

No. 778 Equity

Etelle Leopold a daughter, all of whom are infants under the age of twenty one year and reside with their mother in Laurel, Maryland, and Martha M., a daughter who intermarried with Elijah Phelps; that said Martha M. Phelps has since the death of her father Lewis Leopold, also departed this life leaving surviving her a husband, whose name is Elijah Phelps and an infant son whose name is Herman L. Phelps, and who reside with his grand mother Margaret J. Leopold.

3. That a portion of the land included within the lines named in the said deed "Exhibit A" was after the death of the said Lewis Leopold, claimed by a certain Samuel B. Foster and after the same had been determined by a proper survey, the said Margaret J. Leopold purchased the said disputed portion of said land, paying the sum of twenty five dollars therefor as will appear by reference to the original deed conveying the same filed herewith marked "Exhibit B", and that it would be to the interest and advantage of all the parties to have said land mentioned in "Exhibit B" and which is also included in "Exhibit A" sold with the land mentioned in "Exhibit A". So as to avoid any doubt whatever in said title, and that to sell the land, without the portion included in "Exhibit B" would make the lots too small to make an advantageous sale; your Complaint therefore asks that it would be to the interest and advantage of all the parties that the said sum of twenty five dollars should be added to the said Margaret J. Leopold ^{out} of the proceeds of sale of said land, to reimburse her for the amount paid by her for the land mentioned in "Exhibit B".

4. That the land and premises mentioned in "Exhibit A" is not susceptible of division among the parties thereto entitled, without loss and injury, and it would be to the interest and advantage of all the parties to have the same sold under a decree of your Honorable Court and the proceeds of sale distributed to the parties thereto entitled according to their respective rights and interests.

To the end therefore,

(a) That a decree may be passed directing the sale of the land and premises mentioned in