

as appears from the printer's certificate filed herewith.

Glenn H. Worthington.

Filed July 28 1913.

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NO. 8988 EQUITY.

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND.

Gordon Streng, Complainant

In the Circuit Court for Frederick

vs.

County Maryland.

George W. Waters, and Ida H. Waters his wife

Equity No. 8988.

Sarah D. Waters, Benoni D. Waters, Robert T. Waters, and Frederick L. Waters, Defendants.

Your orator complaining says-----

1. He is a citizen of the United States and a resident of the City of Chicago, in the State of Illinois, of lawful age and brings this suit in his own right; the defendants are all citizens of the United States and of lawful age; defendants George W. Waters and Ida R. Waters, his wife reside in the town of Weiser, State of Idaho; the defendant Sarah D. Waters resides in the town of Boise, State of Idaho; the defendant Benoni D. Waters resides in the town of Mabton, State of Washington; all of the above named defendants are non-residents of the State of Maryland; the defendants Frederick L. Waters and Robert T. Waters are non-residents of the State of Maryland and their whereabouts are to your orator unknown; he has been unable after diligent inquiry to ascertain the same.

(2.) Your orator and the defendants, other than the defendant Ida H. Waters, are the owners in fee simple in their own right, as tenants in common, in the following proportions, that is to say your orator an undivided nineteen twenty-fourths ( $19/24$ ) and defendants George W. Waters, Sarah D. Waters, Benoni D. Waters, Frederick L. Waters, and Robert T. Waters, each an undivided one twenty fourth ( $1/24$ ) of the whole, of the following described land and premises, situated, lying and being in said Frederick County, State of Maryland, viz--

Lot forty-nine (49) on Willy James plat of Sugar Leaf Mountain beginning for the same at a stone marked B No. 49 and running thence North eighty-seven (87) perches to stone No. 1, thence West sixty-eight (68) perches, to stone No. 2, thence south eighty-seven (87) perches to stone No. B 42, thence with a straight line to the beginning, containing thirty-four and three-fourths ( $34\frac{3}{4}$ ) acres more or less.

(3) Your orator is desirous of possessing and enjoying his interest in the said property in severalty and said land, by reason of its situation with reference to public roads and means of access, the purposes for which it is available, and the small fractional interest owned by said defendants therein, cannot be divided without loss or injury to the parties interested; your orator is informed and believes, as a matter of law, and therefore avers, that he is entitled to have the same sold for partition and to have his share of the proceeds of sale paid to him and have a trustee, or trustees appointed to make such sale.

Wherefore your orator prays for the following relief--That the aforesaid parcel of land be sold for partition and the proceeds divided among the parties hereto in accordance with their several interests so that your orator may enjoy his share thereof in severalty and a trustee or trustees