

NO. 9278 EQUITY.

Ida V. Phillips and Abbott E. Phillips,  
her husband, J. Walter Clary and May Clary  
his wife.

No. 9278 Equity. In the Circuit  
Court for Frederick County, sitting  
as a Court of Equity.

VS.

John W. Clary and Annie M. Clary his wife.

To the Honorable, the Judges of said Court.

The Bill of Complaint of Ida V. Phillips and Albert E. Phillips, her husband and J. Walter Clary and May Clary, his wife, respectfully shows unto Your Honors--

1. That a certain John F. Clary, late of Frederick County Maryland, deceased was in his lifetime and at the time of his death, seized and possessed, in fee simple of a certain tract of land and real estate, situate, lying and being in woodville District, in Frederick County, Maryland, which said land and real estate was conveyed to the said John F. Clary by deed from Harvey H. Hood and wife, said deed bearing date the 3rd day of June, 1914, and recorded in liber H. W. B. No. 310 folio 2, one of the land records for Frederick County, Maryland, a certified copy of said deed is herewith filed as Exhibit No. 1, and which together with all other exhibits is prayed to be taken and considered as a part hereof.

2. That being so seized and possessed of the said real estate, the said John F. Clary departed this life on December 25th 1914, intestate, leaving no widow, but left the following children and heirs at law surviving him, to whom as heirs at law, the said land and real estate has descended, viz--

Your Complainants--

A daughter Ida V. Phillips whose Husband's name is Albert E. Phillips, both of whom are adults residing in Baltimore City, Maryland; and a son of Walter Clary whose wife's name is May Clary, both of whom are adults residing in Frederick County, Maryland.

A son John W. Clary, whose wife's name is Annie Clary, both of whom are adults residing in Frederick County Maryland.

3. That the said real estate mentioned and described in Exhibit No. 1 is not susceptible of partition or division amongst the parties entitled to interests therein without great loss, damage and injury to them, and it would be to the best interest and advantage of all the parties concerned, to have the said lands and real estate sold under a decree of Your Honorable Court and the proceeds arising therefrom divided amongst the parties entitled thereto, according to their respective rights and interests.

To the end therefore--

(A) That a decree may be passed by Your Honorable Court for the sale of the lands and real estate of which the said John M. Clary died, seized and possessed and mentioned and described in exhibit No. 1 filed with this Bill of Complaint.

(B) That the proceeds arising from the said sale of said real estate may be distributed amongst the parties entitled thereto, according to their respective rights and interests therein.

(C) That your complainants may have such other and further relief as the nature of their case may require.

May it please Your Honors to grant unto Your Complainants the writ of subpoena, directed to the said John W. Clary and Annie Clary, his wife, both adults, residing in Frederick County, Maryland, commanding them and each of them to be and appear in this Court at some certain day to be named therein, to answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound, etc.

James H. Steele

D. Princeton Buckey  
Solicitors for Complainants.