

of age and resides in Baltimore City, Maryland.

(5) A son, John I. Fitzsimmons, who is now the owner of an undivided one-ninth interest in said real estate and who with his wife, Mattie M. Fitzsimmons, reside in the City of Philadelphia, in the State of Pennsylvania, both of whom are over twenty-one years of age.

(6) A Daughter, Mary E. Fitzsimmons, who married Cleveland Cromwell. That the said Mary E. Fitzsimmons died in the year 1937, intestate, seized and possessed of an undivided one-ninth interest in said real estate, leaving as her only heirs at law her husband, Cleveland Cromwell, who is a widower, and a daughter, Nannie W. Cromwell, who married Clements Gloyd, all of whom now reside in Montgomery County, Maryland; and a daughter, Edna J. Cromwell, who married Elmer S. Justh, both of whom now reside in the City of Washington, in the District of Columbia. That the said Cleveland Cromwell, Nannie W. Gloyd and Edna J. Justh, now own in the aggregate an undivided one-ninth interest in said real estate; that all of them and their husbands, are adults, over twenty-one years of age.

(7) A daughter, Teresa J. Fitzsimmons, who married William Meredith Smith. That the said Teresa J. Smith died on or about the 15th day of June, 1916, seized and possessed of an undivided one-ninth interest in said real estate, leaving a last will and testament which was duly admitted to probate and recorded in Liber S. D. T. No. 2, folio 197, one of the Will Records in the office of the Register of Wills for Frederick County, in which she devised all of her property, real and personal, to her husband, the said William Meredith Smith, as will more fully appear by reference to said last will and testament, a certified copy of which is herewith filed, marked Exhibit No. 4 and prayed to be considered as a part hereof. That the said William Meredith Smith subsequently disposed of his interest in said real estate as will more fully appear hereafter in the eighth paragraph of this Bill of Complaint.

(8) A daughter, Emma F. Fitzsimmons, who married William I. Bean. That the interest of the said Emma F. Bean and William I. Bean, her husband, in said real estate, being an undivided one-ninth interest, was subsequently disposed of as will more fully appear hereafter in the seventh paragraph of this Bill of Complaint.

(9) A son, John Osborne Fitzsimmons, whose wife's name was Bernadette Fitzsimmons. That the undivided one-ninth interest of the said John Osborne Fitzsimmons and Bernadette Fitzsimmons, his wife, in said real estate was subsequently disposed of as will hereafter more fully appear in the fifth paragraph of this Bill of Complaint.

FOURTH: That on the 23rd day of April, 1915, the said Arunah I. Fitzsimmons and Lucy C. Fitzsimmons, his wife, executed and delivered to John Howard Allnutt, a deed of assignment recorded in Liber H. W. B. 312, folio 394, one of said Land Records in which they conveyed and transferred unto the said John Howard Allnutt, for value, all of their right, title, interest and estate, in the real estate hereinbefore described, being an undivided one-ninth interest therein, which vested in the said Arunah I. Fitzsimmons under the will of his father, the said James I. Fitzsimmons, hereinbefore referred to, as will more fully appear by reference to said deed of assignment, a certified copy of which is herewith filed marked Exhibit No. 5, and prayed to be taken and considered as a part hereof. That the said John Howard Allnutt died on or about the 8th day of December, 1915, leaving a last will and testament, which was duly admitted to probate and recorded in Liber S. D. T. No. 2, folio 129, one of the Will Records for Frederick County, a certified copy of which said will is filed herewith marked Exhibit No. 6, and prayed to be considered as a part hereof. That in said will the said John Howard Allnutt appointed his brother, George S. Allnutt, his Executor, and authorized and directed him to make sale of all of his property, real and personal, as in his judgment may seem most judicious and just; that pursuant to