

No 5773 Equity,

Bill of Complaint

1. That a certain Henry J Deaver late of Frederick County in the State of Maryland, died on or about the day of December 1889 intestate leaving Keenie H. Deaver his wife who hath a dower interest in the hereinafter described real estate and Mary Deaver, Margaret E Deaver and Henry J. Deaver, infant children and also your oratrix who is an adult son over the age of twenty one years all of whom are his children and heirs at law to certain real estate situated in Frederick County aforesaid near the Village of Knoxville and fully described in the exhibits herewith filed as part of this bill and marked Exhibits 1 2 3, 4, 5, 6, 7, 8, 9, 14 less the parcels conveyed away described in Exhibits 10, 11, 12, 13 15.

2.

That the said Henry J. Deaver in his life time was indebted unto a certain B. H. Whalen and C. C. Carty in the sums of \$26¹⁵/₁₀₀ and \$5⁰⁰/₁₀₀ respectively the former of which was assigned to Hope H. Barrall by John B. Thomas as Admr of B. H. Whalen and the latter of which were assigned to said Hope H. Barrall by said C. C. Carty as will appear by Exhibits "A", "B" and "C" filed herewith, and that letters of Administration upon the estate of the said Henry J. Deaver were committed by the Orphans Court unto Hope H. Barrall and that the personal estate of the said Henry J. Deaver is not sufficient to pay his debts as will appear by the certificate of the Register of Wills filed herewith and marked Exhibit "D"

3. That the said Mary Deaver, Margaret E. Deaver, Henry J. Deaver and Keenie H. Deaver are now temporarily residing in the City of Philadelphia in the State of Pennsylvania.

And your orators show that the said real estate is not susceptible of division and that no division thereof could be made without loss and injury to the parties entitled, except by greatly injuring and depreciating the value of the said real estate and your orators are advised that any deficiency in the said personal estate ought to be supplied by a sale of the real estate of the aforesaid Henry J. Deaver, and your orator is unable to obtain adequate relief against the aforesaid real estate without the aid of this Court.

4. That the said Henry J. Deaver being indebted unto Ella V. Eichelberger by his promissory note bearing date Jan. 13 1886, in the sum of \$8000⁰⁰ for the purpose of securing the payment of said promissory note did together with his wife H. H. Deaver by their deed of Mortgage bearing even date therewith convey to Ella V. Eichelberger the lands described as will fully appear from a certified copy of said mortgage herewith filed marked Exhibit "E" and which mortgage was duly assigned by the said Ella V. Eichelberger to Effie V. Eichelberger on February 16th 1886.

5th That the said Henry J. Deaver and H. H. Deaver his wife being indebted unto Francis J. Knight by their promissory note bearing date Dec. 13th 1886, in the sum of \$10000⁰⁰ for the purpose of securing the payment of said promissory note did by their deed of Mortgage bearing even date therewith convey to Francis J. Knight the lands therein described as will fully appear from the certified copy of said mortgage herewith filed marked Exhibit "F. J. S. K."