

No. 7174 Equity

Bill of Complaint

possessed hereinbefore described, which Mortgage has since the death of the said Jeremiah Eiler been duly assigned to Marshall B. Eiler all of which will appear by reference to a certified copy of said Mortgage filed herewith and marked exhibit No. 7 to this Bill of Complaint.

6th That the said Jeremiah Eiler left surviving him a wife Eliza Ann Eiler resident of Frederick County and the following named children all of which are adult residents of Frederick County, in whom said real estate vested upon the death of the said Jeremiah Eiler as tenants in common, subject however to the dower interest of the said Eliza Ann Eiler, viz: -

An adult son Marshall B. Eiler whose wife name is Elizabeth, a son Cornelius B. Eiler whose wife name is Maggie F. Eiler a son William P. Eiler whose wife name is Mary Eiler

A son George Eiler whose wife name is Gertrude Eiler,

A son H. Clayton Eiler whose wife name is May Eiler,

7th That on the 20th day of November in the year A. D. 1899. the last named son H. Clayton Eiler and May his wife by their deed duly executed acknowledged and recorded in Liber D. H. H. No. 5. Folio 307 one of the Land Records for Frederick County did convey their interest in and to the property described in exhibits Nos 4 and 5 to Marshall B. Eiler and George B. Eiler a certified copy of which deed is filed herewith and marked Exhibit No 8. to this Bill of Complaint.

8th That a certain Reinhardt & Co. did on the 13th day of August, A. D. 1899. obtained a Judgment by confession against the Defendant Clay Eiler in the sum of \$63.44, together with twenty five cents costs, which Judgment was duly recorded in the office of the Clerk to your Honorable Court, a certified copy of which is herewith filed and marked exhibit, No. 7. to this Bill. The said Reinhardt and Co. did also on the same day on the same day, procure Judgment by confession against the said Clay Eiler for the further sum of \$49.51 which Judgment has been duly recorded in the office of the Clerk to your Honorable Court a certified copy of which is herewith filed marked exhibit No. 9.

9. That said real estate should be sold and the proceeds of sale may be distributed amongst the plaintiffs and such other creditors as the said Jeremiah Eiler had at the time of his death, and the surplus if any, first having paid the Mortgage debt, be distributed amongst the heirs at law according to their respective rights.

1st That your Honorable Court will decree a sale of said real estate as described in Exhibits Nos. 3 and 4, by Trustees selected by your Honorable Court, and that an accounting may be had of the proceeds arising from said sales and the proceeds arising from such sales may be distributed under the direction of your Honorable Court to the parties entitled according to their respective rights and interests.

2. And for such other and further relief as the nature of their case may require.

May it please your Honors to grant unto complainant the writ.