

No. Equity 7275

Bill of Complaint

Millard F. Davis and Phoebe Davis,
his wife, and Willie G. Davis,
Complainants

No. 7275 Equity

In the Circuit for Frederick County
in
Equity.

George W. Davis, and Jennie
Davis, his wife, and Hattie
Davis, Widow, Defendants.

To the Honorable the Judges of the Circuit Court for Frederick County:

The Bill of Complaint of Millard F. Davis and Phoebe Davis, his wife, and Willie G. Davis a bachelor, respectfully shows unto your honors:-

1. That Samuel J. Davis, late of Frederick County, deceased, did intestate on or about August 5th, 1900, leaving surviving him no child, or children or descendant, but a widow, Hattie Davis, and three brothers, as follows: Millard F. Davis whose wife's name is Phoebe Davis, George W. Davis, whose wife's name is Jennie Davis and Willie G. Davis, all of whom are adults of over 21 years of age and all of whom reside in Frederick County, Maryland, except Willie G. Davis who resides in Washington D. C. as his only heir at law. Although the father Thomas Davis, and the mother, Lucretia Davis, of said intestate, survive, the complainants are advised that they have no share in his real estate.
 2. That at the time of his death, as aforesaid, the said Samuel J. Davis was seized and possessed of certain real estate, located in said county, near Mt. Airy in Woodville District consisting of a house and lot of nearly seven acres of land, which the said intestate obtained by purchase in his life time, from Amos W. Dempsey and wife, as will appear by reference to the deed of conveyance of said house and lot from said Dempsey and wife to Samuel J. Davis, dated September 21, 1895, and duly recorded in Liber J. L. J. No. 11 at folio 359 one of the land records of Frederick County a certified copy of said deed being filed herewith marked Exhibit, and prayed to be considered a part of this
 3. That your orators are advised that upon the death of said intestate the said real estate descended to his three brothers, above named, in equal portions as tenants in common subject to the dower right of intestate's widow, Hattie Davis, and the complainants and defendants are all the persons having an interest in the said real estate, holding and enjoying the same as tenants in common, subject to the widow's dower by descent from their deceased brother, Samuel J. Davis, in manner and form as aforesaid.
 - 4th That the said house and seven acres of land or not susceptible of partition or division in kind among the persons interested, without serious loss and injury to the persons entitled, and that it is the desire of the complainants that the said real estate be sold and the proceeds distributed to the parties entitled according to their respective rights and interests, under the supervision of your honorable court and those complainants invoke the aid of your honorable court to that end.
- To the end therefore that a decree may be passed for the sale of said real estate by a trustee to be appointed by your Honorable Court, that the proceeds of sale may be brought into court and distributed among the parties interested according to their respective rights and interests and that your orators may have such other and further relief as the nature of this case may require.

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