

NO. 8913 EQUITY.

Mary G. Helfenstein and Ernest Helfenstein
her husband, George B. McCleery, William S.
Levy and Edith H. Levy, his wife; Walter Van
Swearingen and Evelyn J. Van Swearingen, his
wife, and Roger S. Levy and Mary L. Levy, his
wife, and Arthur E. Levy and Jane B. Levy, his
wife.

In the Circuit Court
for Frederick County in
Equity.

No. 8913 equity.

Vs.

Roberta H. Levy, Charles P. Levy, Jr., and Ro-
berta D. Levy, infant.

Defendants.

To the Honorable the Judges of said Court.

Your Orators complaining say--

1st. That Mary G. Levy, widow, late of Frederick County deceased, was in her lifetime seized and possessed in fee simple, of a lot of ground and improvements in said County, situated on the North side of West Third street, in Frederick City, said county, and formerly known as 33 W. 3rd. st., now known as No. 107 W. 3rd., st., the title to which she acquired by deed to her from Ernest Helfenstein, Trustee, dated on or about June 1st, 1898, and duly recorded among the land records of said county in liber D. H. H. No. 1 folio 574 etc., a duly certified copy of said deed is herewith filed as part hereof, marked exhibit No. 1.

2nd. That being so seized and possessed, the said Mary G. Levy departed this life on or about the 22nd day of November, 1899, intestate, leaving the following children and descendants, to whom as heirs at law, the said land descended, viz--

(a) Your oratrix, Mary G. Helfenstein, a daughter of said Mary G. Levy, who intermarries your orator Ernest Helfenstein, both of whom are of full age and reside in said Frederick County.

(b) Charles P. Levy, a son of said Mary G. Levy, who intermarried with Roberta H. Levy; the said Charles P. Levy having departed this life on or about the 24th day of August 1912, intestate, leaving surviving him his wife, Roberta H. Levy, defendant, of full age, and the following children-- a son, Charles P. Levy, Jr., and a daughter Roberta D. Levy, both of whom are infants under the age of twenty-one years, and unmarried, defendants, all of whom reside in said Frederick County.

(c) Elizabeth S. Levy, a daughter of said Mary G. Levy, who intermarried with George B. McCleery, Your Orator; the said Elizabeth S. McCleery departed this life on or about the 22nd day of January, 1905, intestate leaving surviving her husband, the said George B. McCleery, of full age (but no children) who reside in said Frederick County.

(e) Your Orator, Walter V. S. Levy, a son of said Mary G. Levy, who intermarried with Your Oratrix Evelyn J. Levy, who has since changed his name by virtue of an order of the Circuit Court No. 2, of Baltimore City, to Walter Van Swearingen, both of whom are of full age and reside in the District of Columbia.

(f) Your Orator, Roger S. Levy, a son of said Mary G. Levy, who intermarried with Your Oratrix Mary L. Levy, both of whom are of full age and reside in Clarke County, Virginia.

(g) Your orator Arthur E. Levy, a son of said Mary G. Levy, who intermarried with your oratrix Jane B. Levy both of whom are of full age and reside in said Frederick County.

3rd. That the said real estate is not susceptible of partition and cannot be divided without loss or injury to the parties interested, and that in order to make division of said interests, it will be necessary that said real estate be sold, and the proceeds thereof be divided amongst the parties according to their several interests--

To the end, therefore--

- (1) That a decree may be passed for the sale of the said real estate.
- (2) That the proceeds of said sale may be distributed between your orators and the persons entitled thereto, according to their respective rights and interests.
- (3) That Your orators may have such other and further relief as their case may require.