

SECOND: That at the time of his death, the said Daniel R. Rouzer was seized and possessed in fee simple of a tract of land situated in Thurmont, Frederick County, Maryland, which was conveyed unto Daniel R. Rouzer and Eugenia A. Rouzer, his wife, (who predeceased her husband, the said Daniel R. Rouzer,) by deed from Lester S. Birely, Attorney for J. William Firor, dated December 30, 1919, and recorded in Liber No. 329, folio 591, &c., one of the Land Records for Frederick County, the original of which deed is filed herewith marked Exhibit No. 1 to this Bill of Complaint, which it is prayed may be taken and considered a part hereof.

THIRD: That said real estate consists of a lot of ground improved with a double frame dwelling house located on Water Street, in Thurmont, Frederick, County, Maryland.

FOURTH: That said real estate above mentioned is not susceptible of partition or division amongst the parties entitled to interest therein without loss or damage, and it would be to the benefit and advantage of all the parties at interest that the same be sold and the proceeds arising therefrom be divided according to the interests of the respective parties.

TO THE END, THEREFORE,

1st. That your Honorable Court may pass a Decree appointing a Trustee or Trustees to make sale of said property.

2nd. That the proceeds of sale of said real estate may be distributed among the Complainants and Defendants according to their respective rights and interests.

3rd. And for such other and further relief as the nature of the case may require.

May it please your Honors to grant unto Complainants the Order of Publication directed against D. Robert Rouzer and Jessie Rouzer, his wife, of Waynesboro, State of Pennsylvania, giving them and each of them notice of the object and substance of this Bill of Complaint, and warning them to appear in your Honorable Court, either in person or by Solicitor, as required by said notice, and show cause, if any they have, why the relief <sup>prayed</sup> for in the foregoing Bill of Complaint should not be granted.

William M. Storm  
SOLICITOR FOR COMPLAINANTS

Filed April 8, 1946

Exhibit No. 1

Deed

THIS DEED, made this 30th day of December, in the year Nineteen Hundred and Nineteen, by me, Lester S. Birely, of Frederick County, State of Maryland, Attorney, as hereinafter set forth.

Whereas by virtue of a power of attorney contained in a deed from J. William Firor of Athens, State of Georgia, to Lester S. Birely, bearing date August 20th, 1918, the said Lester S. Birely as attorney for the above named J. William Firor has sold the real estate described in the said power of attorney to Daniel R. Rouzer and Eugenia A. Rouzer, his wife, joint tenants at and for the sum of TWELVE HUNDRED DOLLARS (\$1200.00), and the said Daniel R. Rouzer has paid the said purchase money therefor.

NOW THEREFORE this Deed Witnesseth, that for and in consideration of the sum of TWELVE HUNDRED DOLLARS (\$1200.00), the receipt of which is hereby acknowledged, I, the said Lester S. Birely, attorney for J. William Firor, do hereby grant and convey in fee simple to the said Daniel R. Rouzer, and Eugenia A. Rouzer, his wife, joint tenants, all the following described tract or parcel of land, situate, lying and being in Frederick County, as follows: All that lot or parcel of land, situate, lying and being on the east side of Water Street in the town of Thurmont in Frederick County, State of Maryland, designated as lot No. 40 in said Town and fronting on the said street sixty two feet and running back one hundred and thirty feet, <sup>two</sup> or less, and sixty/feet in width at the East or rear side of lot, it being the same real estate