No. 6049 Equity

3. A sister Sophia Hall whose husband's name is Ralph J. Hall
4 A brother Joseph Kolb, whose wife's name is Maggie.
5 A brother Alpha Kolb whose wife's name is Alice,
6. And the plaintiff Lewis A. Kolb, who is a brother of the deceased.
to which brothers and sisters, the real Estate described in the above mentioned Exhibits, on the death of the said David F. Kolb deceased and vested in as tenants in Common, and who are now as seized and possessed of the same

3rd That said real Estate is not susceptible of division among said heirs at law without great loss and damage, and that in event they cannot agree to a partition of the same, it would be to the interest and advantage of all of them to have the same sold and the proceeds divided among them according to their interests

4th That all of said heirs at law are adults and resident in Frederick County, Maryland excepting Naomi Utermehle, Andrew J. Whittaker and Louisa Whittaker, his wife, Ralph J. Hall and Sophia Hall, his wife, and Joseph Kolb and Maggie Kolb, his wife, all of whom are nonresidents and do not reside within the State of Maryland, the said Naomi Utermehle, Andrew J. Whittaker and Louisa Whittaker, his wife, and Ralph J. Hall and Sophia Hall, his wife, residing in the District of Columbia, and Joseph Kolb and wife residing in the State of Ohio,

5th That in his life time the said David F. Kolb Executed a mortgage to secure the payment of the sum of twelve hundred dollars to John E. Lamar on the real Estate described in Exhibit A, which mortgage has been assigned to Mrs. Harriet E. Gibson of Frederick County, Maryland, which mortgage is long since due, a certified copy of which mortgage is filed herewith marked Exhibit C. to this Bill.

And the plaintiff prays for the following relief.

1st That a decree may be passed for the sale of the real Estate of which David F. Kolb died seized and possessed and described in the above Exhibits and that the proceeds after the payment of what is due on the above mortgage be divided among said heirs at law Equally.

2nd That a summons may be issued directed to the said Alpha Kolb and Alice his wife, and Harriet E. Gibson of Frederick City, commanding them and each of them to be and appear in your Honorable Court on some certain day to be named therein to answer said Bill and abide by and perform such decree as may be passed therein.

3rd That an order of publication be issued directed to the said Naomi Utermehle, Andrew J. Whittaker and Louisa Whittaker his wife, Ralph J. Hall and Sophia Hall, his wife, Joseph Kolb and Maggie Kolb his wife, notifying them of the object and substance of this Bill, and commanding them and each of them to be and appear in your Honorable Court on some Certain day to be named therein to answer said Bill and abide by and perform such decree as may be passed in the premises.

4th And for such other relief as the nature of the case may require

And as in duty bound will ever pray &c

Filed December 19th 1892. J. E. Motter, Sol for Plaintiff