

No. 8089. Equity

George N. Wilhide whose wife's name is Blanche Wilhide, a son John E. Wilhide whose wife's name is Alice Wilhide all of whom are adults, residents of Frederick County in whom the Real Estate mentioned in Exhibit No. 1. Vestes pursuant to the provisions of the Last Will and Testament of said Lavinia J. Wilhide.

5th That the said Miles M. Wilhide, Executor of said Last Will and Testament: Although more than three years have elapsed since the death of the said Lavinia J. Executor, and there is no person qualified under the law to carry out the provisions of said Will.

6th That said Last Will and Testament provides, "As follows" I direct my executor three years after my decease to sell at Public Sale the farms upon which I now reside and the proceeds of said Sale to be equally divided share and share alike in trust to my three sons viz- Peter R. Wilhide John E. Wilhide and George N. Wilhide" yet notwithstanding the express provisions of said Will directing a Sale of said real estate at the end of three years from the death of the testatrix, the defendant Miles M. Wilhide Executor of said Will has failed to qualify as such executor and neglected to exercise the power of Sale as in said Will directed.

7th That said real estate is not susceptible of partition amongst the parties of interest, without great loss and damage, and it would be to the benefit and advantage of all the parties of interest to have said real estate sold under the guidance and direction of Your Honorable Court, and by its decree, providing for the retention of the proceeds arising from said Sale subject to the further order of your Honorable Court, and until the rights and interests of all the parties to this cause, are finally determined by the future judgment and decree of your Honorable Court; doubts and uncertainty existing as to the interests of the several parties to this cause in and to the real estate mentioned in said will, by reason of the uncertainty of the meaning of said Will. To the end therefore:-

(1) That Your Honorable Court will grant a decree for the Sale of the said real estate, retaining the Custody of the proceeds of Sale subject to the further order and decree of the Court.

(2) and for such other and further relief as the nature of the case may require.

May it please Your Honor to issue the writ of