

First: By their Bill of Complaint heretofore filed in this cause, your petitioners prayed your Honorable Court to decree a sale of the real estate of which Edward F. Fry died seised and possessed, as set out and described in the said Bill of Complaint, and to appoint a Trustee or Trustees to make the sale thereof under the direction and control of your Honorable Court, and that after further proceedings were had, your Honorable Court did, on the thirty-first day of March, in the year 1937, adjudge and decree that the land and premises mentioned in these proceedings be sold and that Parsons Newman, Esquire, be appointed Trustee to make said sales; that the said Trustee entered upon the discharge of his duties, advertised said property for sale and sold the same at public sale, as will appear from his report heretofore filed in this cause on the second day of June in the year 1937.

Second: That as will appear from the said Report of sales, an error or misdescription was discovered after the said sale, in the first lot or parcel of land mentioned and described in the said Bill of Complaint; the said Edward F. Fry died seised and possessed of a certain lot or parcel of land in the village of Point of Rocks, Frederick County, Maryland, which was improved by a dwelling house, in which the said Edward F. Fry resided at the time of his death and for sometime prior thereto, and it was the intention of your complainants to pray for a sale of this lot or parcel of ground, and it was the belief of your complainants, the defendants, the trustee and the purchasers that the said lot or parcel of ground was being sold by the said Trustee, but since the said sale it has been discovered that the description of the lot or parcel of ground made in the Bill of Complaint is not the description of the lot or parcel of ground of which Edward F. Fry died seised and possessed; that the lot of ground described in the Bill of Complaint was sold by the said Edward F. Fry and his wife, in their lifetimes, to Edward L. Blessing and Addie C. Blessing, his wife, the said Addie C. Blessing being their daughter; that the lot sold to Blessing and wife is located at the Northeast corner of the intersection of Clay and Bank Streets in the said village, and that the said lot of which the said Edward F. Fry died seised and possessed is located at the Northwest corner of the said Clay and Bank Streets in the said village of Point of Rocks; that the true description of the said lot of which the said Edward F. Fry died seised and possessed, and which should have been inserted in the Bill of Complaint in the place of the description as given for the first parcel described in the second paragraph of said Bill of Complaint, is as follows: "All that lot or parcel of land situate, lying and being in the village of Point of Rocks, Frederick County, Maryland, fronting forty-four feet on Clay Street and running back to an alley in the rear of the said premises with the right of the use of the said alley, beginning for the lot intended to be conveyed at the intersection of Bank and Clay Streets on the Northwest corner thereof, and running by and with the said Clay Street in a Westerly direction forty-four feet to a point thirty-six feet from the divisional line between the lot obtained by Alice C. Nichols from Lloyd D. Smoot and wife, in the lot owned by Alice C. Nichols, being the lot of sixty feet front on Clay Street which was conveyed to said Alice C. Nichols, by deed from Hanson B. Carter, et al., and running thence North through the last mentioned lot with an even width of thirty-six feet from the divisional line of the lot of Smoot and wife to the said Alice C. Nichols and the lot conveyed by Carter, et al., to said Alice C. Nichols, to the South side of an alley in the rear of said lot; thence by and with the Southern margin of the said alley to the West side of Bank Street aforesaid, and thence by and with the West margin of Bank Street to the place of beginning.

Being all of that lot which was conveyed to the said Alice C. Nichols by deed from Lloyd D. Smoot and wife, dated September 14, 1903, and recorded in Liber D. H. H. No. 17, Folio 703, one of the Land Records of Frederick County.

And being also the Eastern frontage of thirty-six feet on Clay Street with an even width to the alley in the rear of that lot or parcel of ground that was conveyed to the said Alice C. Nichols by Hanson B. Carter, et al., by deed dated March 3, 1898, and recorded in Liber