

1. It admits the allegations of the Bill of Complaint as contained in Paragraphs 1,2,3,4,5, 6,7,and 8.

2. That your Respondent consents to the passing of a decree for the sale of the real estate in the Bill of Complaint mentioned and of which Mary Catherine Whitmore died,seized and possessed.

3. Your Respondent further replying to the Bill of Complaint herein filed says that since the surviving husband and life tenant has renounced the provisions of the Last Will and Testament of the said Mary Catherine Whitmore,that it believes that upon sale of the real estate herein mentioned,constituting a part of the estate of the said Mary Catherine Whitmore,that the proceeds derived therefrom should be immediately distributed to those entitled thereto, that is,one-half to the surviving husband,the complainant herein,William H.Whitmore,and the remainder to your Respondent,and Lewis J.Warner in accordance with the provisions of the Last Will and Testament of the said Mary Catherine Whitmore.

(Filed October 9,1929)

Leslie N.Coblentz.  
~~Solicitor for Respondent.~~

PETITION TO AMEND.

William H.Whitmore,

Vs.

Mt.Zion's Evangelical Lutheran  
Church of Woodsboro,District,in  
Frederick Coujty,and Lewis J.  
Warner.

No.11,951 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 Petition of William H.Whitmore respectfully represents unto your Honors;-

FIRST. That he is the Plaintiff in the above entitled case and as such filed his Bill of Complaint in your Honorable Court on the date September 6th,1929,the object of said Bill of Complaint being the sale of the real estate of which Mary Catherine Whitmore,wife of your Petitioner,died seized and possessed.

SECOND. That your Petitioner as said Plaintiff,now desires to file an amended Bill of Complaint by striking out all of the allegations and prays for relief of the Bill of Complaint after paragraph "SIXTH",and asks leave to insert in lieu thereof the following;

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 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 when amended, as permitted by your Honorable Court.

And as in duty bound,etc.

Jacob Rohrback  
Solicitor for Plaintiff.

On the above Petition it is Ordered by the Circuit Court for Frederick County,sitting as a Court of Equity,on the date November,12th,in the year nineteen hundred and twenty-nine,that leave be and the same is hereby granted unto your Petitioners as Plaintiff in the Bill of Complaint to file an Amended Bill of Complaint as prayed in the above Petition.