

Court's  
opinion  
in order  
relieving  
report  
of Sale

In the matter of the  
Report of Sale of Henry  
Baker Mortgage of  
Jos. Lowe & Wife

No 3853. Equity  
In the Circuit Court for Frederick County  
as a Court of Equity.

February Term 1873.

This cause is now before the Court on exceptions to the Report of Sale made by Henry Baker the Mortgagee, The first Second Third and Fifth objections are overruled for the reasons assigned in the opinion of this Court filed on the 13<sup>th</sup> day of June A.D. 1872 and in the order or decree of the Court in Banc filed on the 16<sup>th</sup> day of December A.D. 1872 both being in No 3787 Equity in this Court and which are now made a part of this opinion, as to the fourth objection the proof in this cause shows that Thomas H. Harwood was the owner of the said Single Bill when payment was demanded of the said Lowe and that default in the payment of the same took place while the said Thomas H. Harwood was the owner thereof and that he was also the owner of the said Single Bill at the time the said Baker proceeded to make the said Sale, under this state of facts it was not necessary for Mrs. Thomas Harwood the assignee to make any subsequent demand there is nothing in the proceedings to show that there was any unfairness in the sale and the exceptions having offered no testimony to show inadequacy of price and the property having sold for nearly twice the amount of the Mortgage the Court must conclude that the sale was a fair one and that there is no inadequacy of price as would justify this Court in setting aside the sale. The description of the property as set out in the advertisement filed among the papers, the Court thinks is full and complete and quite sufficient to afford means of informing the Public and others concerned of the identity of the property. This is all the Law requires. "Kuside and wife @ Blev. &c 33 Md. 126" The copy of the Bond with the endorsement of the Clerk thereon shows that it was executed approved and filed in the Clerk's Office before the Mortgagee proceeded to make the Sale it is also in the form required by the Code Art. 64 Sec 6. The Sixth objection sets forth no cause of exception therefore for the foregoing reasons the Court must overrule the objections and ratify the sale. It is therefore this 3<sup>rd</sup> day of May A.D. 1873 by the Circuit Court for Frederick County as a Court of Equity and by the authority thereof adjudged ordered and decreed that the exceptions filed to the Report of Sale made by Henry Baker in this cause be and the same are hereby overruled and it is further ordered by the said Court that said Report of Sale be and the same is hereby finally ratified and confirmed no sufficient cause to the contrary having been shown although notice appears to have been given in conformity with the Order nisi heretofore passed in this case. The Trustee is allowed the usual chancery Commission & all necessary expenses for which he shall produce <sup>his proper</sup> vouchers. It is further ordered that this cause be and the