

## NO. 8912 EQUITY.

William K. Davis and Mary E. Davis  
his wife.

VS.

Hepsie E. Etchison, widow; Joab W. Davis jr.,  
Alfred Davis and Louise Davis, his wife;  
Grover C. Davis, Hepsie E. Eychison, Assignee  
of Mortgagee; and the Mt. Olivet Cemetery Company  
a body Corporate.

No. 8912 Equity.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

-----  
To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity--

The Bill of Complaint of William K. Davis and Mary E. Davis his wife, both residents of Frederick County, Maryland, respectfully shows unto Your Honors--

1st. That Joab W. Davis, late of Frederick County but now deceased, was in his lifetime seized and possessed of a piece or parcel of land situate, lying and being in Frederick County, in the State of Maryland, containing One Hundred and seven acres, two roods and twenty-nine square perchs more or less, which was conveyed unto him by deed executed by John T. Worthington and wife, bearing date october 7th 1867, and recorded in liber D. S. B. No. 1 folio 725, one of the land records of Frederick County, as will appear by reference to a certified copy of the deed conveying said land filed herewith marked "Exhibit A" which together with all other exhibits herewith filed it is prayed may be taken and considered as a part of this Bill of Complaint.

2nd. That the said Joab W. Davis departed this life intestate on or about the 3rd day of July, 1913, and left surviving him the following children and heirs at law, towit--A son, William K. Davis, whose wife's name is Mary E. DAVIS; a daughter Hepsie E. Etchison who is a widow and who was formerly Hepsie E. Smith, all of whom reside in Frederick County, Maryland; a son Joab W. Davis, Jr. who is unmarried and who is an inmate of the Sykesville Asylum; and the following children of Vernon Davis, a deceased son, towit--Alfred Davis, a son, whose wife's name is Louise Davis, and Grover C. Davis, unmarried, all of whom reside in Muncie City, in the State of Maryland.

3d. That during the lifetime of said Joab W. Davis, he executed a mortgage for the sum of Four thousand and Six Dollars, (\$4,006.00) to Elvira Davis, his wife, which said mortgage was dated January 4th, 1888, and recorded in liber W. I. P. No. 5, folio 506, as will more fully appear by reference to a certified copy of the same filed herewith and marked Exhibit B.

4th. That the said Elvira Davis by her last will and testament, a certified copy of which is herewith filed marked Exhibit C, devised her interest in said mortgage to her daughter Hepsie E. Smith, now (Hepsie E. Etchison) and in pursuance of the terms and provisions of said will the said Hepsie E. Etchison Administratrix of t. a. of Elvira Davis, did transfer and assign the aforesaid Mortgage unto Hepsie E. Etchison, as will more fully appear by reference to Exhibit B, filed herewith.

5th--That the said Joab W. Davis during his lifetime, towit, October 6th, 1904, executed a second mortgage on the property described in Exhibit A to the Mt. Olivet Cemetery Company a body corporate for the sum of Five Hundred Dollars, (\$500.00) which said Mortgage is recorded in liber S. T. H. No. 268, folio 563, a certified copy of which is herewith filed marked Exhibit D.

6th--That the land mentioned in Exhibit A is not susceptible of division among the children and heirs at law of the said Joab W. Davis without loss and injury and that it would be to the interest and advantage of the parties hereto that the said land be sold under a decree of your Honorable Court, and the proceeds, after the payment of the mortgage indebtedness evidenced by Exhibit C and D divided among the Parties thereunto entitled, under the direction of Your honorable Court, according to their respective rights and interests.

To the end therefore--

(a) That a decree may be passed directing the land mentioned in Exhibit A to be sold by a trustee to be appointed by Your Honorable Court, and the proceeds therefrom, after the payment of the mortgage indebtedness mentioned in Exhibits C. and D. divided among the parties entitled according to