

of the Register of Wills for Frederick County, a certified copy of which is filed herewith marked Exhibit No. 1 to this Bill of Complaint, which your Complainant prays may be taken and considered as a part hereof, together with all other Exhibits filed herein.

SECOND: That the said Benjamin T. Virts left as his heirs at law and next of kin, a son, Bernard L. Virts, your Petitioner, and two grandchildren, Albert Virts and Eugene Virts, children of a deceased son, Eugene Virts, who reside with their mother, Nellie Virts in Frederick City, Maryland.

THIRD: That the said Benjamin T. Virts, deceased, was in his life time and at the time of his death, seized in FEE SIMPLE of a certain parcel of real estate situated on East Patrick Street, Frederick City, Maryland, consisting of a double house and lot attached thereto, and being the same parcel of land described in a deed from Harvey R. Lease to Benjamin T. Virts, recorded in Liber No. 331, folio 268, one of the Land Records for Frederick County, a certified copy of which is filed herewith marked Exhibit No. 2.

FOURTH: That by a Decree of your Honorable Court, filed on the 22nd of July, 1932, in No. 12,432 Equity, your Honors construed the above mentioned alleged Will of the late Benjamin T. Virts, and declared that the real estate hereinbefore mentioned and described in said alleged Will, vested in your Petitioner, Bernard L. Virts to the extent of an undivided one-half interest and the other one-half undivided interest vested in his two grandsons, Albert Virts and Eugene Virts, equally.

FIFTH: That the two said grandsons, Albert Virts and Eugene Virts are infants.

SIXTH: That the said real estate is incapable of being divided without loss to the parties interested herein and it would be to the best interest and advantage of the parties to this cause that the same be sold under a Decree of your Honorable Court and the proceeds divided as their interests appear.

TO THE END, THEREFORE,

1st. That a Decree may be passed by your Honorable Court directing the sale of the real estate herein mentioned.

2nd. And for such other and further relief as the nature of the case may require.

May it please your Honors to grant unto your Petitioner the Writ of Subpoena directed to Albert Virts and Eugene Virts, infants, who reside with their mother Nellie Virts, in Frederick City, Maryland, commanding them to be and appear in your Honorable Court on some day certain to be named therein, to answer the premises and abide by and perform such Decree as may be passed therein.

Stoner & Storm
Solicitors for Petitioner.

(Filed August 26, 1932)

"EXHIBIT NO. 1."

Frederick City Maryland April 16th 1926

In The name of Almighty "God" "Amen" I Benjamin T. Virts of Frederick Md aged 75 years do hereby Make publish and proclaim this to be my last Will and Testament and I do hereby revoke all former Wills Made by Me I also declare that I am a son of the late Jacob Virts -- of Point of Rocks Md.

First I Devise My House and Lot 318 East Patrick street Frederick which I purchased of H. R. Lease to my son Bernard L. Virts of Union Bridge one half of the above named House and Lot and 1/4 of said lot to my Grand son Albert Virts and one fourth of said Lot and improvements to my Grand son Eugene Virts or to their heirs at law to be theirs in fee simple.

Second All my personal property which may be on hand at the time of my death I bequeath to Bernard L. Virts Albert and Eugene Virts to be divided equally or share and share alike

Third I appoint My son Bernard L. Virts my sole Executor who shall act without Bond who shall sell all my property at public auction and make the Distribution as above stated in Witness