

No. 6272. Equity.

one hundred acres of land, more or less, as described in the Deed from Sanford Harbaugh and Catherine Harbaugh, his wife, to George M. Harbaugh, of date September 10th 1889, and recorded in Liber W.D.P. No. 9, folios 506 and 507, one of the Land Records of Frederick County, Maryland, a certified Copy of which Deed is here-with filed as part hereof marked "Exhibit B."

5. That during his lifetime the said George M. Harbaugh and Pavilla Harbaugh, his wife, borrowed the sum of \$650, from the Franklin Savings Bank of Frederick in consideration of which they executed unto William H. Resdeman, the Secretary of said Bank, their joint and several promissory note of date July 4th 1889, payable 6 months after date, on which note the sum of \$530.50 has been paid on the principal and the interest paid until the date October 10th 1894, leaving a balance due on said note at this date of \$119.44 which said promissory note was secured by a mortgage executed by said George M. Harbaugh and Pavilla Harbaugh, his wife, of date July 4th 1889, conveying unto said Franklin Savings Bank of Frederick, Maryland, the real estate mentioned in "Exhibit A," which said promissory note was on the 5th day of July in the year 1894 assigned by the Franklin Savings Bank of Frederick, Maryland, for value received, to Jacob Rohrbach, as witnessed by said note filed herewith as part hereof marked "Exhibit C," which said mortgage, as recorded in Liber W.D.P. No. 8, folios 811, etc. one of the Land Records of Frederick County, Maryland, was, on the date July 5th, 1894, in like manner assigned unto Jacob Rohrbach, as evidenced by a Certified Copy of said mortgage herewith filed as part hereof marked "Exhibit D."

6. That the said George M. Harbaugh died seized and possessed of the said real estate and none other in Frederick County, State of Maryland.

7. That your Oratrix Pavilla Harbaugh, as the widow of the said George M. Harbaugh, is entitled to her right of dower in the real estate described in "Exhibit B" and in the Equity of redemption of the real estate described in "Exhibit A," the age of your Oratrix at this time being 58 years.

8. That all the parties to this cause are residents of Frederick County in the State of Maryland.

9. That the said children of George M. Harbaugh, deceased, together with the children of Walter Harbaugh, deceased, as heirs of their father, are tenants in common of the above described real estate, subject to the mortgage above referred to and also subject to the dower right of the said Pavilla Harbaugh.

10. That your Oratrix, Pavilla Harbaugh, widow of George M. Harbaugh, deceased, hereby consents to receive in lieu of her right of dower in the real estate above described such a sum of money as allowed by the established rules of your Honorable Court.

11. That said real estate is not susceptible of division or partition among the parties interested without great loss and injury.

12. That it is to the advantage of all the parties interested that the said real estate should be sold, and the net proceeds divided among the parties interested in such share as they are respectively entitled to.

Your Orators, therefore, pray your Honors for the following relief:

1. That the real estate mentioned in Exhibits A & B, may be

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