

NO. 8582 EQUITY.

Charles S. Michael, and Lela Michael, his wife,

No. 8582 Equity.

VS.

In the Circuit Court for Frederick County In Equity.

Amanda L. Michael, widow; and life tenant,
 Rose Elizabeth, Michael and Oscar Hamilton
 Michael, infants, and James H. Michael, Ex-
 ecutor of Solomon H. Michael, deceased.

To the Honorable the Judges of said Court--

The Bill of Complaint of Charles S. Michael and Lela Michael, His wife, of Washington County, and State of Maryland, respectfully shows unto Your Honors--

1st.--That a certain Solomon E. Michael late of Frederick County, and State of Maryland, departed this life on or about the month of October, A. D. 1899, leaving a last will and testament, and seized and possessed of the following real estate, situate lying and being in Frederick County, and State of Maryland, as follows to wit--

A farm of about 45 acres of land described in the deed from Ezra Schildknecht and Isaiah Leatherman, Executors of William Schildknecht, to the said Solomon H. Michael, bearing date May 31st A. D. 1886, and recorded in liber W. I. P. # 1 folio 431 one of the land records of Frederick County, a duly certified copy of which said is herewith filed and marked #1. And also a mountain lot containing about 6 acres, 3 roads and 20 square perches of land which is described as "second" in the deed bearing date April 20th A. D. 1885, from James H. Michael and Jane H. Michael, his wife, and others to the said Solomon H. Michael, recorded in liber A. F. no. 11, folio 159, one of the land records of Frederick County, a duly certified copy of which said deed is herewith filed and marked exhibit #2. And it is prayed that said Exhibits #1 and 2 together with all other Exhibits herewith filed, may be taken and considered as a part of this Bill of Complaint.

2. That the said Solomon H. Michael at the time of his deceased left surviving him a widow, Amanda L. Michael, who is a resident of Frederick County, and who has not re-married, and is a party defendant therein, and the following children as his heirs at law--An adult son Charles Solomon, Michael, whose wife's name is Lela Michael, and who resides in Washington County, this State, and are plaintiffs in this cause; an unmarried infant daughter, Rose Elizabeth, Michael, whose age is now about 20 years, and an unmarried infant son, Oscar Hamilton Michael, whose age is now about 16 years, both of whom are residents of Frederick County and are parties defendant in this cause; and whom are the life tenants and remaindermen, respectively, under the terms of the last will and testament of Solomon H. Michael, deceased, as will fully appear by a certified copy of the last will and testament of Solomon H. Michael herewith filed and marked Exhibit # 3.

3rd. That by the terms of said will Exhibit #3, the said Solomon H. Michael devised all of his property and estate to his widow Amanda L. Michael, for life or widowhood, with power to his executor named in said will to wit, James H. Michael, who is made a party defendant to this Bill of Complaint, by reason thereof, to sell the same at the death or re-marriage of the widow and to divide the proceeds of sale, after the payment of debts and expenses, equally amongst the three children, to wit--Charles Solomon, Rose Elizabeth, and Oscar Hamilton, as will further appear by reference to said Exhibit #3.

4th. That since the decease of the said Solomon H. Michael, His widow Amanda L. Michael, has been in possession of the real estate mentioned and described in Exhibit 31 and 2 and in the enjoyment of all the rents, issues, and profits arising therefrom. That the land is deteriorating in value and the buildings and fences thereon are in bad repair, and your orator avers that there is no fund from which the necessary costs of maintaining the property in good order and repair can be met, the income arising from the estate being barely sufficient to meet the public dues and charges thereon and afford a very modest living for the life tenant and the said infant children. And your orator avers and charges that it would be advantageous to all the parties having an interest in said real estate, and to the benefit and advantage of the infant remaindermen, that the said