

Charles W. Shafer, in the full and just sum of Four Thousand Two Hundred Dollars (\$4,200.00), upon his promissory note, dated the 1st day of October, 1930, with interest thereon from April 1, 1931, which said note is now due and payable, as will more fully appear by reference to said note herewith filed as a part hereof, and marked Exhibit 1.

2. That the said Clifford S. Smith being so indebted as aforesaid unto your Orator, and also unto many other persons, having real and personal estate of large value, departed this life on or about the 14th day of December, 1931, intestate, and left his widow, and the following children surviving him as his heirs at law, namely;

Viola M. Smith, widow, Carrie R. DeGrange, whose husband's name is Oscar DeGrange, Millard S. Smith, whose wife's name is Vivian K. Smith, Maurice E. Smith, whose wife's name is Mary M. Smith, Homer L. Smith, whose wife's name is Ethel R. Smith, Oscar C. Smith, whose wife's name is Annie E. Smith, Guy V. Smith, whose wife's name is Mary C. Smith, Ruth Steiner, whose husband's name is Leo Steiner, Mary C. Cannon, whose husband's name is George Cannon, Albina Smith and John Robert Smith, the said Albina Smith being 15 years of age, and John Robert Smith being 12 years of age, and both infants, the widow and all of the aforesaid children and heirs at law are residents of Frederick County, in the State of Maryland.

3. That the aforesaid Clifford S. Smith having died intestate as aforementioned, was at the time of his death, seized and possessed of all that piece or parcel of land, situate, lying and being in Petersville District, in Frederick County, Maryland, containing 38 acres of land, more or less, and being all the same real estate which was conveyed unto the said Clifford S. Smith by Frank C. Norwood, Surviving Executor of Henry Lorentz, by deed dated January 21, 1915, and recorded in Liber 312, Folio 69, one of the Land Records of Frederick County, a certified copy of which said deed is filed herewith as a part hereof and marked Exhibit No. 2.

4. That administration of all and singular the personal estate of the said Clifford S. Smith has been lately granted by the Orphans' Court for Frederick County unto the said Viola M. Smith, of Frederick County, Maryland, who, in virtue thereof, has possessed herself of the personal estate of the said Clifford S. Smith, as will fully appear by reference to the certificate of letters of administration granted on the estate of the said Clifford S. Smith, herewith filed as a part hereof and marked Exhibit No. 3.

5. That your Orator is informed, believes and avers that the said Clifford S. Smith did not leave personal estate sufficient to pay his debts and the costs of administration, and he is advised that the same, now in the hands of the said Administratrix, ought to be applied to the payment of the claims of your Orator and other creditors of the said Clifford S. Smith, so far as the same will extend; and that any deficiency in said personal estate ought to be supplied by a sale of all, or such part as may be necessary, of the real estate of the aforesaid debtor.

6. That the said Viola M. Smith, Administratrix, in the course of her administration has sold a portion or all of the personal property coming into her hands, and is able to render a statement of account therefor in the Orphans' Court for Frederick County, but your Petitioner avers that all of the said personal estate when fully accounted for will not pay the debts due and owing by the said decedent at the time of his death.

TO THE END, THEREFORE,

1. That the said real estate of the said Clifford S. Smith, deceased, or so much thereof as may be necessary for the purpose, may be sold for the payment of so much of the aforesaid debts as may remain unsatisfied by the application of the personal estate, as aforesaid.

2. And that the proceeds from the sale of the said real estate may be distributed unto the creditors of the said Clifford S. Smith toward the payment of his debts, and

3. That your Orator may have such other and further relief as his case may require,

MAY IT PLEASE YOUR HONORS to grant unto your Orator the writ of sub poena against the