

Lewis J. Warner.

SIXTH. That the farm lands named in the last will and Testament of said Testatrix, and being the farm formerly owned by Jacob Warner, the father of said Testatrix, and being the only real estate of which said Testatrix died seized and possessed in her own name, is the same real estate as described in the Deed from Mary J. Warner, widow and Lewis J. Warner, to Mary C. Warner, (the Testatrix) dated March 25th, in the year 1908, and recorded in Liber S.T.H. No. 282, at folio 291, etc., one of the Land Records of Frederick County, Maryland, a duly certified copy of which said Deed is filed herewith as a part hereof, and marked "Exhibit D".

SEVENTH. That the real estate mentioned and described in "Exhibit D" cannot be divided without loss or injury to the parties interested.

EIGHTH. That all of the parties with interest in said real estate "Exhibit D" are parties to this proceeding.

WHEREFORE, your Orator prays your Honors for the following relief;-

FIRST. That your Honors Will pass the Decree of your Honorable Court that the real estate described in "Exhibit D" be sold by a Trustee or Trustees to be appointed by your Honorable Court.

SECOND. That the net amount of money arising from such sale may be divided among the parties with interest therein, according to their respective rights;-

THIRD. And for such other and further relief as to which your Orator may be entitled in the premises and as unto your Honors will seem to be just and equitable.

FOURTH. That the Defendants may be required to answer the Bill of Complaint as amended

May it please your Honors to grant unto your Orator the writ of Subpoena directed unto the Defendants, Mount Zion's Evangelical Church of Woodsboro District, in Frederick County, a body corporate of the State of Maryland, located in Woodsboro District, in Frederick County, Maryland; and to Lewis J. Warner, also resident of Frederick County, in the State of Maryland, warning them to be and appear in your Honorable Court on some certain date to be named in said Writ, and answer the premises and abide by and perform such Decree as may be passed therein.

And as in duty bound, etc.

(Filed September 6, 1929)

Jacob Rohrback
Solicitor for Plaintiff.

EXHIBIT "A"

I, MARY CATHERINE WHITMORE, wife of William H. Whitmore, and resident of Frederick County, in the State of Maryland, do make, publish and declare this to be my last Will and Testament, in manner and form following, that is to say;-

After the payment of all my just debts and funeral expenses, I give, devise, and bequeath my property and estate, real, personal and mixed, hereinafter referred to and described, as follows;

I give and devise and bequeath unto my husband, William H. Whitmore, my farm lands, and buildings thereon, situated in Woodsboro District, in Frederick County, Maryland, being the farm formerly owned by my father, Jacob Warner, with all the personal property thereon, for and during the time of his natural life, conditioned that my said husband will keep said property in good condition and repair, and to pay all taxes, and fire insurance thereon, and without the cutting down or destruction of any growing timber thereon, to use, occupy and enjoy said farm land conditioned as above, and after the death of my said husband, I authorize and direct the substituted executors of this my last Will and Testament to sell said real estate and personal property, and I give the net proceeds arising therefrom, as follows;--

I give and bequeath the sum of Fifteen Hundred (\$2500.00) Dollars unto Mount Zion Evangelical Lutheran Church of Woodsboro District, in Frederick County, the record on incorporation of which is found in Record of Corporations No. 2, at folios 166, etc., in the office of the Clerk of the Circuit Court for Frederick County, Maryland, for the use of the Cemetery of said Church.