

No. 6898 Equity

Bill of Complaint.

unto John W. Nichols as Administrator as will appear by reference to a duly certified copy of said letters of Administration filed herewith as a part of this Bill and marked Exhibit # 3.

7th The said Administrator has made a return of all the personal estate and monies to the said Orphans Court as will appear by Exhibit # 4 and 4^r herewith filed as a part hereof, but has made no report of sale of said property and has made no account in said Court.

8th That the time of his death the said John Nichols was seized and possessed of certain real estate situated in District of Frederick County in the State of Maryland and consisting of real estate described in the deed from Andrew J. Cobbet & wife to John Nichols bearing date April 21st 1891 as found recorded in Liber N 2 P No 13 folio 329 or one of the Land Records of Frederick County, Maryland as will appear by a duly certified copy of said deed filed herewith as part hereof and marked Exhibit No 5.

9th That the plaintiff is informed, believes and so charges that the personal property is wholly insolvent and insufficient for the payment of his debts and that it will be necessary that the real estate herebefore mentioned in these proceedings be sold for the payment his debts.

10th That at the time of his death the said John Nichols left surviving him a widow Mary A. C. Nichols, Annie Elliott, a daughter and John Elliott her husband, Hattie Spaulding, a daughter and Howard Spaulding her husband, Lilly Kerns, a daughter Hackett Kerns, her husband, Ida Standeman a daughter and Clarence Standeman, her husband, John W. Nichols a son, India Williams a daughter and James B. Williams, her husband, Wm. J. Nichols a son, all of whom are adults; and Charles M. Nichol a son, an infant; Sada Nichols, a daughter an infant, and Zula Nichols, a daughter an infant all of whom are residents of Frederick County, Md. so far as the Plaintiff is informed.

11th That the plaintiff is informed, believes and so charges, that a considerable portion of the personal property returned by the administration is the personal property of the said John Nichols died as a matter of fact does not belong to the estate of the said John Nichols, died but was appraised as the property by mistake, so that the actual value of the personal estate is certainly much less than as shown by the said appraisement filed herewith as Exhibit # 4 aforesaid.

Your Orator therefore in behalf of itself and of all other creditors of the said John Nichols deceased who may become parties hereto prays for the following relief.

1st That your Honorable Court will pass a decree that the real estate of the said John Nichols, above mentioned may be sold under the authority of your Honorable Court and the proceeds thereof applied to the payment of the debt of your Orator and of other creditors of the said John Nichols, dec, who may come in and contribute to the expenses of these proceedings.

And for such other and further relief as the nature and Equity of his case may require.

To the end therefore may it please your Honor to grant unto your Orator the writ of Subpoena in the usual form commanding the said Mary A. C. Nichols, widow Annie Elliott and John Elliott, her husband, Hattie Spaulding and Howard Spaulding, her husband, Lilly Kerns and Hackett