

No. 8602 Equity.

Order of Publication.

Filed Sept. 12-1910.

Mary E. Musbaum and
Adam F. Musbaum, her husband,
et al.

In the Circuit Court
for Frederick County,
in Equity.

vs

St. John's Reformed Church
Woodsboro, Frederick County,
Maryland, et al.

The object of this suit is to procure a decree for the sale of the real estate of which Josephus Song, departed this life on or about November 1905, leaving a last will and Testament, which is filed as an exhibit with the bill. That said will and Testament, which is filed as an exhibit with the bill, That said will provided and directed that certain legacies therein mentioned should be paid upon the death of his wife, Sarah E Song, died on or about 11th, 1910. That said beneficiaries are now entitled to have their legacies paid out of the proceeds of the sale of the real estate described in a deed filed as an exhibit to the bill consisting of a farm owned by the testator at the time of his death, containing 152 acres, 2 roads and 23 perches, more or less. That under the terms of said will of Josephus Song, no power of sale for said real estate is conferred upon any one, either expressed or by implication. That the Orphans Court for Frederick County had no power to appoint any one to make sale of said real estate nor did the appointment of an Administratrix, d. b. n. c. t. a., to confer this power or authority upon such an administratrix, d. b. n. c. t. a. That the personal estate of the said Josephus Song is utterly inadequate to pay said legacies and bequests. That a Court of Equity only has jurisdiction to appoint a suitable person to make sale of said real estate in order to effectuate the provisions of said will. That the following legatees take under the provisions of said will: St. John's Reformed Church at Woodsboro, John R. Cunn, Sarinia Burrier, wife of Jacob B. Burrier (at her death to go to her children), Sila Houck, Clara M. Musbaum, Asa J. Musbaum, Sarinia Burrier wife of Josiah Burrier, Catherine Garver, wife of Scott Garver, Sila Schofield, Emma Schofield, Lillie S. Song, Clara Wackter wife of Elmer C. Wackter and the four children of Reuben Song. That the said Josephus Song having failed to put a residuary clause in said will: Mary E. Musbaum, a sister, whose husbands name is Adam F. Musbaum, resident of Frederick County, Maryland

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