No. 4741 Equity.

Ezra Smith of J. Mortgagee
&
John H. Locke & Angeline Locke his wife

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.

Courts

Your Petitioner R. Nelson Norwood of Frederick County, State of Maryland, respectfully shows unto your Honors that a certain Ezra Smith of J. Mortgagee in this Case, having sold certain real estate to a certain Sarah W. Smith all of which is set forth at length in the Report of Sale filed in this Case by the said Ezra Smith of J. and said sale having been ratified by your Honorable Court on the 13th day of January A. D. 1882, and notice thereof served on the said Sarah W. Smith, and the said Sarah W. Smith having failed to comply with the terms of sale although due notice had been served on her the said Sarah W. Smith, to comply with the terms of sale aforesaid, or show Cause to the Contrary, all of which will fully appear by reference to the proceedings in this Case. Your Honorable Court did, by an Order filed on the 27th day of February A. D. 1882, upon motion of the said Mortgagee, pass an order directing that the Real Estate referred to in this case, as aforesaid be sold for the payment of the purchase money thereof, with interest thereon from December 3d 1881, the date of the first sale, together with the costs of the proceedings thereof.

Petition of R. Nelson Norwood

Your Petitioner further shows unto your Honors that since the passage of the order aforesaid the said Ezra Smith of J. the Mortgagee as aforesaid, died, and that John C. Porter Esq having been named the Executor of the Last Will and Testament of the said Ezra Smith of J. filed his bond with sufficient security in the Office of the Register of Wills of Frederick County, whereupon Letters Testamentary were granted unto him, an exemplification of said Letters being filed herewith as Exhibit J. C. M. and is to be considered a part hereof.

Expenses of Sale omitted

Your Petitioner further shows that since the grant of Letters to John C. Porter as aforesaid, the said John C. Porter, as Executor, duly assigned the said Mortgage of the said Ezra Smith of J. unto your Petitioner, a copy of which Mortgage and Assignment thereof is herewith filed as Exhibit "R. N. N" and prayed to be taken considered a part of this Petition.

Exhibit

Your Petitioner further shows that he has filed his bond in the penalty of five thousand Dollars in the office of the Clerk of the Circuit Court for Frederick County, said Bond and the security thereon having been duly approved by the said Clerk.

Your Petitioner further shows unto your Honors that the said sum of Twenty-eight hundred Dollars and interest thereon from December 3d 1881 is not enough to pay off his two Mortgages and the interest due thereon.

To the end therefore that further expenses in this case may be avoided, and that the Twenty-eight hundred dollars, at and for which the said Real Estate was originally sold, together with the interest thereon from December 3d, 1881 to the date of the filing of this Petition, may be applied to the extinguishment of the said Mortgage debts so far both as it will extend, Your Petitioner prays your Honorable Court to pass an Order directing that the previous order directing a Re-Sale of the said real estate, filed February 27th, A. D. 1882, be rescinded, that your Petitioner be substituted as the purchaser thereof in the place of the said Sarah W. Smith, and that a Trustee be appointed to convey the same unto your Petitioner

Exhibit "R"

And as in duty bound &c

Frank C. Norwood
Solicitor for Petitioner

Filed March 17, 1882