

W. D. L. Harne, et al : No. 11,779 Equity.
 :
 vs. : In the Circuit Court
 : For Frederick County,
 Creola Winfield, et al. : In Equity.

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It appearing from the proceedings in this cause that the Defendants, Creola Winfield and Cyrus F. Winfield, her husband, have been duly summoned and have failed to appear and answer within the time required by the rules of the Court, it is thereupon this 15th day of December, 1928, ordered and decreed that the said Bill of Complaint be and the same is hereby taken pro confesso against the said Defendants, Creola Winfield and Cyrus F. Winfield, her husband, and it is further ordered that depositions be taken by one of the standing examinders of this Court to support the allegations of the Bill.

John S. Newman

(Filed December 15, 1928)

PETITION TO AMENDED BILL OF COMPLAINT.

W. D. L. Harne and : No. 11,779 Equity.
 Katie S. Harne, his wife, et al. :
 : In the Circuit Court
 vs. :
 : For Frederick County.
 Creola Winfield and :
 Cyrus Winfield, her husband, et al. : In Equity.

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TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The Petition of W. D. L. Harne, et al, plaintiffs in the above entitled cause, respectfully shows unto your Honors:-

1. That since the filing of the Bill of Complaint in this cause it appears that two tracts of real estate have been discovered that were not mentioned therein, namely; (1) All that piece or parcel of land containing 3 acres of land, more or less, which was conveyed unto the said James O. Harne by W. H. C. Russman and Lillie A. Russman, his wife, dated April 13, 1894, recorded in Liber J.L.J. No. 5, Folio 718, one of the Land Records of Frederick County, a certified copy of which deed your Petitioners file herewith as a part hereof, marked Exhibit "R". The aforementioned tract of 3 acres, more or less, was conveyed unto Annie M. Harne by the said James O. Harne by deed filed with the original Bill of Complaint filed herewith marked Exhibit D.

2. All that piece or parcel of land containing 12 acres of land, more or less, and being designated as Lot No. 10 as laid out by the said James O. Harne, and being a part of all that 125 acres which was conveyed unto the said James O. Harne, by Thaddeus Bussard and Emory L. Coblentz, Trustees, by deed dated July 5, 1902, and recorded in Liber D.H.H. 15, Folio 9, a certified copy of which said deed is filed herewith as a part hereof and marked Exhibit "S".

3. The Complainants further report that there has been discovered a mortgage from James O. Harne and Annie M. Harne, his wife, unto Charles Wertheimer, since assigned unto Emma C. Groff, which said mortgage is dated the 8th day of February, 1898, and recorded in Liber 2, Folio 212, one of the Land Records of Frederick County, and which said mortgage describes all the real estate mentioned in the Bill of Complaint and referred to in Exhibits I, J, N, O, 3, L, M, Q, P, and 2, and your Petitioners file herewith a certified copy of the said mortgage as an exhibit hereto, which it is prayed may be considered a part hereof, and which said certified copy if filed herewith as a part hereof marked Exhibit "T".

4. That in this cause the Bill of Complaint has been filed and a decree pro confesso entered against two of the Defendants, the other defendants all being infants and have answered by their guardian ad litem. That the Testimony has not yet been returned by the Examiner.