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Filler, his wife, to Warner Hobbs, bearing date March 1, 1886, and recorded in Liber W.I.P. No. 2, folio 191, one of the Land Records of Frederick County, Maryland, a certified copy of which is herewith filed as part hereof, marked Exhibit No. 3--the said Mortgage having been assigned, for value received, unto Mary E. Sappington, one of the Defendants.

FOURTEENTH; That, it certainly would be to the interest and advantage of all the parties if said sale, thus made to Calvin beard, one of the Defendants, could be ratified and confirmed, and trustees be appointed, for the purpose of executing and acknowledging, a good and sufficient deed, conveying the fee simple title unto the said Calvin Beard, as this would avoid the necessity for a judicial sale, under a decree of court, which would involve a great expense, incident to re-advertising and a re-sale, including trustees commissions.

FIFTEENTH; That said land and premises are not susceptible of partition, and cannot be divided, in kind, without loss and injury to the parties entitled to the same.

WHEREFORE, these Complainants pray for the following relief;

(1) That said sale, thus made to Calvin Beard, be ratified and confirmed, and trustees be appointed by your honorable Court, with the power and authority, to execute, acknowledge and deliver a good and sufficient deed unto the said Calvin Beard, conveying the fee simple title to the property to him, upon the payment by him of the balance due on the purchase price, as herein mentioned.

(2) That, if this be beyond the jurisdiction of the Court, or if the same be not for the best interest and advantage of the parties, then the land and premises, herein described, be sold, under a Decree of your Honorable Court, by Trustees to be appointed for that purpose.

(3) That the proceeds arising, either from the present sale, or from a future sale of the property, after deducting all costs and expenses, including the amount of the mortgage debt, and interest, if any, be divided among the parties entitled thereto, according to their respective interests.

(4) That the Complainants have all such further and other relief as the nature of their case may require.

AND the Complainants pray for the following process;

That the Writ of Subpoena issue in the usual form, for the purpose of summoning into Court, George E. Filler and Louise Filler, his wife, Walkersville, Maryland, Mollie Cullen and Amy I. Filler, both of whom reside at No. 706 East Biddle Street, Baltimore, Maryland, Calvin Beard, Walkersville, Md, and Mary E. Sappington, liberty, Md.

And that an Order of Publication be passed in the usual form, giving notice to Charles H. Filler and Louise Filler, his wife, non-residents of the State of Maryland, and residents of the State of Washington, of the object and substance of this Bill of Complaint, and warning them to be and appear in your Honorable Court, on some day certain to be named in said Order of Publication, and show cause, if any they have, why the relief sought, should not be granted.

And as in duty, etc.

(Filed May 7, 1925)

Leo Weinberg.  
Solicitor for Complainants.

EXHIBIT No. "1"

At the request of Daniel H. Filler the following deed was received and recorded July 17, 1875.

THIS DEED, made this 7th day of June, in the year eighteen hundred and seventy-five, by Solomon Filler and Elizabeth Filler, his wife, of Frederick County State of Maryland, Witnesseth that for and in consideration of the sum of Two Hundred Seventy five dollars, we, the said Solomon Filler and Elizabeth Filler, his wife, do grant in fee simple unto Daniel H. Filler and Elis Virginia Filler, his wife, of the County and State aforesaid, a tract of land lying in said County and State adjoining the lands of Theodore Creager Daniel Rioridan and others containing 18 acres one rood and three perches beginning at the end of the fourth line of the first lot running west with the Liberty road to a stone at the union church then east to a stone then West to a stone then South to the south end of the burying ground then West to a stone near the Mill Road, then south to a stone adjoining Theodore