

B. All that piece or parcel of land, situate, lying and being in Frederick County, in the State of Maryland, which was conveyed unto John P. Heffner, by the following deeds:

(a) Deed from Hattie M. Himbury for one-half interest therein, dated May 8, 1888, and recorded in Liber W.I.P. No. 6, Folio 254, one of the Land Records of Frederick County, and (b) Deed from John W. Himbury for half interest therein, to John P. Heffner, dated October 7, 1886, and recorded in Liber W.I.P. No. 1, Folio 566, one of the Land Records of Frederick County.

Deeds to the aforementioned real estate are filed herewith as Exhibits Nos. 4 and 5, which it is prayed may be taken and considered as a part hereof.

C. All that piece of timberland containing 12 acres, more or less, which was conveyed unto John P. Heffner, by George W. Crum and John C. Motter, Trustees, by deed dated June 30, 1897, and recorded in Liber J.L.J. No. 16, Folio 392, one of the Land Records of Frederick County, a certified copy of which deed is filed herewith as a part hereof and marked Exhibit No. 6.

Your Petitioners are informed that the aforementioned timber land was sold but no deed therefor has ever been given, and the record title therefore, remains in John P. Heffner.

John P. Heffner departed this life on or about the 24th day of November, 1901, intestate, and left surviving him his widow, the aforesaid Sarah E. Heffner, his second wife and not the mother of Ella J. and Lulu Heffner and two daughters, Ella J. Heffner and Lulu Heffner, and the aforesaid Ella J. Heffner departed this life on or about the 21th day of September, 1929, and left surviving her as her sole heir at law the aforesaid Lulu Heffner, to whom the real estate herein descended by virtue of the death of the said John P. Heffner, intestate, and Ella J. Heffner, intestate, subject, however, to the life estate, in a one-third thereof unto the widow of John P. Heffner, Sarah E. Heffner, one of the Defendants.

3. That the real estate mentioned and described is not susceptible of division among the parties entitled thereto without loss and injury, and it would be to the great benefit and advantage of all parties concerned, and especially the infant defendant, that the said property be sold and the proceeds therefrom be distributed among the parties thereunto entitled under the direction and supervision of your Honorable Court.

TO THE END THEREFORE, that the real estate mentioned in this Bill of Complaint be sold by a Trustee, or Trustees to be appointed by your Honorable Court, and the proceeds be distributed among the parties thereunto entitled, under the direction and supervision of your Honorable Court; and that your Petitioners may have such other and further relief as the nature and equity of their case may require, may it please your honors to grant a writ of sub poena in the usual form against Sarah E. Heffner, Bertha A. Rice, (widow) and Thomas Rice and Gertrude Rice, his wife, Earl Rice, Donald Rice, Austin Rice, and Bertha Rice, all of whom are residents of Frederick County, in the State of Maryland, commanding them to be and appear in your Honorable Court, in person or by solicitor, on some day certain to be named therein, and answer the premises and abide by and perform such decree as may be passed therein.

Leslie N. Coblentz  
Solicitor for Complainants.

(Filed January 20, 1932)

EXHIBIT NO. 1.

At the request of John P. Heffner the following Deed is received for Record and Recorded April 23, 1888 at 9. o'clock A. M.

Test: W. Irving Parsons, Clerk.

This deed made this April 21st day of April in the year eighteen and eighty eight, Witnesseth, that we, Thomas A. Johnson, and Clinton Adams, Executors of the last Will of