

NINTH;- That the real estate, herein mentioned, in each instance consisting of a single piece of property, is not susceptible of partition, nor can it be divided, in kind, among the parties without loss or injury.

TENTH; That your Oratrix, under the law of Maryland, has an undivided one-third interest in said real estate, as well as a claim against the same, arising out of her redemption of the mortgages, aforesaid, and also a lien against the same, because of the judgment aforesaid.

ELEVENTH; That under the by-laws of the Building Association, aforesaid, no assignments of the mortgages could be made to your Oratrix, but, having paid the same, with her own money, in Equity and good consciences, she should be reimbursed out of the proceeds of the sale of the real estate, herein mentioned, because the payment of said mortgages, inures to the benefit of the heirs of the said Dr. Clarence E. Foster.

TWELFTH; That administration has been granted on the personal estate of Dr. C. E. Foster, to his widow, Elizabeth Foster, who is now preparing to close said estate, and the assets of said estate, left by said decedent, are wholly insufficient to pay his debts .

WHEREFORE, Your Oratrix prays for the following relief;

- (1) That the real estate herein mentioned be sold, under the decree of your Honorable Court, by a Trustee to be appointed for that purpose.
- (2) That the proceeds arising from said sale be distributed among the parties entitled thereto, according to their respective interests.
- (3) That the judgment lien, and other claims of your Oratrix be enforced, and allowed out of the proceeds of said sale.
- (4) That your Oratrix have such further and other relief as the nature of her case may require.

AND Your Oratrix prays for the following process;

That the Writ of Subpoena may issue, in the usual form, for the purpose of summoning into Court, the Defendants, Edna May Foster, Virginia Malinda Foster and Irma Foster, infants under twenty-one years of age, and Elizabeth Foster, Administratrix, and Elizabeth Foster, judgment creditor, all of whom reside in Brunswick, Frederick, Bounty, Maryland.

And as in duty, etc.,

(Filed July 27, 1921)

Leo Weinberg  
Solicitor for Plaintiff.

EXHIBIT NO. 1.

At the request of Clarence E. Foster the following Deed is received for Record and recorded April 23-1910, at 4.5' o'clock P.M. Test;- Harry W. Bowers, Clerk;-

This Deed made this 21st day of February, in the year Nineteen Hundred and ten, by Charles M. Wenner and Edna V. Wenner, his wife Frederick County, State of Maryland, WITNESSETH;- that for and in consideration of the sum of fifty dollars, to us in hand paid, at and before the execution and delivery of the presents, the receipt of which is hereby acknowledged, We the said Charles M. Wenner, and Edna V. Wenner his wife, Lavinia C. Wenner, and William G. Baker, do hereby grant and convey unto Clarence E. Foster, the following described real estate lying and being in Frederick County, State of Maryland in the Town of Brunswick, to-wit; Beginning at a point on the North side of Second Street, Four Hundred and Seventy five (475) feet East of the East side of Maple Avenue