

Answer of
Nicholas Fogle

The separate answer of Nicholas Fogle to the Bill of Complaint of George W. B. Shriver against this Respondent follows in the Circuit Court for Frederick County in Equity Exhibited. This Respondent for answer to said Bill of Complaint admits it to be true that William Stitely and Wife executed to him the Mortgage in the Bill of Complaint mentioned and that the Land conveyed thereby is part of the same Land purchased by said Stitely from this Respondent and John White's Trustees in the case No. 3355 Equity on the Docket of your Honorable Court on the 12th day of October 1867 and that the said Stitely's wife executed to your Complainant the Mortgage in said Bill mentioned and marked Exhibit No. 2, and further answering this Respondent states that the history of said transaction is as follows the terms of sale of said property prescribed by the decree in said case No. 3355 were that one half the purchase money should be paid in cash and the balance in one year from the day of sale the said cash payment was not made by said Stitely until after the date of said Exhibit No. 2 and at the said date the said Stitely had in fact no interest in said property the said cash or first payment was however subsequently made when the final payment became due the same was not paid and said Stitely had no remedy to pay the same in or about February 1870 this Respondent agreed that he would advance to the trust fund the said final payment that is to say one half of said purchase money then due from said Stitely to said Trustees in order to enable said Trustees to close their said Trust and it was agreed by and between his said co-Trustees and himself and said Stitely that the said Trustees should convey to said Stitely the said property and that simultaneously therewith the said Stitely should execute to this Respondent a Mortgage on the said Land so to be conveyed to secure to him the said sum of money to be advanced, and that this Respondent should advance said money to said Trustees the said sum of sixteen hundred and Fifty dollars the interest thereon having been paid by said Stitely and said Trustees executed the deed of which Exhibit No. 3 filed with said Bill of Complaint is a copy but the same was not delivered to said Stitely but was kept and retained by this Respondent in his possession until the date of the Mortgage of which Exhibit No. 4 filed with said Bill of Complaint is a copy under an agreement to that effect between said Stitely and this Respondent and with the knowledge and concurrence of his said co-Trustees to the end and ^{with the} understanding that the said Mortgage to this Respondent should be executed and delivered to him simultaneously with the delivery of said deed to said Stitely and that the agreement by which this Respondent advanced said money claimed into effect and this Respondent states that the said Stitely having entered into a contract or arrangement to sell twenty-one Acres part of said Land to Barbara Fogle wife of Isaac Fogle or to said Isaac Fogle and the preparation of said Mortgage to this Respondent having been casually delayed for some time when the same came to be

Answer
Wm B
Wife

Answer
B.F.

Answer