No 4689 Equity

Augustus Fraley, father & natural Guardian of Lewis A. Fraley, Cora A. Fraley and Ada M. Fraley

vs

Lewis A. Fraley, Cora A. Fraley & Ada M. Fraley

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

Petition

The Petition of Augustus M. Fraley of Frederick City, Frederick County, and State of Maryland as the father and natural Guardian of Lewis A Fraley, Cora A Fraley and Ada M Fraley of said County and State, aforesaid his children by his first wife Adaline A Fraley, now deceased, who are infants, under the age of twenty-one years, and also in his own behalf, humbly shows unto your Honors, that for and in consideration of the sum of Thirteen hundred dollars, a certain Philip B Kunkel and his wife and Henry Boteler by deed, dated the 5th day of August A. D. 1863, and Recorded in Liber B. S. No. 9 folio 109 one of the Land Records of Frederick County, conveyed all that certain lot or parcel of ground with the buildings and improvements thereon, situate and lying on the South side of West Patrick Street, in Frederick City, and State of Maryland, fronting on said Street thirty one feet and six inches, and running back for a depth thereof three hundred and forty feet more or less, in fee simple, unto Adaline A. Fraley, wife of said Augustus Fraley, and her heirs or children begotten by said Augustus Fraley, as will fully and at large appear from a certified copy of said Deed herewith filed, marked Exhibit No 1, and prayed to be taken as part of this Petition. And further represents, that said Adaline Fraley, died about the month of July in the year Eighteen hundred and seventy-two, leaving as her surviving heirs and children the said three children Lewis A. Fraley, aged now about eighteen years, Cora A Fraley of about the age of sixteen years, and Ada M. Fraley, aged about fourteen years And your Petitioner further shows that he furnished out of his own means and resources the whole amount of purchase money for said Real property, and had the said property conveyed in the form and manner above described, as a provision for his said family, being then in a fair business, and fully able to provide for his household, and intending to pay all sums necessary to liquidate the taxes on the said premises, and keep the same in repair, and meet all other expenses necessary and proper for the better enjoyment of the said property. He further represents that of his own means he largely added to said property, putting an additional Story on the Dwelling house and otherwise improving the same; but that while such payments and expenditures may entitle him to an equitable lien for re-imbursement, and he does waive such claim; he waives the same so far as the accomplishment of the purposes of this Petition, are concerned and hereby Consents that any interest or title whatever he may have in said property shall be included and embraced in the Mortgage, which shall be executed by the Trustee hereinafter to be mentioned, and he hereby grants that said interest to the said Trustee hereinafter to be appointed by the said Court, and prays the said Court to so authorize and empower the said Trustee to act. And the said Petitioner further represents that the said property is now largely in arrears for Taxes due to the State of Maryland, Frederick County and the Corporation of Frederick City, amounting to about fifty dollars, that the said property has been recently sold by Peter N. Shafer, the Tax Collector of the State and County taxes for the said County and State aforesaid, to Peter Baer of Frederick County, in the State of Maryland, for the sum of Seventeen dollars and twenty four cents to satisfy said County and State for taxes due and owing and in arrears on said described property. And the said Petitioner further represents that the said property, is in need of some repairs, in the way of putting up a new fence or in repairing