

No, 7620 Equity.

B I L L O F R E C E I V E R S .

George W. Benjamin, Lavinia M.
Benjamin, his wife, Roy E. Benjamin,
George W. Wachtel, and Reno S. Harp,
Assignees, etc., in No. 7606, Equity,

Plaintiffs.

Vs.

Lavinia C. Wenner, widow, of Charles, F.
Wenner, deceased, Charles M. Wenner, and
Edna V. Wenner, his wife, Roy B. Wenner,
Roy B. Wenner, and Elva S. Wenner, his
wife, John L. Jordan, and Amanda L. Jordan.
William H. Jordan, and Jordan his wife. Mary
B. Walker, widow of H. E. Walker, deceased, and
William Graham.

Defendants.

No, 7620, Equity.

In the Circuit Court for
Frederick County.

Sitting

as a Court of Equity.

To The Honorable the Judges of the Circuit Court for Frederick County.

Your Orators Complaining Say;

1st. That the plaintiffs in the above entitled cause, George W. Benjamin, Lavinia M. Benjamin, his wife and Roy E. Benjamin are all adults and residents of Baltimore city, Maryland, and that the other plaintiffs are also adults, and residents of Frederick County, Maryland.

2nd, That all the defendants in this proceeding are adults, and all residents of said Frederick County, with the exception, of William H. Jordan and wife, and Mary B. Walker, who are residing in the City of Washington, District of Columbia,

3rd. That the said Benjamin, above mentioned, have been the owners of certain Real Estate, situated in the town of Brunswick, County for a number of Years, past, upon which they executed a certain Mortgage, lien to one John Hersinger, on July 31, A. D, 1901, securing the payment of a Joint and several promissory note, by them executed bearing the same date, for the sum of Two Thousand and Ten Dollars, (\$ 2010.00), said Mortgage being recorded in Liber, D. h. No. 2, at folios 300 etc., one of the Land Records of Frederick County, Maryland, The after the assignment of the said Mortgage, to the Myersville Savings Bank, of said Frederick County, a body Corporate, on August, 4th A. D, 1902, for value, the said body corporate, assigned said Mortgage, on March 4, A. D. 1903, to two of the plaintiffs in this cause, George W. Wachtel and Reno S. Harp, and said Mortgage being in default, the said George W. Wachtel, and Reno S. Harp, after filing their Bond, as required by law, under a power of sale, in said Mortgage, sold said Real Estate, by Parcels in the Town of Brunswick, Frederick County, on March 28th 1909. at public sale to divers parties, Said sale amounting to the sum of \$4855.00, as evidenced by the memorandum of Purchase, signed by the different purchasers, filed with the report of sales, filed in Your Honorable Court, on March, 31st. 1909. on the Equity Docket, and designated, as case No. 7606, Equity, as by reference to which proceedings, all of the facts narrated in this paragraph will appear,

4th. that the said George W. Wachtel and Reno S. Harp, were prepared to have the sale made ratified by you Honorable Court, on April 25th last, so as to be able to execute the deeds as assigned to the respective purchasers, under said sale, but on the 24th, day of April, 1903, certain exceptions were filed, in said No, 7606 Equity, by three of the purchasers, to the ratification of said sale because of a certain defect in the title, intended to be conveyed by said Assignees,

5th. that said defect has recently been discovered, within the last ten days and involves, a review of certain proceedings, in No 4179 Equity, on the Equity Docket, of your said Court, so that a proper deed of conveyance may be made, in conformity with said proceedings, in said No, 4179 Equity, wherein a mistake appears, upon the face of the Record made the Trustee, in said cause may be corrected, in Order that said Title may be cleared, of said defect, substance of this paragraph depending upon the facts, which are as follows; The part of the Real Estate mentioned, in the second paragraph, and being the part effected by this defect, referred to originally was the same real estate, mentioned in the proceedings, in said No 4179 Equity, and decreed by your Honorable Court, to be sold by Milton G. Urner who was appointed Trustee, to one Mortimer S. Wenner, who subsequently on his own Petition, filed in said Equity cause, and a certified copy of which is herewith, filed with this Bill. and Marked "Exhibit" No. 1; asked your your Honorable Court, to substitute as purchasers in place of Himself, Jordan, Graham and Wenner, partners trading as such, and that subsequently John L. Jordan, Sr., William Graham and Charles Fenton Wenner, partners trading as Jordan, Graham and Wenner, applied as such partners to your Honorable court, on Petition to have your said Court pass an order, substituting themselves, as such partners, as the purchaser of said real estate, sold to Mortimer S. Wenner, and your said Court, passed an order which had been written and prepared, by the said Milton G. Urner, Trustee, not in conformity, with the petition, but erroneously making said Jordan, Graham and Wenner, the