

December, 1930, leaving a last will and testament, dated May 22, 1924, and recorded in the Orphans' Court for Frederick County, a certified copy of which is filed with the original Bill of Complaint, which devises the real estate mentioned in these proceedings unto Olive Frances Beall, in trust, for and during her lifetime, and after her death, it is provided that the proceeds of sale of said property shall be divided equally among her living children and heirs at law, and the children now living of the said Olive Frances Beall, whose husband's name is Lewis C. Beall, are James E. Beall, Lewis C. Beall, John C. Beall, Richard F. Beall and Olive V. E. Beall, all of whom are infants.

2. That on the 24th day of January, 1931, your Complainant renounced the will of her husband, James O. Bussard, the renunciation being filed in the Orphans' Court for Frederick County on said date, and a certified copy of which is filed with the original bill of complaint.

3. That the above named May Bussard has a one-third interest in the real estate in this cause described, and Olive F. Beall has a two-thirds interest for life in said real estate, and the infants James E. Beall, Lewis C. Beall, John C. Beall, Richard F. Beall and Olive V. E. Beall, having a remainder interest after the death of the said Olive F. Beall, in said two-thirds interest, and the said May Bussard, Olive Frances Beall, James E. Beall, Lewis C. Beall, John C. Beall, Richard F. Beall and Olive V. E. Beall, are the only persons having any interest in said real estate.

4. That in the original Bill of Complaint in this cause filed Ida E. Lighter and Lorenzo Lighter, her husband, Anna Kate Wagaman and Samuel M. Wagaman, her husband, Mary E. Wagaman and Frank G. Wagaman, her husband, were made parties inadvertently and in error, and the said Ida E. Lighter and Lorenzo Lighter, her husband, Anna Kate Wagaman and Samuel M. Wagaman, her husband, and Mary E. Wagaman and Frank G. Wagaman, her husband, have no interest in the real estate in this cause mentioned, as will further appear by reference to the answers filed by these Defendants.

5. That the said James O. Bussard died, seized and possessed, of three parcels of real estate, situated in Middletown, Frederick County, Maryland, which was acquired by the said James O. Bussard by deed from Charlotte E. Coblentz, dated January 7, 1902, and recorded in Liber D. H. H. No. 13, Folio 104, one of the Land Records of Frederick County, a certified copy of which is filed with the original bill of complaint.

6. That the said real estate is composed of three parcels, one of which is improved with a dwelling house, and other buildings, and said land is so constituted that it cannot be divided among the parties hereto without loss and injury, and cannot be properly divided among the parties entitled thereto, and herein mentioned, and said real estate should be sold under a decree of your Honorable Court, and the proceeds distributed among the parties entitled thereto, according to their respective interests.

WHEREFORE your Complainant prays that a decree be passed directing the sale of the real estate mentioned, and that the proceeds arising therefrom be distributed among the parties entitled thereto, according to their respective interests, after the payment of all costs and expenses, and that the Bill of Complaint be dismissed as to Ida E. Lighter and Lorenzo Lighter, her husband, Anna Kate Wagaman and Samuel M. Wagaman, her husband, and Mary E. Wagaman and Frank G. Wagaman, her husband.

AND FOR SUCH other and further relief as the nature of the case may require.

William M. Storm

Leslie N. Coblentz
Solicitors for Complainant.

It is Ordered this 14 day of April, 1931, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, that permission is hereby given to file the above amended Bill of Complaint in this cause.

Arthur D. Willard

(Filed May 14, 1931)