

NO. 9240 EQUITY.

Russell L. Boyer and Bessie M. Boyer
his wife.

Vs.

Charles W. Boyer, The Middletown Savings Bank
of Frederick County, Maryland, and Harry G.
Tritapoe.

No. 9240 Equity.

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

To the Honorable, the Judges of said Court--

1. That the defendant Charles W. Boyer and Your orator Russell L. Boyer, are the owners as tenants in common of a farm or tract of land, with improvements thereon, situated in Burkittsville district, in Frederick County, in the State of Maryland, containing 13 $\frac{1}{4}$ acres 2 roods and 14 perches of land, more or less, which was conveyed to them by Harry G. Tritapoe and wife by deed dated August 22 1913, and recorded in Liber H. W. B. No. 306 folio 292, one of the land records of Frederick County, a certified copy of the said deed being filed herewith, is prayed to be taken and considered as part of this Bill of Complaint.
2. That the said farm is the same which was conveyed to the said Charles W. Boyer by Albert A. Boyer and William E. Boyer, Executors, of the last will and testament of Oliver Boyer, by deed dated April 1 1910, and recorded in liber H. W. B. No. 292 folio 39 one of said land records, and afterward conveyed by the said Charles W. Boyer to Harry G. Tritapoe, by deed dated August 22 1913, and recorded in liber H. W. B. No. 182 one of said land records and conveyed to the said Harry G. Tritapoe and wife to Charles W. Boyer and Russell L. Boyer by the above mentioned deed, Exhibit no. 1.
3. That on April 6, 1912, the defendant The Middletown Savings Bank obtained a Judgment by confession in Your Honorable Court against the said Defendant Charles W. Boyer for the sum of \$6500.00 interest and cost, being No. 216 trials, February Term, 1912, a certified copy whereof is filed herewith marked Exhibit No. 2, and on November 2 1914, the defendant Harry G. Tritapoe obtained a judgment by confession in Your Honorable Court against the said defendant Charles W. Boyer for the sum of \$305.71 interest and costs, being No. 165 trials, September term 1914, a certified copy whereof is filed herewith marked Exhibit No. 3.
4. That the said land hereinbefore mentioned and described cannot be divided without loss and injury to the parties interested therein, and your orator and oratrix are advised and aver that they are entitled to have said land and premises sold, under a decree of Your Honorable Court, by a trustee or trustees to be appointed thereby, and the proceeds of such sale divided among the parties interested therein, according to their respective rights and interests.
5. That your orator and oratrix are both residents of Frederick County, Maryland, and are living upon the said farm, and the said Defendants, The Middletown Savings Bank, of Frederick County, Maryland, and Harry G. Tritapoe are residents of Frederick County Maryland, living upon the said farm, but at said time the said defendants Charles W. Boyer left the said farm and abandoned his residence thereon and went beyond the limits of the said Frederick County, and probably beyond the limits of the State of Maryland, and his whereabouts is unknown to Your orator and oratrix, but to the best of their knowledge and belief, and they so allege, the said defendant Charles W. Boyer is now outside the limits and a non-resident of the State of Maryland.
And your orator and oratrix pray for the following relief--
6. That the said real estate hereinbefore mentioned and described may be sold under a decree of Your Honorable Court, by a trustee or trustees appointed by said decree, and the proceeds of said sale divided among the parties entitled thereto, according to