No. 4741 Equity

In the Circuit Court for Frederick County, sitting as a Court of Equity

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

Petition of Sarah W. Smith

The Petition of Sarah W. Smith by Solomon Smith Smith of P. her husband and next friend respectfully shows unto your Honors that heretofore to wit, in the month of Nov or Dec in the year Eighteen hundred and eighty-one, your Petitioner the said Sarah W. Smith became the purchaser at Mortgagee's sale of the Real Estate described in the proceedings in this Cause, and that on the thirteenth day of January in the year Eighteen hundred and eighty two the said sale was duly ratified and confirmed by this Court as appears by the Records still remaining therein.

That your Petitioner failing to comply with the terms of said sale an order was obtained on the second day of February last directing your Petitioner to bring into Court by the day therein named the amount of the purchase money for said Real Estate which order having been served upon your Petitioner was, by reason of a succession of disappointments which befell your Petitioner, not complied with, and thereafter an order was passed directing said premises to be re-sold, at the risk of your Petitioner as appears by said order of date the twenty seventh day of February 1882 now of file in and among the proceedings in this Cause. That thereafter and without any notice or warning to your Petitioner who, by reason of being the purchaser of said premises was interested even under the order of Re-sale in the said property and in the surplus proceeds of sale should there be any such surplus on the resale, was entitled to be advised of any step in said Cause affecting her said rights and interest, an order was passed on the seventeenth day of March 1882 striking out the said order of resale and substituting R. Nelson Norwood as purchaser in the place of your Petitioner:

Your Petitioner charges that said last named order was passed improvidently and without notice to your Petitioner, and that it was not until after the passage thereof and but a few days after that your Petitioner ever heard of said last named proceedings.

Your Petitioner charges that said last named order ought not to have been passed at least, not without notice to your Petitioner, and without giving her an opportunity of to be heard thereon

Your Petitioner charges that said last named order ought to be stricken out and that your Petitioner is ready and willing to comply with the previous order of this Court in the premises.

Your Petitioner therefore prays that your Honors may vacate and set aside the said last named Order and allow your Petitioner to come in and comply with said sale as she now offers willingness to do, and she prays for all such other and further relief as the nature of her case may require, and as to your Honors may seem meet.

And as in duty bound

James McSherry
for Petitioner

Court's Order

Ordered by the Court this Twenty fifth day of March A. D. 1882 that the prayer of the foregoing Petition be granted unless cause to the contrary be shown on or before the first day of April A. D. 1882, Provided a copy of the aforegoing Petition and of this order be served on the said R. Nelson Norwood or his solicitor on or before the 29th day of March 1882.

Jno Ritchie

True Copy.

Test. — Adolphus Leatherbee Jr, Clerk.

Endorsed Service admitted
Frank C. Norwood Solicitor

Served Mar 27-1882
Robert Barrick, Shff.