

## No. 9798 Equity.

All of which was consumed in debts, costs and taxes, as the account stated above, shows, leaving Nothing to meet any expenses necessary to maintain the real estate of which she died, seized and Possessed, which is particularly described in a deed from e, L, Rowe, and J, T, Hespelhorn, Exors, to the said Susan Winter, dated Nov, 3rd-1900, recorded in Liber D, H. E. No, 7, folio 428, &c., one of the Land Records of Frederick County, a duly certified copy of which is herewith filed, as part hereof Marked Exhibit B. to this Bill of Complaint.

3- the said Bill states " I give and bequeath all my real and personal property to my Mother Mary A, Winter, and My sister Columbia Winter for life, Share and Share alike," then gives some personal items, to several Parties, and Says- " the rest and residue of my estate, is to be divided into four equal parts, as Follows, " (1) One part to Martha Belle Rowe, the interest of that amount, to be used by her during her life at her death to go to Anabell, F, Hartman <sup>Whatever remains to go to the Deaconess Home Baltimore Md,</sup> her death; (2) one part to Ida J, Zimmerman the interest to be used by her during her life, and at her death to go To Luther Zimmerman, her nephew and his heirs; " (3) One part Ida Ohler Gillelan, the interest to be used by her during her life, and at her death, to go to her daughters, Carrie, Ruth, and Rheda Gillelan, Emmitsburg, Md, " (4) This part I held in reserve to be disposed of by Codicil,

4,- That the said Mary A, Winters is now dead, leaving only your Complainant, as the whole or sole Legatee, of the said life estate, under said Will and all of the Brothers, and Sisters of the said, Susan Winters, except your Complainant being now all dead, and all dying without leaving Issue, (her father and Mother being also dead) leaves your Complainant the sole heir, at law,

5- that the said real estate consists of a half of lot and small part of another lot improved, by a two Story Brick Dwelling, erected many years ago, is depreciating, in value, is now and for Some time has been very much in need of repair, Being a Small property the rest is also small and after the Payment of the taxes and the insurance which are both increasing. little is left for repairs, and less for the life tenant.

6- Your Complainant believe and so charges that it would be advantageous to all parties concern to have the property sold under a decree of your Honorable Court, and the proceeds invested, under the Direction thereof.

7- Your Complainant is advised and so charges that by said will she is entitled, Since her mothers death. to the three fourths of income, from the said estate, during her natural life, and as to the Other one Fourth, the said susan Winters, not exceeding a Codicil, to her said Will or making any disposition thereof your Complainant is entitled in fee simple, as the sole heir at law, the said Susan Winter having died intestate, as to said part in said will mentioned,

To the end therefore that this Court may Take jurisdiction in the premises and that a decree may be passed by your Honorable Court, directing the sale of the said property and for such other other relief as the nature of the case may require,

May it please your Honors to grant unto your Oratrix the writ of Subpeena directed to the said J, Rowe Ohler, J, Elmer Zimmerman, Martha Bell Rowe, Luther Zimmerman, Ida Ohler Gillelan ida J, Zimmerman, Carrie Gillelan, Ruth Gillelan, of emmitsburg Frederick county, maryland, Anna Belle Rowe Hartman, Deaconess Home Baltimore, and Rheda Gillelan all of Baltimore City, Maryland. all adults commanding them to be and Appear in this Court at Some Certain day, to be named therein and answer the premises and abide by and perform such decree as may be passed therein,

And as in duty bound, etc.,

Vincent Sebold,

Attorney for Plaintiffs.

## Exhibit A,

## Certified Copy of Will,

I Susan Winter of the City Of Emmitsburg, in the State of Maryland, being of sound and disposing mind and memory and understanding, do make this my last will and Testament. hereby revoking all wills and testaments, heretofere made by me,

I give devise and bequeath all estate real and personal and mixed wheresoever situated of which I am Now seized or possessed, or may be seized or possessed at the time of my death and all property of every sort over which I have any right or power of Disposal as Follows;-

1st My wish that all honest debts and funeral expenses be paid and a tombstone not to exceed fifty dollars, \$50,00 to be erected.