No. 4705 Equity

Petition of Ellen S. Crumm

The Petition of Ellen S. Crumm of Frederick County, State of Maryland, who by William S. Crumm, her husband and next friend, files this Petition on her own behalf, and on behalf of all the Creditors of Ellen Hood, deceased, late of said County and State who will come in and contribute to the expenses of this proceeding, humbly shows unto your Honor that a certain Ellen Hood being seized in fee simple of certain real estate described on Exhibit "A" to the Report of Sales filed in this Cause, mortgaged the same to a certain Adam A. Dentlinger who duly assigned said Mortgage to William S. Crumm, which Mortgage and assignment is Exhibited as "Exhibit A", to the said Report of Sales, that the said Mortgage contained a power of Sale authorizing the said Assignee upon default to sell the said Mortgaged Property to pay the said Mortgage debt. that the said William S. Crumm, assignee, after the death of the said Ellen Hood exercised the said power of Sale, and sold said real estate, and reported said sale to your Honorable Court by whom said sale has been duly ratified. that an audit has been filed in said Cause in which, after the payment of the proper expenses of foreclosure and the Mortgage debt, and the interest due thereon, the residue of the purchase money has been awarded to the estate of the said Ellen Hood, it being the sum of Five hundred and eighty six Dollars and fifty nine cents all of which will fully appear by reference to the Proceedings filed in this cause Your Petitioner further states that the said Ellen Hood died during the year eighteen hundred and eighty one leaving a last will and testament, in which she devised and bequeathed all her property, real and personal, unto your Petitioner, the said Ellen S. Crumm for life, and at her death to James H. Crumm, minor son of the said William S. Crumm and Ellen S. Crumm, also residing in Frederick County, all of which is set forth in a copy of the said Will filed herewith as Exhibit No 1, and prayed to be taken as part of this Petition

Your Petitioner further states that at the time of her death the said Ellen Hood was indebted unto your Petitioner in the sum of One thousand and twenty three $^{00}/_{100}$ dollars, and unto others in various smaller sums of money.

Your Petitioner further states that at the time of her death the said Ellen Hood had personal estate and the real estate mentioned and described in the Proceedings already filed in this Cause.

Your Petitioner further states that shortly after the death of the said Ellen Hood her aforesaid last Will and Testament was admitted to probate in due form of Law before the Orphans Court of Frederick County, and that your Petitioner, the said Ellen S. Crumm, being named therein as Executrix, Letters testamentary thereon, were in due form, offered by said Orphans Court, granted unto your Petitioner, who has in virtue thereof possessed herself of the personal estate left by the said Testatrix at the time of her death, but the same is not sufficient to discharge the debts due and owing by the said testatrix at the time of her death. And Your Petitioner is advised that the said personal estate in her hands as executrix, ought to be supplied to the Claim of your Petitioner, and of the other Creditors of the said testatrix so far forth as the same will extend, and that any deficiency in the said personal estate ought to be supplied from the said surplus proceeds of sale of the Real Estate of the aforesaid Ellen Hood, now in the hands of the said William S. Crumm, Mortgagee.

To the end therefore that the said surplus proceeds of sale of the said Real estate or so much thereof as may be necessary for the purpose, may be applied to the payment of so much of the aforesaid debts as may remain unsatisfied by the application of the personal estate to the payment thereof, and that your Petitioner may have such other and further relief as the nature of the case may require, and that the Defendant hereinafter named may answer the premises.

May it please Your Honors to direct the said William S Crumm, Mortgagee to withhold the said surplus proceeds of sale of the said Real Estate, subject to the further order of the Court, and may it further please your Honors to grant unto your Petitioner the writ of Subpoena to the said James H. Crumm commanding him to be and appear in Your Honorable Court on some certain day to be named therein to answer the premises and to abide by and perform such decree as may be passed therein.

And as in duty bound &c

Frank C. Norwood
Solicitor for Petitioner

Filed Aug. 27, 1881