No 4627 Equity (Sup Proceedings)

Joseph G Meller Mortgagee of David E Meller (on) Petition

In the Circuit Court for Frederick County

To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity.

Petition & Court's Order

The Petition of Joseph G Meller Mortgagee in the above cause respectfully shows unto your Honors that in the Audit made and filed in the above case on the 19th day of October A. D. 1880, there was a balance of the Trust funds reported, after allowing costs and Commissions, of Sixteen hundred and fifty six 34/100 dollars, and which was erroneously audited to Warner Hobbs assignee of the first Mortgage; Whereas, the said Mortgaged property having been sold subject to said First Mortgage, said balance of the proceeds of sale should have been audited to your Petitioner under whose mortgage said property was sold. Your Petitioner has had another Audit made, making a proper distribution of said funds which he prays may be substituted in the place of said erroneous audit, and that said corrected Audit may be ratified and confirmed and the other set aside.

And that your Petitioner may have all such other and further relief in the premises as he may be entitled to he will ever pray &c

Uriah V Eichelberger
Solr for Petitioner

Joseph G Meller Mortgagee on Petition

No. 4627 Equity
In the Circuit Court for Frederick County
December Term, 1880

Upon the foregoing Petition it is ordered by the Court this third day of January A. D. 1881, that the audit made and filed in the above cause on the 3d day of Jany A. D. 1881, be substituted in the place and stead of the audit filed on the 19th of Oct 1880, which is hereby set aside, and that said corrected Audit is hereby ratified and confirmed, notice having been duly given as required by the order nisi upon said first made audit, and no cause being shown to the contrary other than the statements contained in the foregoing petition: and it being obvious from the face of the papers in this case that said first audit was erroneous in auditing the balance of the Trust funds to the first mortgagee instead of to the second Mortgagee (the Property having been sold subject to the first Mortgage) the said substituted audit is hereby ratified without any further publication being required

Ratification of Auditors Report (2d)

John A. Lynch
Judge of the Cir. Court

Filed Jany 3d 1881

Statement of an account between Joseph G Meller, Mortgagee, in No 4627 Equity, in the Circuit Court for Frederick County, and the Trust funds therein reported.

Auditors Report (2a)

To Amt of Proceeds of sale of Real Estate Rept		$1186	84	Amounts brought up	$127	50	$1813	34
" " " Pers Prop		626	50	To Uriah V Eichelberger Solrs fee	25	00		
" Whole Amt of Trust funds		$1813	34	" Fredk J Nelson Auditors fee	4	50	157	00
" Trustees usual Chancery Comn	$87 40			Leaving Balance of			$1656	34
" A Fearhake for Clerks Costs	12 10			Which accrues				
" Trustee paid for Printing	15 00			To Joseph G Meller Mortgagee in part				
" Trustee to pay Order nisi on Audit	3 00			payment of Mortgaged Dbt	$1656	34	$1656	34
" Solrs Appee fee	10 00				$1656	34	$1656	34
Carried up	$127 50	$1813	34					