

No. 10147, Equity.

The Bill of Complaint, of John W. Waggerman, Annie Waggerman, his wife, Harry Waggerman, Rose Waggerman, his wife, Charles D. Waggerman, Fannie Waggerman, his wife, Joseph C. Waggerman, Elsie Waggerman, his wife, Addie Topper, Jacob Topper her husband, Emory Eyer, Leota Attig, and Edward S. Attig, her husband, respectfully, represents, unto your Honorable Court,

First; that a certain Mary A. Waggerman, died in the month of December A.D. 1918, intestate, seized at the time of her death, of a certain tract or parcel of land situate in Emmitsburg, District, Frederick County, Maryland, and Fully described in a deed, from Mary Hoke, to Mary Waggerman, dated November 18th, A.D. 1890, and recorded in Liber J.L.J. No. 14-, folio 34, One of the Land Records For Frederick County, a certified Copy of which Deed, is filed herewith, Marked Exhibit, No. 1, Folio to the Bill of complaint, prays and which together with all Other exhibits, complainant, prays may be taken and Considered, as part Hereof,

Second; that The said Mary Waggerman, left surviving her as her heirs, at law, and next of Kin, in whom said Property vested, in fee simple as tenants in common upon the death of the said Mary A. Waggerman, subject to a one third interest, of her husband, Samuel Waggerman, who died, on the first day of May, A.D. 1920, which and upon his death to his heirs descended, the following,

An adult Son John W. Waggerman whose wife's name is Annie Waggerman, and an adult, son Harry Waggerman, whose wife's name is Rose Waggerman, an adult son Charles B. Waggerman, whose wife's name is Fannie Waggerman, and Adult daughter, Addie Topper, whose husband's name is Jacob Topper, Two Children of Mamie Eyer, daughter of Mary A. Waggerman, who predeceased her Mother, Roy Eyer, infant and Emory Eyer adult and the Children of Emory Waggerman, Son of Mary, A. Waggerman, who predeceased his Mother, leaving One Infant Child, Mildred Waggerman, and one adult daughter, Leota Attig, whose husband's name is Edward Attig all of whom are Complainants, in the above entitled cause,

That said Real estate, is incapable of Partition and Division amongst the parties entitled, according to their respective interest, and that it would be to the benefit and advantage of all the Parties to said Cause, that said Real Estate be sold by virtue of a decree, of Your Honorable Court, and the proceeds divided according to the interest of the several parties,

TO THE END THEREFORE

FIRST, That a Decree may be passed by your Honorable Court, directing the sale of the real estate, and distribute, the proceeds arising therefrom amongst the parties interested, according to their respective Interests,

Second; And for such Other and further relief as the Nature of the case may require,

May it please your Honors to grant unto Complainants, the writ of Subpoena, directed to the said Roy Eyer, and Mildred Waggerman infants, requiring them to be and appear, in your Honorable Court, on some day Certain to be named in said Writ, in person or by Solicitor, answer the premises abide by and perform such decree, as may be passed herein,

Frank L. Stoner.

Solicitor for Complainants,

EXHIBIT No. 1.

At the request of Mary A. Wagerman, the following Deed is received for Record and recorded April 28th, 1896, at 11-0. Clock A.M,

Test; John L. Jordan, Clerk,

This Deed made this Eighteenth day of November in the year Eighteen Hundred and Ninety, by Mary Hoke, of Frederick County, State Of Maryland,

Witnesseth; Whereas a Certain Jacob Hoke late of County, and State of Maryland, deceased did by his last will and Testament, devise to his wife, Mary Hoke, all his real Estate, which will was probated in the Orphans Court, of Frederick County, and the hereinafter described real estate, was distributed to the said Mary Hoke, legatee, under said Will, Now in Consideration of the sum of Three Hundred Dollars, I, the said Mary Hoke, do grant in fee simple, unto Mary A. Waggerman, wife of Samuel Waggaman, all that tract of land, situated, about One Mile West Of Emmitsburg in Frederick County, State of Maryland