said proceeds after the payment of the Costs and Expenses.

6<sup>th</sup> And the said Rosanna Flare left surviving her the following Children viz; Lewis Flare whose wife's name is Marcin Flare, Charles Flare whose wife's name is Emma Flare, Margaret Fredericks a daughter who has died since the death of Rosanna leaving the following Children viz; Albert, Charles, Conny, Mollie, Fannie Cook and another child whose name is unknown to your petitioners, all of which Children and Lewis at law reside in the West and are non residents of Maryland; Peter Flare Jr who died since the death of Rosanna leaving the following Children Solo M. Flare, Edith G. Flare, Charles M. Flare and Betty Flare, that the above named Children of Margaret Fredericks and Peter Flare Jr are minors under twenty one years of age, whilst the others are adults, and a said adults reside in Frederick County, Maryland.

7<sup>th</sup> That inasmuch as your petitioner refuses to take said real estate upon the terms set forth in said will, and the same is now to be sold under the provisions of said will for the purposes therein specified and the person appointed to sell the same by said will is dead it becomes

Exhibit 2