

No. 7514 Equity.

Annie Matilda Forney, widow of Stewart Forney, deceased, and mother and next friend of Charles Edgar Forney, infant.

Vs.

Charles Edgar Forney, infant.

To the Honorable the Judges of said Court--

The petition of Annie Matilda Forney, widow of Stewart Forney deceased, and mother and next friend of Charles Edgar Forney, infant, respectfully shows unto Your Honors--

- 1st. That Stewart Forney, late of Brunswick, Frederick County, deceased, was in his lifetime and at the time of his death seized and possessed of certain real estate situated in Brunswick, Frederick County Maryland, which said real estate is fully described by a deed from the Real Estate and Improvement Company of Baltimore City, to the said Stewart Forney, dated March 30th 1892, and recorded among the land records of Frederick County, in liber, J. L. J. No. 1 folio 689, and filed herewith as a part hereof, marked Exhibit A.
- 2nd. That the said Stewart Forney being seized and possessed of the Real Estate aforesaid, died intestate on or about the 25th day of December in the year 1900, leaving surviving him a widow, the said Annie Matilda Forney your petitioner, who is now about 39 years of age, and an infant son Charles Edgar Forney the defendant now quite two years old at this time and who is the only child and heir at law of the said Stewart Forney, both Annie Matilda Forney and Charles Edgar Forney reside in the above described property, in Frederick County, Maryland.
- 3d. That the real estate above described of which the said Stewart Forney died, seized and possessed descended to and vested in the said infant child Charles Edgar Forney, subject to the dower interest of Annie Matilda Forney, widow, and also subject to a mortgage from Stewart Forney and wife to the Real Estate and Improvement Company of Baltimore City, dated July 31st, 1899, and recorded in liber D. H. H. No. 6, fol. 485, etc., which said mortgage has been duly assigned to Annie Matilda Forney (Tillie Forney) in consideration of the sum of One Hundred and seventy four dollars and fifty cents, on the 9th day of February 1901, a certified copy of which said mortgage and assignment are filed herewith as a part hereof and marked exhibit B. That the total due on said mortgage with interest to date is \$187.29.
- 4th. That your petitioner is advised that she is entitled at her age to one-seventh of said estate in lieu of her dower right in and to said property, which said one seventh after the payment of said mortgage would be \$144.67 making a total of \$331.96 as being the interest of your petitioner Annie Matilda Forney in said property, and leaving as the interest of said Charles Edgar Forney the sum of \$868.04 by valuing said property at \$1200.00.
- 5th. That your petitioner being the next legal guardian of said infant child and having its maintenance and support upon her, realizes that she is unable to support it on her income while living in said property, and that she desires to move into a larger property and keep boarders.
- 6th. That on the 30th day of May 1902, your petitioner the said Annie Matilda Forney for and on behalf of herself and of her said infant son executed an agreement in writing to sell the aforesaid real estate with improvements thereon to a certain Charles W. Deeter for the sum of \$1200.00. The original of which said agreement is filed herewith as a part hereof and marked exhibit C. But the said Charles Edgar Forney being an infant and under the age of 21 years is unable to give a good and sufficient deed for his interest in said property.
- 7th. That your petitioner believes and so charges that the said sum of \$1200.00 is a fair, reasonable and adequate price for the said real estate and as much as could be reasonably expected for the same, and that the sale of said property according to the terms of said agreement would be to the benefit and advantage of said infant Charles Edgar Forney, and also to have said property conveyed to the purchaser free, clear and discharged from all claims of all the parties to this cause, and in order to do this to have the sale on behalf of said infant ratified and confirmed by Your Honorable Court and to have his interest in said property conveyed to the said purchaser under the direction of the Court for the consideration of \$868.04 as aforesaid, and that his proportionate share of the costs of these proceedings may be paid out of said sum, all of which would be to the advantage of said infant, wherefore your petitioner prays Your Honorable Court to pass a decree ratifying and confirming the sale of the said real estate for and on behalf of said infant defendant in so far as his interest extends in and to the same, and decreeing that said interest be sold according to the terms of said agreement, and for the amount hereinabove stated, and that some suitable person may be appointed trustee to complete said sale by executing a good and sufficient deed for the interest of the said infant Charles Edgar Forney in said property to said purchaser, and that said trustee shall give a good and sufficient bond and make proper return to the proceeds of the sale of the said infant's interest in said property to Your Honorable Court, and that the same may be invested for his benefit and advantage after deducting his portion of the costs.
- And that Your petitioner may have such other and further relief as the nature of the case may require. And your petitioner prays that a writ of subpoena may issue in the usual form against the said Charles Edgar Forney, infant, commanding him to be and appear in this Court on some certain day to be named therein to answer the premises and abide by and perform such decrees as may be passed in the premises. And as in duty etc.

No. 7514 Equity.

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

Anna Matilda Forney.
Mother and next friend of Charles Edgar Forney, infant.

Arthur D. Willard
solo. for Pltff.