

William H. Whitmore.

Vs.

Mt. Zion Evangelical Lutheran
Church of Woodsboro, District,
in Frederick County; and Lewis
J. Warner.

No. 11951 Equity.

In the Circuit Court for
Frederick County, Maryland,
Sitting as a Court of Equity.

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To the Honorable, the Judges of the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity;-

The Bill of Complaint of William H. Whitmore;-

Your Orator, complaining says;-

FIRST. That Mary Catherine Whitmore, the wife of your Orator, late of Frederick County, Maryland, deceased, died on or about the date March 5th, in the year 1929, leaving a last will and Testament, duly executed to pass real and personal property in this State.

SECOND. That said Will and Testament of said Testatrix is dated October 28th, in the year 1926, and has been duly admitted to probate by the Orphans Court for Frederick County, Maryland, and is now of record in the office of the Register of Wills of Frederick County, Maryland, in Liber C.H.B. No. 1, at folios 20, etc, one of the records for recording Wills in the office of the Register of Wills for Frederick County, Maryland;- and that Letters Testamentary thereon have been granted by said Orphans Court unto your Orator, the Executor named therein; all of which will more fully and at large appear by reference to a duly certified copy of said will and probate, and Letters Testamentary, herewith filed as a part hereof, marked respectively "Exhibit A" and "Exhibit B",

THIRD. That under the terms of said last Will of said Testatrix, she gave and devised unto your Orator certain farm lands and buildings thereon situated in Woodsboro District, in Frederick County, Maryland, being farm formerly owned by Jacob Warner, the father of said Testatrix, with all the personal property thereon, for and during the time of the natural life of your Orator, conditioned that your orator keep said property in good condition and repair, and pay all taxes, and fore insurance thereon, and without cutting down and destroying any growing timber thereon, to use, occupy and enjoy said farm land conditioned as above, and after the death of your Orator said Testatrix authorized and directed the substituted Executors of said last Will and Testament to sell said real estate and personal property and from the net proceeds arising therefrom said Testatrix gave the sum of \$1500.00 unto Mount Zion's Evangelical Lutheran Church of Woodsboro District, in Frederick County, a body corporate, for the use of the Cemetery of said Church; said Testatrix gave \$3000.00 unto her brother, Lewis J. Warner, and in the event of his death before he receives the same, said sum of money is given unto his heirs at law and all the rest and residue of the net proceeds from the sale of said farm and personal property is given unto Mount Zion's Evangelical Lutheran Church of Woodsboro District, in Frederick County, a body corporate, for certain uses named in said last Will and Testament, - all of which will more fully and at large appear by reference to said "Exhibit A";-

FOURTH;- That your Orator as Widower of said Mary Catherine Whitmore filed a written renunciation and quit claim to any bequeath or devise made by your Orator by the said last Will and Testament of his wife, Mary Catherine Whitmore, "Exhibit A" exhibited and proved according to law, and your orator elected to take in lieu thereof his legal share of both the real and personal estate of the said Mary Catherine Whitmore, - all of which will more fully and at large appear by a duly certified copy of said renunciation as filed in the Orphans Court for Frederick County, Maryland, on the date August 30th 1929, and filed herewith as a part hereof, and marked "Exhibit C".

FIFTH. That the said Mary Catherine Whitmore did not at any time have any children, and at the time of her death left no heirs at law, and no next of kin except her brother, the defendant