

No. 10549 Equity.

Emmett Frizzell, Gertrude Frizzell, his wife, Madeline Frizzell Tawney, Paul Tawney, her husband, William B. Frizzell and Josephine Frizzell.

Vs.

Nimrod Frizzell, Louis Frizzell Flaut Frizzell, and the Baltimore Commercial Bank of Baltimore, a body Corporate.

No. 10549 E Q U I T Y.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

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To the Honorable the judges of said Court your Orator complaining says:-

1. That Enoch L. Frizzell late of Frederick County, deceased, was in his lifetime seized and possessed of the following tracts or parcels of land lying in said Frederick County, State of Maryland viz; first, all that lot and house lying on the North side of West Main Street in the town of Emmitsburg in said County particularly described in a deed from Jacob Smith and wife to said Enoch L. Frizzell dated the 30th. day of March 1897, duly recorded among the land records of Frederick County in Liber J.L.J. No. 16, folio 189, a certified copy of which is hereby filed as part hereof marked Exhibit No. 1. Second, All that tract of mountain land containing 33 acres, more or less, lying in said County described in a DEED from William B. Sweeney and Mary C. Sweeney to the said Enoch L. Frizzell, dated the 30th. day of August 1899, duly recorded in Liber D.H.H. No. 5, folio 196 one of the Land Records of Frederick County, a certified copy of which is herewith filed as part hereof Marked Exhibit No. 2.
2. That so seized and possessed the said Enoch L. Frizzell departed this life on or about the 11th day of May 1922, intestate and leaving surviving him the following children, his wife having died some years previous to his death, to whom as his said heirs at law the said lands have descended viz
 - (a) a son Emmett Frizzell, whose wife's name is Gertrude Frizzell both adults over twenty-one years of age and reside in the City of Philadelphia in the State of Pennsylvania.
 - (b) a Son William B. Frizzell an adult over twenty-one years of age and also resides in Philadelphia in the State of Pennsylvania.
 - (c) A daughter Madeline who married Paul Towney both of whom are of full age and also reside in Philadelphia in the State of Pennsylvania.
 - (d) A daughter Josephine Frizzell who is of full age and also resides in Philadelphia in the State of Pennsylvania.
 - (e) A son Nimrod Frizzell an infant under twenty-one years of age who resides in Emmitsburg in State of Maryland.
 - (f) A son Louis Frizzell an infant under twenty-one years of age and resides in Emmitsburg in the State of Maryland.
 - (g) A Son, Flautt Frizzell an infant under twenty one years of age who resides in Emmitsburg in the State of Maryland.
3. That Rosa J. Annan, Anne E. Horner, J. Stewart Annan, Edgar L. Annan and Andrew A. Horner, trading as Annan Horner and Company, did on May 24th, enter up a judgment in Frederick County for the sum of \$2375.00 and costs against the said Enoch L. Frizzell which said judgment the said Annan Horner & Co has assigned to the Baltimore Commercial Bank of Baltimore, a body corporate, which is still open on the record, but there seems to be ample proceeds in the personal estate of the said Enoch L. Frizzell deceased, to satisfy and pay the same.
4. That the said real estate is not susceptible of division among the said parties in interest without material loss and injury and especially to that of the infants to whom as well as all others it would be a benefit and advantage that the said real estate be sold under a decree of your Honorable Court and the proceeds thereof distributed amongst the respective parties in interest.