

printer's certificate filed herewith, and the case is hereby referred to the Auditor to state an account.

Patrick M. Schnauffer
Judge of the Circuit Court for Frederick County.

Filed January 17-1945

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BILL OF COMPLAINT

HELEN E. UTTERBACK	"	NO. 15492 EQUITY
VS.	"	IN THE CIRCUIT COUTY
EDGAR N. UTTERBACK	"	FOR FREDERICK COUNTY
	"	IN EQUITY

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Bill of Complaint of Helen E. Utterback, divorced, respectfully shows:

FIRST: That your Oratrix and the Defendant, Edgar N. Utterback, are both residents of Frederick County, State of Maryland.

SECOND: That by deed dated the eighth day of October, 1928, a certain George L. Timms and Mazie J. Timms, his wife, did grant and convey unto the Defendant, Edgar N. Utterback, and your Oratrix, Helen E. Utterback, who was then his wife, all those lots Nos. 34 and 35 East of Maple Avenue in the town of Brunswick, Frederick County, State of Maryland, as shown on the Plat of Charles M. Wenner's Addition to Brunswick, recorded in Liber W. I. P. No. 11, folio 368, which said deed is recorded in Liber No. 368, folio 184, a certified copy being herewith filed as "Exhibit Deed" and prayed to be considered as a part hereof,

THIRD: That your Oratrix and the Defendant were divorced A VINCULO MATRIMONII by a decree of your Honorable Court the 25th day of June, 1945, a certified copy of said decree being herewith filed as "Exhibit Divorce" and prayed to be considered as a part hereof; and your Oratrix is informed and does thus aver that said divorce transformed the ownership of said real estate from a tenancy by the entireties to a tenancy in common.

FOURTH: That the aforesaid real estate of which the parties are seized and possessed is not susceptible to partition in kind; neither can it be divided among the parties entitled thereto with out loss or injury.

FIFTH: That it would be the interest and advantage of all the parties to have the said real estate sold and the proceeds thereof distributed to the parties entitled thereto.

WHEREFORE, Your Oratrix prays for the following relief:

(1) That the real estate of which your Oratrix and the Defendant are seized and possessed be sold under a Decree of your Honorable Court, by Trustees to be appointed thereunder, and the proceeds to be divided among the parties entitled thereto.

(2) That your Oratrix may have such further and other relief as the nature of her case may require.

And as in duly bound, etc.

E. Austin James
E. AUSTIN JAMES

Benjamin B. Rosenstock
BENJAMIN B. ROSENSTOCK
SOLICITORS FOR COMPLAINANT

Helen E. Utterback
HELEN E. UTTERBACK

COMPLAINANT

Filed July 25, 1945

"EXHIBIT DEED"

At the request of Edgar N. Utterback and wife the following Deed is received for record and recorded Oct. 10, 1928, at 2.30 o'clock P. M.

Test: Eli G. Haugh, Clerk.