

Excepting, however, all that lot or parcel of land which was conveyed by Deed from Francis R. Biser, attorney in fact for Cora B. Biser, unto the Frederick Trading Company, dated April 24, 1946 and recorded in Liber No. 454, folio 198 etc., one of the Land Records aforesaid.

Excepting, however, the easement and rights contained in the Deed from Francis R. Biser, attorney in fact for Cora B. Biser, unmarried, unto The City of Frederick, a municipal corporation of the State of Maryland, its successors and assigns, dated February 11, 1952 and recorded in Liber No. 501, folio 5 etc., one of the Land Records aforesaid.

Subject, however, to a mortgage lien given by Francis R. Biser, attorney in fact for Cora B. Biser, unmarried unto Arie R. Routzahn, unmarried, mortgagee, dated November 15, 1949 and recorded in Liber No. 480, folio 479 etc., one of the Land Records aforesaid.

A certified copy of the two latter mentioned deeds and said mortgage above are filed herewith as Exhibits No. 2, 3, and 4 respectively, and prayed to be taken as a part hereof.

2. That being so seized and possessed the said Cora B. Biser, died, intestate, on or about July 6, 1952 and left surviving her the following nieces and nephews as her next of kin and only heirs at law, to whom said lands above described have descended.

- a. Francis R. Biser, a nephew
- b. Meredith H. Biser, a nephew
- c. Constance B. Miller, a niece
- d. Dorothy B. Magalis, a niece
- e. Reginald A. Biser, a nephew, an adult resident of Frederick, Maryland and who is unmarried.

f. Beverly C. Biser, a nephew, an adult resident of Frederick, Maryland, and who is unmarried.

3. That said real estate mentioned and described in this cause is not susceptible of partition or division without material loss and injury to the parties entitled to interest therein and that in order to make a division of said interest it will be necessary that said real estate be sold and the proceeds thereof divided among the parties according to their several interests.

To The End Therefore:

1. That a decree may be passed for the sale of said real estate.
2. That the proceeds of said sale may be distributed between your Orators and the said defendants according to their respective rights and interests.

3. That your Orators may have such other and further relief as the case may require.

May It Please Your Honors to grant unto your Orators the Writ of Subpoena directed to the said Reginald A. Biser, unmarried, and Beverly C. Biser, unmarried, residing in Frederick, Maryland, and Arie R. Routzahn, unmarried, residing in Frederick County, Maryland the three defendants in this cause, and all adults and residing as aforesaid, commanding them to be and appear in this Court on some certain day to be named therein, and answer the premises and abide by and perform such decree as may be passed therein.

And as in duty bound etc.,

D. Princeton Buckey
D. Princeton Buckey, solicitor for
complainants.

Filed August 28, 1952