

Virginia Carey and dominated her will by threats coercion and other means, that she was unable to act voluntarily and independent of his wishes and demands.

SIXTH: That on or about August 25, 1935, the said Leona Mercer made what purports to be a deed of very valuable property to Harriett Virginia Carey and Howard Hollingsworth, as joint tenants which said deed was recorded on September 3rd, 1935 in Liber 399, Folio 324, one of the Land Record of Frederick County, Maryland, a certified copy of which is herewith filed as part hereof and marked "Exhibit No. 2".

SEVENTH: That the said alleged deed and conveyance of August 23rd, 1935 is null and void, as the same was without consideration and was not the free, voluntary, independent and legal act of the said Harriet Virginia Carey, but was the direct result of the fraud, undue influence and coercion practiced on her by the Defendant, constraining her will, and all to the detriment, damage and wrongful deprivation of the rights of your Complainant, a brother and only heir at law of the said Harriet Virginia Carey.

EIGHTH: That at the time of the execution of her deed or conveyance, as the result of taking drugs, that she was without necessary capacity to make a valid deed or contract and, therefore, the alleged deed and conveyance of August 23rd, 1935 is null and void.

NINTH: And further, the Complainant states that on or about the day this deed was executed, his sister Harriet Virginia Carey was a patient in the County Home known as Montevue, in Frederick County, State of Maryland, she having been admitted there by order of her physician and that while she was still under the influence of drugs, the said Howard Hollingsworth did go to the said County Home and demanded her discharge from said County Home and did take her home and exercised his influence and caused her to execute said deed, which conveyed through a straw party, namely; Leona G. Mercer, the said property, to himself and Harriet Virginia Carey as joint tenants with the right of survivorship.

TENTH: That as further evidence of the control, domination and influence exercised by the Defendant and of the abuse of the close and confidential relations existing between the Defendant and Harriet Virginia Carey, your Complainant is advised and so charges that the said Defendant has attempted to transfer to himself all the monies and other property of the late Harriet Virginia Carey, including furniture and fixtures, which said transaction, your Complainant alleges is null and void, because of the mental incapacity of the said Harriet Virginia Carey and because of the fraud and and undue influence exercised and practiced on her by the said Howard Hollingsworth at a time when the said Harriet Virginia Carey was too weak and too much intimidated by him, to resist his threats, importunities persuasion and coercion, which absolutely destroyed her free will and agency in the premises.

ELEVENTH: That the intervention of your Honorable Court is sought to the end that the rights of your Complainant may be declared, defined and enforced and that he may be afforded full protection in the premises, with that part of the property of his sister, Harriet Virginia Carey, entirely restored to the Complainant according to law.

WHEREFORE, your Complainant prays your Honorable Court to

1. Pass a decree setting aside said Deed executed by the said Harriet Virginia Carey to Leona G. Mercer, who in turn executed to Harriet Virginia Carey and Howard Hollingsworth as joint tenants dated August 23, 1935 in so far as said deed purports to convey the property as described in "Exhibit No. 1."
2. That your Honorable Court will pass a decree determining the rights of your Complainant in the premises and enforcing the same.
3. That in the meantime your Honors will issue an injunction restraining the said Harry Hollingsworth from disposing of or incumbering the said property in any way