No. 6360. Equity.

and the following Children as his heirs at law;- Lewis F. Carter whose wifes name is Alice Carter, Charles H. Carter whose wifes name is Flora Carter, a daughter Emma Etzler, whose husbands name is Adam Etzler, a daughter Laura J. Etzler, whose husbands name is James R. Etzler, a daughter Margaret Appleby, whose husbands name is Henry Appleby, a daughter Mary E. Carter, a daughter Kate Carter, a daughter Grace B. Carter, a daughter Susan Koontz whose husbands name is Charles Koontz, to whom said one fifth interest of their said mother deceased as tenants in Common subject to their fathers life estate therein,

6. That upon the death of said Margaret E. Carter her said heirs at law and said Henry Carter and said Martin L. Nicodemus were seized and possessed of the fee in said real Estate as tenants in Common,

7. That in the year 1894 the said Henry Carter died intestate in Carroll County, Maryland, seized and possessed of an undivided one-fifth interest in said real estate, which he had purchased from said Charles V. Nicodemus, leaving a widow, named Mary J. Carter, surviving him, and the above named Children of Margaret E. Carter surviving him as his heirs at law.

8. That by his last will and testament the said Henry Carter directed his Executor, William R. Bury, who has qualified as such Executor, to sell all his real estate situated in Frederick County, Maryland, including his one fifth interest in the above described property at either private or public sale within one year from the date of his death and to apply the proceeds thereof as directed in said will, a Certified Copy of said will being filed in said Cause as Exhibit No. 3.

9. That the said Martin L. Nicodemus is still seized and possessed of the undivided three-fifths interest in said real estate and the heirs at law of said Margaret E. Carter are still seized and possessed of their undivided one-fifth interest therein.

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

11. That the above named parties are all adults and their places of residence are as follows:- Martin L. Nicodemus, Adam J. Etzler and Emma F. Etzler, his wife, James R. Etzler and Laura J. Etzler, his wife, Henry Appleby and Margaret E. Appleby, his wife, Mary E. Carter, Grace B. Carter and William