

Bill

Michael H. Foub } No 3659 Equity ~  
George H. Briscoe } In the Circuit Court for Frederick County as a Court of Equity.

To the Honorable the Judges of the Circuit Court for Frederick County as a Court of Equity ~

The Bill of Complaint of Michael H. Foub of Frederick County respectfully represents, that heretofore to wit, on the Sixteenth day of March in the year Eighteen hundred and Sixty Nine, a certain Abraham Willson, made and executed to a certain William Fletcher a certain deed of Mortgage for the purpose of securing to him the said William Fletcher the sum of Money therein mentioned, and your Complainant files herewith as part of his Bill of Complaint, said deed of Mortgage marked "Exhibit No. 1." ~

Your Complainant further states that on the twentieth day of August in the year Eighteen hundred and Seventy, the said William Fletcher for a valuable consideration, transferred and assigned all his interest in said Mortgage and in said Mortgage debt to your Complainant, as well appear by what purports to be and was an intended assignment of said Mortgage, and Mortgage debt, indorsed upon said Mortgage herewith filed as Exhibit No. 1. and that your Complainant is in fact and in truth, the bona fide assignee of said Mortgage and Mortgage debt for a valuable consideration, and entitled to the payment of the same. ~

Your Complainant further states that the time for the payment of the Mortgage debt has passed; that the same is due and wholly unpaid as to principal and interest, and that the Conditions of said Mortgage, not having been fulfilled, your Complainant is entitled to have the premises sold for the payment of his debt. ~

Your Complainant further states that the said Abraham Willson departed this life on or about the first day of February in the year Eighteen hundred and Seventy, having on or about the Eleventh day of January in the year Eighteen hundred and Seventy, duly made and executed his last Will and Testament in writing, and thereby devised among other things, all, any and every part and parcel of his Real Estate including his house and lot situated at the east end of Petersville to a certain George Washington Briscoe, and the said Testator further constituted and appointed said George Washington Briscoe the sole executor of his said last will and testament, as will appear by a Certified Copy of said will herewith filed as part of this Bill marked "Exhibit No. 2." ~

Your Complainant further states that shortly after the death of the said Abraham Willson his aforesaid last Will and Testament, was in due form of law admitted to probate before the Orphan's Court of Frederick County, and letters testamentary thereon were in due form of law by said Orphan's Court of Frederick County, and letters testamentary thereon were in due form of law by said Orphan's Court, granted unto the said George H. Briscoe. ~

To the end therefore that a sale of the said Mortgage premises may be had by decree of this Court for the payment of the debt due to your Complainant, may it please your Honor to grant the writ of subpoena commanding the said George H. Briscoe, Executor and devisee of said Abraham Willson deceased, to be and appear in this Court on some certain day to be therein named to answer this Bill and to show Cause if any he has why a decree should not pass as prayed - And your Complainant prays for all such other and further relief as his Case may require - And as in duty bound -  
Filed Apr 20<sup>th</sup> 1871 ~

L. V. S. Long - Solicitor for Complainant

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