

Beard, deceased, and William Eshelman, the former husband of Clara Eshelman, deceased, Defendants.

The object of this suit is to procure a decree for the sale of certain real estate situated in Frederick County and State of Maryland, which was mortgaged by Isaac Beard in his lifetime to the plaintiff, Eugene L. Rowe. The Bill states,

1. That a certain Isaac Beard in his lifetime, to wit, on the 18th, day of July, in the year 1902, being indebted unto the plaintiff in the full and just sum of one Hundred and Fifty Dollars, the same being the balance of the purchase money of the real estate mentioned in the Bill advanced by the plaintiff, gave to the plaintiff sealed waiver judgement note for said so advanced, drawn to the plaintiff, or order, and payable six months after date with interest from date, and the plaintiff files with the bill as part thereof said sealed waiver judgment note marked Exhibit A.
2. That being desirous to secure the payment of the said sealed waiver judgement note when the same should become due and payable, as also the interest thereon, the said Isaac Beard did, by his deed of mortgage of said date, convey unto the plaintiff, certain real estate situated in Frederick County and State of Maryland, and particularly described in said mortgage; to which deed there is a condition annexed that it should void upon payment to the plaintiff or his assigns, of the aforesaid waiver judgement note for one hundred and fifty dollars and the interest thereon, on or before the 18th, day of January, in the year 1903, all of which will more particularly appear by reference to said deed of mortgage filed with the bill as part thereof marked Exhibit B.
3. That the said Isaac Beard is dead, having died in the month of May, in the year 1904, and that no letters testamentary or of administration have been granted on his estate in the State of Maryland.
4. That the said Isaac Beard left surviving him as his heirs at law
  - (A) Joseph C. Beard, a son, whose wife is Bertha Beard, both adults.
  - (B) Albert Beard, a son, whose wife is \_\_\_\_\_ Beard, both adults.
  - (C) Callie Warren, a daughter, whose husband is Lewis Warren, both adults.
  - (D) The heirs of Maurice Beard, a deceased son, whose names and ages are unknown to the plaintiff, and whose widow is \_\_\_\_\_ Beard, an adult.
  - (E) The heirs of Clara Eshelman, a deceased daughter, whose names and ages are unknown to the plaintiff, whose former husband was William Eshelman, an adult.
5. That all of the defendants reside in the State of Pennsylvania, except the unknown heirs of Clara Eshelman and William Eshelman, her former husband, who all reside somewhere in the West but whose places of residents are unknown to the plaintiff.
6. That the whole of said sum of one hundred and fifty dollars and interest thereon, from the 18th day of July, in the year 1902, except twelve dollars and forty three cents interest paid to the plaintiff by the said Joseph C. Beard on the 5th, day of December, in the year 1903, still remains due and owing to the plaintiff, although the time limited for the payment thereof by said sealed waiver judgement note and the condition of said mortgage has long since passed.

The Bill then prays for the following relief;

1. That the said real estate conveyed as aforesaid to the plaintiff by said Isaac Beard, deceased, may be decreed to be sold to pay said sum of one hundred and fifty dollars so do as aforesaid to the plaintiff together with all interest accrued thereon.
2. For general relief.
3. For an order of publication against the defendants.

It is thereupon this 7th, day of June, 1905, ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, that the plaintiff by causing a copy of this order to be inserted in some newspaper published in said County Frederick once a week for four successive weeks before the Eighth day of July, 1905, give notice to the said defendants of the object and substance of this Bill, and warning the said Joseph C. Beard and Bertha Beard, his wife, Albert Beard and \_\_\_\_\_ Beard, his widow, whose name is unknown; Callie Warren and Lewis Warren her husband, all adults, and residing in the State of Pennsylvania; the unknown heirs of Maurice Beard, deceased, \_\_\_\_\_ Beard, his widow, an adult, and all residing in the State of Pennsylvania; and to the said the unknown heirs of Clara Eshelman, deceased, and William Eshelman, her former husband, an adult, whose residents are unknown, and warning them to appear in this Court in person or by solicitor on or before the 24th day of July, 1905, to show cause, if any they have, why a decree ought not to be passed as prayed.