

FIFTH: That the aforesaid real estate of which the said James Henry Culler died seized and possessed is not susceptible to partition in kind; neither can it be divided among the parties entitled thereto, without loss or injury.

SIXTH: That it would be to the interest and advantage of all the parties, and especially to the infant Defendants, to have the said real estate sold, and the proceeds thereof distributed to the parties entitled thereto, according to their respective interests.

SEVENTH: That all of the parties to this proceeding are adults except Viola Hester Culler and Henry Hedges Culler, who are infants under the age of 21 years, and are the children of the late Henry Z. Culler and Mildred Shaff Culler, his wife.

WHEREFORE, the Plaintiffs pray for the following relief:

1. That the real estate of which the said James Henry Culler died seized and possessed be sold under a decree of your Honorable Court, by Trustees to be appointed thereunder, and the proceeds thereof to be divided among the parties entitled thereto, according to their respective interests.

2. That the Plaintiffs have such further and other relief as the nature of their case may require.

And the Plaintiffs pray for the following process;

That the Writ of Subpoena issue in the usual form, for the purpose of summoning into Court Viola Hester Culler and Henry Hedges Culler, children of the late Henry Z. Culler and Mildred Shaff Culler, his wife, who are infants under ^{the} age of 21 years, and reside with their mother, Mildred Shaff Culler in Frederick County, Maryland, Mildred Shaff Culler, Mildred Louise Culler and Evelyn L. Culler.

And as in duty, etc.

Benjamin B. Rosenstock
Solicitor

Philip L. Culler	(SEAL)
Annie Leila Culler	(SEAL)
Lavenia C. Mercer	(SEAL)
William C. Mercer	(SEAL)
Myra V. Thomas	(SEAL)
Lida Kate Zimmerman	(SEAL)
Wm. D. Zimmerman	(SEAL)
Hester E. Culler	(SEAL)
Grace Matilda Hargett	(SEAL)
J. Russell Hargett	(SEAL)
Kurtz E. Culler	(SEAL)
Ella Houck Culler	(SEAL)
Marie H. Culler	(SEAL)
Claude F. Culler	(SEAL)

(Filed May 1, 1935)

Complainants

EXHIBIT "A"

At the request of James H. Culler the following Deed is recorded June 19th, 1879.

This Deed made this Eleventh day of June in the year eighteen hundred and seventy nine, by me Joshua J. Zimmerman of Frederick County, State of Maryland, Witnesseth that in consideration of the sum of Three Thousand Dollars. I, the said Joshua J. Zimmerman, do hereby grant unto James Henry Culler said County, and State all the tract or parcel of land, called "The Make Shift" and other lands, containing together fifty two acres and one half acre of land situate and lying in Frederick County aforesaid, the same being the same tract of land heretofore granted unto me the said Joshua J. Zimmerman by a certain George Zimmerman by deed, ^{bearing} date the twenty first day of February in the year Eighteen Hundred and fifty which said deed is filed in the