No. 6360. Equity.

of said sale with the proceeds of other property set forth in said will to the payment of his just debts and to devise the residue among his Children and his surviving widow, shares and share alike, his Children to have theirs absolutely, but his widow her share only during her natural life, all of which will appear by reference to a Certified Copy of said will as admitted to probate by the Orphans Court of Carroll County, when he resided at the time of his death. Filed herewith marked Exhibit No. 3 to this Bill.

9th That the said Martin Nicodemus is still seized and possessed of the undivided three fifths interest in said real Estate and the said heirs at law of the said Margaret E. Carter are still seized and possessed of their undivided one fifth interest in said real Estate described in Exhibit No. 1 to this Bill of Complaint.

10th That the real estate described in Exhibit No 1 is incapable of division among said parties interested therein without great loss and damage and they Cannot agree upon a sale thereof, that it would be to their interest and advantage and to the special interest and advantage of the Estate of the said Henry Carter, deceased and all those interested therein, to have it sold under a decree passed by your Honorable Court directing the entire fee in said real Estate and the whole of it to be sold by a trustee appointed by your Honorable Court for that purpose, and the proceeds of sale to be divided among those interested.

11th That the parties above named are all adults and their place of residence are as follows, Martin L. Nicodemus Adam S. Eltzer and Emma F. Eltzer, his wife, James R. Eltzer and Laura J. Eltzer his wife, Henry Appleby and Margaret E. Appleby his wife, Mary E. Carter, Grace B. Carter and William R. Curry resides in Frederick County, Maryland and Mary Jane Carter, Kate Carter and Charles Koontz and Susan Koontz his wife reside in Carroll County Maryland, Charles H. Carter and Flora Carter his wife are nonresidents of the State of Maryland but who are at present temporarily in Frederick County State of Maryland and reside in the State of Illinois.

And the plaintiff prays for the following relief.

1st That a decree may be passed by your Honorable Court directing and decreeing that the real Estate described in Exhibit No 1 to this Bill of Complaint be sold by a trustee or trustees to be appointed by your Honorable Court, and that the proceeds of sale of said real Estate be divided among those entitled thereto.

2nd That a summons may be issued directed to the said Martin L. Nicodemus, Charles H. Carter and Flora Carter, his wife, Adam S. Eltzer and Emma F. Eltzer, his wife, James R. Eltzer and Laura J. Eltzer, his wife, Henry Appleby and Margaret E. Appleby his wife, Mary E. Carter, Grace B. Carter and William R. Curry Executor of the last will of Henry Carter, deceased, of Frederick County, Maryland and Jane Carter, Kate Carter and Charles Koontz and Susan Koontz, his wife, of Carroll County, in the State of Maryland, to be and appear in your Honorable Court on some certain day to be named them to answer this Bill of Complaint and abide by and perform and decree as may be passed in the premises.

3rd And for such other and further relief as the nature of this case may require. And as in duty bound will ever pray &c

Filed July 15th 1895.

Frank L. Stoner
John C. Motter Sol for Pltf.