

Charles Francis Brookey
 Mary E. Brookey his wife,
 Albert H. Brookey,
 Ellen R. Kennedy, widow;
 E. Victor Brookey and
 Emma C. Brookey,

VS.

The Loats Female Orphans Asylum,
 of Frederick City, in the County
 of Frederick, Mortgagee, and
 Thomas F. Castle, Mortgagee.

No. 9214 Equity.

In the Circuit Court for Frederick County,
 In Equity.

To the Honorable, the Judges of said Court,-

Your Orators complaining, say,-

1. That Ellen V. Brookey, late of Frederick County, Maryland, deceased, was during her life and at the time of her death seized of a certain lot or parcel of real estate situated on the South side of East Sixth Street, in Frederick, Frederick County, Maryland, fronting on said Street Sixty feet more or less and running back for depth a distance of 198 feet and six inches more or less, and being the same real estate which is described in a deed from the Improvement Land and Building Association, of Frederick, Md, unto the said Ellen V. Brookey, which is dated October 22nd, 1901, and is recorded in Liber D.H.H.No.11.folio 648, one of the land Records for Frederick County, a certified copy of which deed is filed herewith as "Exhibit A" and the said Lots which are known as Lots Nos 8 and 9 of said sub-division have been improved by the erection of three dwelling houses. 2. That the said Ellen V. Brookey died intestate, on or about the 8th day of August, 1914, leaving her surviving, the following named children to whom said real estate descended as heirs at law, viz,-

(A) Charles Francis Brookey, who is married, and whose wife is named, Mary Ellen Brookey; (B) Albert H. Brookey, unmarried; (C) E. Victor Brookey, unmarried; all of whom reside in Frederick City, Maryland (D) Ellen R. Kennedy, Widow of Michael J. Kennedy, who resides in Baltimore, Maryland, and (E) Emma C. Brookey, unmarried, who reside in the City of Evansville, State of Indiana, And that all of the above named children are over twenty one years of age.

3. That the said Ellen V. Brookey executed a deed of mortgage to The Loats Female Orphans Asylum, a body corporate of Frederick County, Maryland, on the 27th day of March 1912, to secure the payment of A certain promissory note for the sum of \$1000., with interest from date, the above mentioned real estate and that said mortgage is recorded in Liber H.W.B.No.299, folio 234, one of the land records for Frederick County, a certified copy of which is filed herewith and marked exhibit Mortgage No.1, which is prayed to be taken as a part hereof, and that said mortgage is still owing and unpaid.

4. That the said Ellen V. Brookey executed a deed of mortgage to a certain Thomas F. Castle, of Frederick County, Maryland, on the 18th day of April 1914, to secure the payment of a promissory note for the sum of \$400., with interest from said date, upon the above mentioned real estate, and that said mortgage is recorded in Liber H.W.B.No.309, folio 130, one of the land records for Frederick County, a certified copy of which is filed herewith, and marked exhibit Mortgage No.2, which is prayed to be taken as a part hereof, and that said mortgage is still owing and unpaid.

5. That the real estate aforesaid is not susceptible of partition among the parties entitled thereto, without great loss and injury, and that it will be to the best interest and advantage of all of the parties in interest that the said real estate should be sold and the proceeds be divided among the parties entitled thereto. To the end therefor,

A. That a decree may be passed for the sale of the said real estate.

B. That your Orators may have such other and further relief as their case may require;-

May it please your Honors to grant unto your Orators the writ of Sub-Poena, against the said The Loats Female Orphans Asylum of Frederick City, in the County, of Frederick, a body corporate, Mortgagee, and against Thomas F. Castle, of Frederick County, Maryland, Mortgagee, commanding them and each of them to appear, on some certain day to be named therein, in this Court, to answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound etc etc,