No. 9894 Equity,

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which was duly admitted toprobate, by the orphans Court for Frederick County, Maryland, a duly Certified Copy of which is Herewith filed as a part hereof, and Marked Exhibit No 4.

7.

That Margaret F, DeVitt the other and last surviving daughter of the said testator, and named in his will,died in the month of May in the year 1917, leaving a last will and testament by which she devised a certain house, and lot of ground situated, lying and being on the South side of East patrick Street in in Frederick City, Frederick County, Maryland, unto her two Nephews, David M. Devitt and Philip M. Devitt as tennants in common, as will more fully and at large appear. by reference to a duly certified Copy of her said will and herewith filed, as a part hereof and marked Exhibit No,5,.

8.

That the real estate so mentioned in the last will and testament of said Margaret F,Devitt, in Exhibit No, 5. is the real estate or dwelling house, the property of which the said David B, Devitt, the father of said Margaret F, Devit et al., died seized and possessed, and as mentioned in his last will and Testam ent, and more particularly set forth in Paragraph 2, of this Petition.

9

That the said real estate mentioed in the last Will and Testament, of said Davitt b. Devitt, has not been sold in pursuance of the power and direction contained in his said last will that both of the executors named therein are ded and there is no person now in existence authorized and empowered to execute the power of sale, and to carry out the directions therein contained,

10.

That since the death of Margaret F, Devitt her said two nephews David M. Devitt and philip M. Devitt, have received such rentals and profits as have arisen therefrom.

II.

That your petitioner is interested in said property, having an interest therein as the surviving husband of the said Annie (or Anna) M. Devitt.

12.

That your petitioner desires that said real estate be sold and that a good title may be conveyed to the purchaser thereof, and that the time has long since past, when said real estate when said real estate should have been sold under the provisions of the will of the said David H. Devitt.

13.

That the real estate mentioned in said Bill consists of a lot of Ground situated on the south side of east Patrick Street in Frederick,Maryland. improved by a three story Brick Building in which the said Testater in his life-time lived, resided and is the same as was conveyed to him by Peter Mantz by deed dated july 27th 1827, for 1/2 of lot No, 36, in Frederick town exceptin therefrom a portion in the rear thereof which was conveyed by the said David B. Devitt, and wife to Casper Quynn by deed dated August 15th 1829, both of which Deeds are recorded among the land records of Frederick County, Maryland and dut recorded among the land records of Frederick County, Maryland, a duuly certified copy of which is hesewith filed, marked respectively " Exhibit No 6 and Exhibit No, 7".

Wherefore your Petitioner prays your Honors for the following relief,

1

That your Honors will appoint some suitable person or persons as Trustees, or Trustee to sell and convey said real estate in the petition to sell and con vey said real estate in the petition Mentioned and to apply the Nett proceeds arising from the sale thereof to the pupeses intended in the said last will and testament of the said David B. Devitt and to the parties entitled to the same.

2,