decline to redeem said Prior Loan, and agree that a Decree be passed for the sale of said Mortgaged Premises as prayed in said bill, and that the proceeds of sale be distributed amongst the claimants thereof according to the priority of their respective liens.

Thos. P Grove
Julia A Grove

Filed Dec. 2. 1876.

Opinion & Decree of Court

George Thomas of H
vs
Susan Fout, Bradley T Fout & others

No. 4189 Equity.

In the Circuit Court for Frederick County, in Equity.

This cause standing ready for hearing was submitted to the Court by the respective Solicitors for Complainant & Defendant upon Bill Answers and Exhibits, the proceedings were by the Court read and considered, The Defendants Susan Fout Bradley T Fout and Mary A E Fout having by their answer admitted all the charges and allegations in said Bill contained but as a defense to the passage of a Decree in said cause by their answer deny that the Mortgages and Judgments set out in said Bill "are liens upon the Real Estate described in the said proceedings & are null and void and of no effect or virtue" This proceeding is for the purpose of enforcing the payment of a Mortgage debt, due by the said Defendants Susan Fout & others to the Complainant, and upon a failure to pay they for a sale of the Mortgaged premises, It is the opinion of the Court that the matter of defense set forth in that part of the answer is no defence to the passage of a Decree, The legal title to the Estate in question was in said Defendants and they mortgaged the property to secure the payment of debts by them contracted, and these facts all being admitted by their answer, these Defendants cannot in this way impeach their title to the Land nor prevent the passage of a Decree to enforce the payment of debts by them contracted. The Court being of opinion that said Mortgages and Judgments are liens binding said Real Estate and the objections then raised by the answer are hereby overruled.

And the other Defendants having fully answered the Allegations and charges contained in said Bill, and all the Mortgagees & judgment creditors having failed and declined to redeem the mortgaged premises and agreeing to a passage of a Decree for the sale of the same, and the said Mortgagees having failed to redeem as prayed for in said Bill.

It is thereupon this 26th day of April in the year 1877 by the Judges of the Circuit Court for Frederick County as a Court of Equity and by the authority of said Court further adjudged ordered and decreed that unless the said Mortgagors redeem the Mortgages and Judgments debts as set out in said Bill of Complaint, and pay or bring into this Court to be paid to the Complainant on or before the 7th day of May 1877, the sum of $1049.71 with interest from Nov 25th 1873, and the further sum of $1978.$\frac{81}{100}$ with interest from December 21st 1875, and the sum of $985.$\frac{63}{100}$ with interest from Feb. 1st 1876, and the sum of $1983.52 with interest from September 10th 1876, and the sum of $858.$\frac{24}{100}$ with interest from August 2nd 1876 until paid or brought in as aforesaid together with the Complainants costs of this suit to be taxed