

No 4689 Equity

the fence, around the said Lot, whichever in the Judgment of the said Trustee herein after to be appointed he may deem best for the interest of the parties concerned herein.

And the said Petitioner further in like manner shows that by virtue of a decree passed by the Circuit Court for Frederick County sitting, as a Court of Equity, in Number 4399 Equity, on the Equity docket of said Court, on the Petition of the said Augustus Fralay filed in said Case, praying the said Court to appoint a Trustee to borrow a certain sum of money therein expressed, and to make certain repairs, and to pay certain taxes out of the said certain sum of money borrowed, on the said property; a certain Christian H. Eckstein was appointed Trustee to mortgage the said property, and to raise thereby the sum of Three hundred and seventy five dollars to pay the Taxes due on said property, and make the necessary repairs thereon to the same, and pay the costs and charges incurred, in so doing. That the said Christian H. Eckstein, as Trustee aforesaid, after first filing his duly approved Bond to the State of Maryland conditioned for the faithful discharge of the trust reposed in him, did on the 18th day of September A. D. 1878, negotiate a loan of Three hundred and seventy five dollars from the Franklin Savings Bank of Frederick, on his promissory Note with interest from date, securing the same, and any renewal thereof by a Mortgage on the property mentioned, above; that the said note is overdue, and owing, there being due now to said Bank, about one year interest on said note; that the said Bank is pressing for its interest and threatens a foreclosure of the said Mortgage if the indebtedness to the same is not promptly liquidated. And the said Petitioner further states that the said Trustee has fully discharged his trust reposed in him by said decree, and has consumed the entire trust fund in the fulfillment, and discharge of his said Trust, all of which will fully and at large appear by reference to the proceedings in Number 4399 Equity, on the Equity docket of your Honorable Court. And further shows that it is for the benefit, and interest of said infant defendants and necessary that said taxes should be paid, and the property thereby redeemed, and that whatever repairs are needed should be forthwith made, and that, and that the said interest on the said Mortgage debt due said Bank ought to be paid since the said Bank is pressing in its demands for the immediate payment of the said Mortgage debt and threatens a sale of the Mortgaged property unless the said debt is paid and discharged. And your said Petitioner respectfully represents that said infants have no property outside of said above described premises, and are entirely without the means to discharge said liabilities, and to defray the necessary repairs aforesaid.

That the Petitioner himself is unable to provide for the same, and also that neither he nor said infants, can defray the expenses of this proceeding, and that provision should be, and only can be made by mortgaging said premises to an amount sufficient to pay said Taxes, to meet the Court and Counsel costs and expenses of this proceeding, to defray the costs of said repairs, to pay the interest due and owing on the now existing said Mortgage debt, and to continue to pay from time to time the interest accruing on the said Mortgage debt heretofore created by the said Christian H. Eckstein, Trustee as aforesaid; as well as to pay the interest from time to time, as the same falls due, on the Mortgage debt which is now prayed to be created, together with the payment of the taxes and defraying of the costs of repairs which are hereafter to be chargeable upon the said property for the space of not less than two nor more than five years, provided however that the sum of money which shall be obtained as a loan by virtue of said Mortgage to be executed upon

Petition

Exhibit
No.