

Ex

BILL OF COMPLAINT.

D. CHESTER KEMP AND SOPHIE KEMP, HIS WIFE,	:	NO. 12250 EQUITY.
	:	
VS.	:	IN THE
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D. CHESTER KEMP, EXECUTOR OF THE LAST WILL AND TESTAMENT OF ANNA S. KEMP, DECEASED: AMY R. GALE AND EDWARD P. GALE, HER HUSBAND, HARRY M. KEMP AND MARCELLA KEMP, HIS WIFE, AND DAVID M. KEMP, ALL ADULTS: AND HARRY C. KEMP, MARY KEMP, AND FREDERICK M. KEMP, INFANTS.	:	CIRCUIT COURT FOR FREDERICK COUNTY, IN EQUITY.

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TO THE HONORABLE JUDGES OF SAID COURT:

The Bill of Complaint of D. Chester Kemp and Sophie Kemp, his wife, respectfully shows:

FIRST: That they and the Defendants are all residents of Frederick County, Maryland.

SECOND: That Anna S. Kemp, late of Frederick County, Maryland, deceased, departed this life January 2, 1931, leaving a Last Will and Testament, bearing date June 18, 1920, duly probated in the Orphans' Court of Frederick County, Maryland, a duly attested copy of which is herewith filed as the part hereof, marked Exhibit No. 1.

THIRD: That by said Last Will and Testament, the said Anna S. Kemp appointed her husband, D. Columbus Kemp, and her son, D. Chester Kemp, one of the Plaintiff, as Executors of her said Last Will and Testament, the said D. Columbus Kemp, having departed this life prior to the death of the said Anna S. Kemp, so that the said D. Chester Kemp is now the sole and acting Executor of the said Last Will and Testament.

FOURTH: That the said Anna S. Kemp died seized and possesse of valuable real estate, consisting of two farms, and referred to in her said Last Will and Testament, one of which was acquired by the said Anna S. Kemp from Lillie M. Hooper, widow, by deed bearing date October 9, 1930, recorded in Liber No. 376, Folio 173, one of the Land Records of Frederick County, Maryland, and the other one of which she acquired by Will from her husband, D. Columbus Kemp, whom she survived, the title to a wood lot was also passed to the said Anna S. Kemp, by the Last Will and Testament of her husband, D. Columbus Kemp, a certified copy of the aforesaid deed being herewith filed as part hereof, marked Exhibit No. 2, and a certified copy of the Last Will and Testament of D. Columbus Kemp being herewith filed as part hereof, marked Exhibit No. 3.

FIFTH: That by her said Last Will and Testament, aforesaid, the said Anna S. Kemp devised and bequeathed one-third of her Estate to Amy R. Gale, her daughter, one of the Defendants, in fee simple, and then devised another one-third of the Estate to her son, D. Chester Kemp, in a Clause containing the following language:

"I will devise and bequeath One-third (1/3) of my said estate to my son, D. Chester Kemp; the home farm, upon which I now reside, containing about One Hundred and Seventy (170) Acres of land, more or less, I devise to my said son, D. Chester Kemp, at the price of Thirty-four Thousand (\$34,000) dollars, and in the event the distributive share of my said son should be less than Thirty-four Thousand Dollars (\$34,000), the valuation placed upon said farm, the said D. Chester Kemp shall pay into the residuum of my estate the difference between his distributive share and the fixed valuation of said real estate of Thirty-four Thousand (\$34,000) dollars, and when done said real estate shall pass to my said son, D. Chester Kwmp, in fee simple; and in the event the distributive share of my said son shall exceed the sum of Thirty-four Thousand (\$34,000) dollars, the designated price of said real estate, it is my will that he shall receive the excess in cash, it being my intention to equalize my estate between my three (3) children."