

BILL OF COMPLAINT.

RAY A. PAISLEY

NO. 11945 EQUITY.
IN THE CIRCUIT COURT FOR
FREDERICK COUNTY?
IN EQUITY.

Vs.

IVAN L. PAISLEY, AND
WILLETTA M. PAISLEY."
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TO THE HONORABLE JUDGES OF SAID COURT;

Your Orator, Ray A. Paisley, humbly complaining, says;

FIRST; That he is a resident of Frederick City, Frederick County, Maryland, where he has lived for many years last past.

SECOND; That the Defendant, Ivan L. Paisley, is a resident of Lynchburg, Virginia, and the Defendant, Willetta M. Paisley, is a resident of Frederick City, Maryland.

THIRD; That your Orator and the Defendant are the owners as tenants in common of all that lot or parcel of ground, situate, lying and being on the North side of West Patrick Street, in Frederick City, Frederick County, Maryland, being all of the Western half of Lot No. 28 in Bentz Addition to Frederick City, Maryland, as described and conveyed by the deed from Andrew Heim and Mary Heim, his wife, to Lewis Young and Margaret Young, his wife, bearing date February 9, 1832, and duly recorded in Liber J.S. No. 38, folio 162, one of the Land Records of Frederick County, Maryland, with remainder over to Ann Sophia Paisley, a certified copy of said Deed being herewith filed as part hereof, marked Exhibit No. 1.

FOURTH; That your Orator and the Defendant Ivan L. Paisley inherited said property as tenants in common, from the said Ann Sophia Paisley, their grandmother, by her Last Will and Testament, bearing date February 11, 1893, probated in the Orphans' Court of Frederick County, Maryland, recorded in Liber J.K.W. No. 2, folio 398, one of the Will Records in the office of the Register of Wills for Frederick County, Maryland, a certified copy of which is herewith filed as part hereof, marked Exhibit No. 2.

FIFTH; That your Orator and the Defendant are the only surviving children of the said George A. Paisley, and, hence, under the express terms of the Will of Ann Sophia Paisley, aforesaid, they are the sole owners as tenants in common, of the real estate.

SIXTH; That the said lot of ground is improved with a two-story brick dwelling house, being No. 365 West Patrick Street, Frederick, Maryland, now subdivided into two apartments, and it also has five garages erected on the rear of the lot.

SEVENTH; That said lot of ground, with the improvements, consisting, as thus appears, of a single piece of town property, is not susceptible of partition or division in kind between the parties, without loss and injury, and, hence, a sale thereof becomes necessary.

EIGHTH; That the property is encumbered by a mortgage for One Thousand Dollars (\$1000), from your Orator and the Defendant, et al., to The Frederick Building Association, bearing date April 10, 1929, and recorded in Liber No. 371, folio 64, one of the Land Records of Frederick County, Maryland, which said Mortgagee is willing to carry, or to accept from the purchaser of the property a new mortgage for the same amount.

NINTH; That, at the time the said Ann Sophia Paisley made her Last Will and Testament, February 11, 1893, and at the time of her death, which occurred some time in the year 1899, there were located on the land a brick dwelling house, and another double dwelling house, being of log and frame construction.

NINTH-A; That the said Ann Sophia Paisley, whose maiden name was Ann Sophia Emly, at the time of making her Last Will and Testament, aforesaid, and at her death, was also seized and possessed of the Eastern half of Lot No. 28, hereinbefore mentioned, the title to which she acquired through an Indenture executed by and between Andrew Heim and Mary Crush, bearing date February 28, 1829, and recorded in Liber J.S. No. 31, folio 184, one of the Land Records of Frederick County, Maryland,