

THIRD. That under the laws of Inheritance of the State of Maryland, the aforesaid real estate is now owned, as tenants in common, by the said Mertle I. Tressler and Mary B. Fogle, who are the only heirs at law of the said Alice Virginia Devilbiss, each being entitled to a one-half undivided interest or share in the said real estate.

FOURTH. That the said defendant and her husband the said Austin A. Fogle, in defiance of your complainant's rights, has been living in one of the houses, paying no rent and has been receiving monthly rental from the other house, without accounting in any way whatsoever to your complainant.

FIFTH. That the said land and improvements, being the real estate mentioned and described in the first paragraph of this Bill of Complaint can not be divided without loss or injury to the parties interested.

SIXTH. That ^{the} all parties to the Bill of Complaint are adults, over the age of twenty-one and all of them reside in Frederick County, Maryland.

SEVENTH. That the only personal property owned by the said Alice Virginia Devilbiss at the time of her death was sundry house hold effects, the value of which being less than One Hundred Dollars.

EIGHTH. That the said land and improvements, being the real estate described in the first paragraph of this Bill of Complaint has a value of approximately One Thousand Dollars.

WHEREFORE, your Complainant prays for the following relief:

1. That your Honorable Court will pass a decree for the sale of the aforementioned real estate by a Trustee or Trustees appointed by said decree, and that the proceeds of said sale may be divided among the parties entitled thereto according to their respective right and interest under the decree and direction of your Honorable Court.

2. That your Honorable Court will pass a decree for the sale of the aforesaid personal property by a Trustee or Trustees appointed by said Decree, and that the proceeds of said sale may be divided among the parties entitled thereto according to their respective rights and interests under the Decree and direction of your Honorable Court.

3. That the Defendant, Mary B. Fogle, be required to disclose the amounts collected in the way of rents since the death of the said Alice Virginia Devilbiss, which was on or about the 10th day of April, A.D. 1935.

4. That your Complainant be awarded one-half of all the rents and profits this collected, as well as one-half of the rental value of the house occupied by the Defendant, and her husband Austin A. Fogle.

5. That the Complainant have such other and further relief as her case may require.

And the Plaintiff prays for the following process:

That the writ of subpoena in the usual form, directed to the Sheriff of Frederick County, may be issued, against the defendants, Mary B. Fogle and Austin A. Fogle, her husband, residents of Woodsboro, Frederick County, Maryland, commanding them to appear in this Honorable Court on some certain day to be named therein, to answer the premises and abide by and perform such decree as may be passed therein.

and as in duty bound, etc.

Patrick M. Schnauffer
Solicitor for Complainant.

STATE OF MARYLAND, FREDERICK COUNTY, TO-WIT:

I hereby certify that on this 7th day of January, 1936, before me the subscriber, a Notary Public of the State of Maryland, in and for Frederick County, personally appeared, Mertle I. Tressler and Joseph W. Tressler, and made oath in due form of law that the matters and things contained in the foregoing Bill of Complaint are true to the best of their knowledge and belief.

Place of
Notarial Seal.

A.M. Ecker
Notary Public

(Filed January 15, 1936)