No. 7223 Equity.

Bill of Complaint

William H. Mort, and Elizabeth S. Mort, his wife, Plaintiffs,

vs.

Mary M. Mort, surviving widow of Frederick R. Mort, deceased; Catherine M. Lohr, Harry C. Lohr, her husband; Bessie M. Mort and William T. Mort, infants, defendants

No. 7223 Equity.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of William H. Mort and Elizabeth S. Mort, his wife, respectfully represents unto your Honors:

1. That both of the Plaintiffs are adults and reside in Frederick County, Maryland, and that the defendants Mary M. Mort, Catharine M. Lohr and Harry C. Lohr, are all adults and reside in said Frederick County, and the said Bessie M. Mort and William T. Mort are both infants under the age of 21 years and also reside in said Frederick County, Maryland.

2. That on or about the 3rd day of June A.D. 1900 one Frederick R. Mort, late of said Frederick County, deceased, departed this life, seized and possessed of an undivided one half interest in certain real Estate, situated in Woodsboro district, in said Frederick County, Maryland, being the same real estate which is described in a deed from Francana Lohr and Simon Lohr, her husband, Frederick R. Mort and Mary M. Mort, his wife, William H. Mort and Elizabeth Mort, his wife, to William H. Mort and Frederick R. Mort, said deed bearing date April 3rd A.D. 1890 and recorded in Liber W.I.P. No. 11 folio 248 etc, one of the Land Records of said Frederick County, as will appear by reference to a certified copy of said deed filed herewith and marked "Exhibit A" which exhibit together with such other exhibits as the plaintiffs may hereafter file, is prayed may be considered and taken as a part of this Bill.

3. That the said Frederick R. Mort died intestate and left surviving him a widow Mary M. Mort and the following children as his heirs at law, namely Catharine M. Lohr, a daughter whose husbands name is Harry C. Lohr Bessie M. Mort, a daughter and William T. Mort a son, all of which parties are defendants in this cause.

4. That by operation of law the said undivided one half interest in the real estate mentioned in "Exhibit A" descended to and became vested in the above mentioned Mary M. Mort, surviving widow of Frederick R. Mort deceased, Catharine M. Lohr and Bessie M. Mort and William T. Mort as said surviving widow and heirs at law of the said Frederick R. Mort, and that along with William H. Mort one of the plaintiffs in this cause, are tenants in common in the whole of the real estate mentioned in said "Exhibit A."

5. That the said William H. Mort aforesaid is the owner of the other undivided one half of the real estate mentioned in said "Exhibit A."

6. That the said Real Estate mentioned in said "Exhibit A" is not susceptible of division among the above mentioned owners thereof; that it cannot be divided