

Exhibit
No 3.

State of Maryland Frederick County, Set,
 You are hereby commanded to Summon Daniel Devilbiss & Maria W
 Devilbiss to be and appear before me the Subscriber Justice of the
 Peace for the said County on the 14th day of December to answer
 unto S. C. Simmons in a plea of Debt, and have you thousand
 then this Summons. Given under my hand and seal this 7th
 day of December 1867.
 William Higgins Constable. James J. English (L.S.)

S. C. Simmons 1867 Dec 21st Judgment in favor of the Plaintiff
 for \$6035.00 Dollars Debt and \$175cts costs
 Daniel Devilbiss & Maria W Devilbiss without inter. From date. Witness my hand and seal
 James J. English
 Endued This Summons W Higgins Constable.
 January 2nd 1868 Rd. payment in full. S. C. Simmons

Notes
Opinion
Secured

Joseph Knoff. vs Maria Devilbiss and Others
 No 2311 Equity.
 In the Circuit Court for Frederick County, as a Court of Equity
 May Term 1878.
 The Bill in this case was filed to obtain a
 decree to foreclose a mortgage executed by Maria Devilbiss to
 Laura W Devilbiss for four hundred Dollars dated on the
 23rd day of June A. D. 1876 and assigned by her and her husband
 on the 9th day of February A. D. 1877 to Joseph Knoff the defendant.
 It is objected on the part of the defendants first that the mortgage
 was obtained by fraud for a greater amount than the mortgagor
 intended. Second, that payments have been made on said mortgage
 to the mortgagor and to her husband to its full amount and thirdly
 that before the said mortgage was recorded the land covered by it was
 sold and conveyed to J. J. Devilbiss and others for a valuable con-
 sideration and without notice and that the deed for said land
 was recorded before the mortgage. The first and second objections
 in the opinion of the court are not sustained by the evidence and
 the only credit which the testimony shows should be allowed is the
 sum of One Hundred and fifty dollars bearing the sum of Three hundred
 and fifty Dollars still due on the mortgage with interest from the
 date of the assignment. In reference to the third objection the deed to
 J. J. Devilbiss and others would have priority over the mortgage
 under the 16th. Sec. Art 24 of the Code if the testimony did not show
 that the grantors in the deed knew of the existence of the mortgage
 at the time they took the deed, & furthermore the real consideration in the
 deed, had not passed at the time this bill was filed. The
 answer or plea of the defendants, that they are purchasers for
 a valuable consideration without notice is not supported by the
 oath of the parties, as is required in practice. Parroll Ch. P. 123.
 It is thereupon, this 9th. day of July A. D. 1878. by the Circuit Court