

No. 8172. Equity.

of Rocks, in Buckeystown Election District, Frederick County, State of Maryland, and adjoining the land of Andrew J. Colburn, and Mary E. Dean et al., and which was conveyed unto the Said Catherine Thomas, (who was formerly Catherine Dean) by deed executed by Mary E. Hummer, bearing date May 23, A.D. 1868, and duly recorded among the Land Records of Frederick County, as well appear by reference to a Certified Copy of said deed which is filed herewith marked "Exhibit A", which, together with all Exhibits herewith filed, it is prayed, may be taken and considered as a part of this Bill of Complaint.

Second: That the Said Catherine Thomas (formerly Catherine Dean) departed this life intestate in or about the month of May, 1905, leaving surviving her a husband, whose name is Wally N. Thomas, and two children;—a son, Samuel E. Thomas, who is unmarried, and a daughter, Alvertie V. Bernard, who is a widow, all of whom are adults residing in Brunswick, Frederick County, Maryland.

Third, That your Complainant, Charles H. Fester, trading as C. H. Fester and Son, is an undertaker residing in Brunswick, Frederick County, Maryland, and furnished the casket and performed the services necessary for the burial of the Said Catherine Thomas, for which there was due him the sum of sixty dollars (\$60.00), and for which he has never been paid, as appears by an itemized bill filed herewith marked "Exhibit B".

Fourth, That the Said Funeral expenses of the Said decedent by provision of law is considered a debt of Said decedent, and for the payment of which the property of the Said decedent is liable.

Fifth: That the Said Catherine Thomas left no personal property, out of which the payment of the claim of your petitioner can be made, and no letters of Administration have ever been granted upon the personal estate, and that the property mentioned and described in "Exhibit A" should now be sold, under a decree of your Honorable Court, and the proceeds applied first, to the payment of the claim of your Complainant, and secondly, to the claims of all other creditors of the Said Catherine Thomas, who may come in and contribute to the expenses of these proceedings.

To The End Therefore (as) That the land mentioned in "Exhibit A" may be sold under a decree of your Honorable Court, by a Trustee to be appointed to make said sale, and the proceeds applied to the payment, first