

of Jan. 1874, the sum of Twelve hundred and twelve Dollars and Eighty three Cents (\$1212.83) although the time limited for the Payment thereof, by the Condition aforesaid has passed, and Payment thereof has been duly demanded of the said John Hildebrand but the sum of \$1212.83 as aforesaid still remaining due and owing to the Estate of the said John Hildebrand

That the said John Hildebrand Sec^d in his said last Will and Testament constituted and appointed the said William H. Hildebrand together with his said son Louis A. Hildebrand the Executors thereof, and your Orator and Oratrix are advised that by said action of the said John Hildebrand the said Mortgage debt due and owing from the said William H. Hildebrand to the said John Hildebrand in his life time became and was in Law extinguished and discharged, but your Orator and Oratrix are further advised, that although the said debt is discharged at Law, that in Equity, the said Executors are chargeable therewith as assets belonging to the Estate for the purpose of paying debts and Legacies and as the said Executors cannot bring an action to foreclose said Mortgage by reason of the fact of one of them being the Mortgage debtor, they are, they are entitled to a decree of your Honorable Court on the prayer of all the Legatees and Devisees of the said John Hildebrand against the said Executors to compel them to charge themselves with the said debt of the said William H. Hildebrand as assets of the Estate of the said John Hildebrand and to a decree of this Court appointing a Trustee to make sale of the said Mortgaged premises for the purpose of realizing the amount of said indebtedness to the said William H. Hildebrand and to the Estate of the said John Hildebrand Sec^d the indebtedness when so made by a sale of said Mortgage premises to be returned over by said Trustee under the order and direction of this Honorable Court to said Executors as assets of the Estate of the said John Hildebrand to be distributed by said Executors under the Provisions of the said last Will and Testament of the said John Hildebrand

So the end therefore that the said William H. Hildebrand and Louis A. Hildebrand Executors last Will and Testament of the said John Hildebrand may answer the several matters and things hereinbefore stated as fully and particularly as if they were herein again repeated, and they were thereunto specially interrogated and that they might be compelled to charge themselves as Executors aforesaid with the said indebtedness of the said William H. Hildebrand aforesaid and that the said Mortgaged premises or so much thereof as may be necessary may be sold for the Payment of the said indebtedness of the said William H. Hildebrand to the Estate of the said John Hildebrand and that your Orator and Oratrix may have such other and further relief as this case may require

May it please your Honors to grant unto your Orator and Oratrix the writ of Subpoena against the said William H. Hildebrand and Louis A. Hildebrand of the said County Commanding them and each of them to appear in this Court at some certain day to be therein named to answer the Premises and to do and perform such Service as may be required therein and as on duty bound, &c;

Charles H. Maulsby
Sol. for Complainants

Filed Jan. 20, 1874