

dated the ____ day of May, 1930, which will has been duly probated in the Orphans' Court of Frederick County, and recorded among the Will Records, in the Office of the Register of Wills, in Liber No. M.F.S., Folio 166, and that on the 18th day of April, 1933 letters Testamentary on the estate of the said decedent were duly granted unto Ada M. Harbaugh, Executrix named in said Will and Testament, as will fully appear by reference to the certificate of Letters Testamentary granted on the estate of the said Mary K. O'Keefe, herewith filed as a part hereof and marked Exhibit No. 2.

3. That the aforesaid Mary K. O'Keefe having died testate as aforementioned, was at the time of her death, seized and possessed of all that piece or parcel of land, situate, lying and being in the town of Burkittsville, Frederick County, Maryland, which was conveyed unto her, the said Mary K. O'Keefe, by John C. Motter and Clayton O. Keedy, Trustees, by deed dated April 8, 1896, and recorded in Liber J.L.J. No. 14, Folio 33, a certified copy of which is filed herewith as a part hereof and marked Exhibit No. 3.

4. That by the said last will and testament of Mary K. O'Keefe, the aforementioned real estate was devised unto Ada May Harbaugh, "for and during her natural life, to occupy the same as a home, and said house and lot, located as aforesaid, I will and bequeath unto my nephew, Daniel Wallace Mullendore, son of Albert Mullendore, subject however to the life tenancy of Mary Harbaugh, adopted daughter of Mrs. Ada May Harbaugh, should she be living at the death of my said daughter, Mrs. Ada May Harbaugh", a certified copy of said last will and testament is filed herewith as a part hereof and marked Exhibit No. 4.

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

6. That the said Ada May Harbaugh, Executrix, in the course of her administration has caused the personal property of the said decedent coming into her hands to be duly appraised, which appraisement has been returned to and filed in the Orphans' Court for Frederick County, showing that the personal estate is not sufficient to pay the debts due and owing by the said decedent in her life time, and your Petitioner avers that when fully accounted for the personal estate will not be adequate to discharge the debts owing to your Petitioner and others by said decedent during her life time.

TO THE END, THEREFORE,

1. That the said real estate of the said Mary K. O'Keefe, deceased, or so much thereof as may be necessary for the purpose, may be sold for the payment of so much of the aforementioned debts as may remain unsatisfied by the application of the personal estate, as aforesaid.

2. That the proceeds from the sale of the said real estate may be distributed unto the creditors of the said Mary K. O'Keefe toward the payment of his debts, and

3. That your Orators 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 subpoena against Ada May Harbaugh, Executrix, Ada May Harbaugh, individually; and Mary Harbaugh, all of Frederick County, in the State of Maryland, and against Daniel Wallace Mullendore, of Boonsboro, Washington County, in the State of Maryland, warning them to appear in this Court, in person or by solicitor, on or before a certain day, to be named therein, to show cause, if any they have, why a decree ought not to be passed as prayed.

And as in duty bound, etc.,

Leslie N. Coblentz

(Filed July 14, 1933)

Amos A. Holter

Solicitors for Complainant.