M. ALBERT MORNINGSTAR Assignee of Jack V. Leishear under mortgage from John B. McClellan, Jr. and under mortgage from John B. McClellan, Jr. and Neda H. McClellan	* * * *	IN THE CIRCUIT COURT FOR
M. ALBERT MORNINGSTAR Assignee of Daniel and Eileen Freedman and Philip S. Udoff under mortgage from John B. McClellan and Neda H. McClellan	* * *	FREDERICK COUNTY, MARYLAND EQUITY NO. 31,525

* *

MEMORANDUM OF POINTS AND AUTHORITIES

Maryland Rule BR 6 (c) provides as follows:

> "in case of default by a purchaser in a sale reported to the Court, the Court on application, and after notice to the defaulting purchaser, may order a resale at the risk and expense of such purchaser, or may take such other action as justice may require. "

Where a purchaser has failed to comply with the terms of the sale, the Court may, on application of the Assignee appointed to make the sale, order a resale at the purchaser's risk. Miller v Mitnick, 163 Md. 113, 151 A. 157 (1932).

Respectfully submitted,

David E. Aldridge
Solicitor for Assignee

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M. ALBERT MORNINGSTAR
ATTORNEY AT LAW
203 WEST PATRICT STREET
FREDERICK, MARYLAND