

No. 9837. Equity.

BILL OF COMPLAINT

Walter G. Runkles and Edna S, Runkles,
his wife, Kate O. Norris, and Richard I, Norris
her husband,

vs,

Herbert A. Runkles and Elsie Runkles his wife,
and Edward Hobbs, Assignee of Mortgagee.

(No. 9837 Equity,
O In the Circuit Court for Frederick
(County in Equity,
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To The Honorable, the Judges of said Court:-

The Bill of Complaint of Walter G. Runkles, and Edna S, Runkles, his wife, of Trenton in the State Of New Jersey, E. Wilfred Runkles, and Mattie Runkles, his wife, Kate O Norris, and Richard L. Norris, her husband all of Frederick County, in the State of Maryland, respectfully represents.

1. That Joseph E, Runkles late of Frederick County, in the State of Maryland, deceased, died intestate, on or about the 6th day of June, 1918, leaving surviving him the following named Children, as his heirs at law to-wit-

1. A son Walter G. Runkles, whose wife's name is Edna S, Runkles, both adults, and both residing in Trenton, in the Stat of New Jersey,
- 2, A son E, Wilfred Runkles, whose wives name is Mattie Runkles, both adults and both residing in Frederick County, Maryland,
3. A daughter Kate O. Norris, whose husbands name is Richard L. Norris, both adults, and both residing in Frederick County, Maryland,
4. A son Herbert A, Runkles whose wife's name is Elsie Runkles, both adults and reside in Frederick County, Maryland.

2 That the said Joseph^H Runkles, left no widow , surviving him, his wife, having died some years ago, prior to his death.

3, That the said Joseph H. Runkles, was in his life time and at the time of his death, seized and possessed, in fee simple of certain real estate, situated in Frederick County, and state of Maryland. consisting of a farm, which he had purchased and aquired, from two different parties. and which is more particularly described in two seperate deeds conveying said real estate to him, which said deeds are as follows; A deed from samuel Runkles and others to said Joseph H. Runkles, dated December 24th, 1881, and recorded in liber A, F, No, 4, folio 426, one of the land records of Frederick County, Maryland, for a parcel of land more or less and a deed from Catherine Cashour, Ed Jacob Cashour her husband, to the said Joseph H. Runkles, dated March 11th, 1890, and recorded in Liber W, I, P, No, 11, folio 642, one of the land records of said Frederick County, for a parcel of land, containing 40 acres of Land more or less, a certified copy of each of said Deeds being filed herewith, as a part hereof and with all other Exhibits are prayed to be taken and considered as part of this Bill, said deeds being marked exhibit A. And B. respectively.

4, That the said Joseph H. Runkles and Emily A, Runkles his wife, executed a Mortgage on all portion of of said real estate, described in Exhibit A, to Roderick D, Hobbs, dated September 23rd, 1890, and recorded in Liber W, I, P, no, 12, folios 269, etc., one of the land Records of said Frederick County, to secure the payment of the sum of 2000. 00, and interest, which said principal sum and some interest is due and unpaid, said mortgage having been assigned by Edward^D Hobbs on March 22nd, 1899, and further assigned by Edward D, Hobbs to Edward Hobbs, on April 14th, 1911, who now holds said Mortgage, together with the assignments thereon, which are recorded at the end of said Mortgage, among the land records of Frederick County, as aforesaid, a certified Copy of said Mortgage and assignments, being Filed herewith as a part hereof and marked Exhibits C. to this Bill,

5, That said real estate descended to and vested in the above named children and heirs at law of the said Joseph H. Runkles at the time of his dying intestate, as tenants in Common, subject to said Mortgage.

6-. That said real estate is not susceptible of partition od division without great loss, damage and injury, to the parties entitled thereto, and their interests therein, and that in order to make said division of said interests, it will be necessary to sell said real Estate; and to divide the proceeds amongst the parties entitled thereto according to their respective interests and rights, after paying said Mortgage and interests in full of such amount as may be due and owing.

7. That it would be to the interest and advantage and benefit of all the parties to said cause, to sell said real, free, clear and discharged of all claim, or liens, pay said lien or liens, and to divide the residue amongst the parties entitled thereto, according to their respective rights and interests,