

No. 4584 Equity

stated and set forth, and he agrees that a decree shall be passed for a sale of the Real Estate in said proceedings mentioned, and a distribution of the proceeds of such sale as prayed for in said Bill.

Filed May 3, 1880.

Fayette P. Souder.

Answer of John
S. Easterday.

The Answer of John S. Easterday, of Charleston Jefferson County, ^{State of} West Virginia, to the Bill of Complaint of the Fredericks Town Savings Institution a body Corporate of the State of Maryland in Frederick County, filed in the Circuit Court for Frederick County, sitting as a Court of Equity, against himself and others.

This Respondent for answer to the allegations and charges in said Bill of Complaint contained, answers and says that he admits the facts stated and charged in said Bill of Complaint are true as therein set forth - and he agrees that a decree shall be passed for a sale of the Real estate in said proceedings mentioned and a distribution of the proceeds of such sale as prayed for in said Bill.

Filed May 3, 1880

John S. Easterday.

Answer of
Joseph Easterday.

The answer of Joseph Easterday of Frederick County, State of Maryland to the Bill of Complaint of the Fredericks Town Savings Institution filed in the Circuit Court for Frederick County, in Equity, against himself and others

This Respondent for answer to the Bill of Complaint, answers and says that he admits that his former wife Sarah A. N. Easterday was seized and possessed of the Real estate as described in said proceedings, and that she made a Will and devised said property as charged in said Bill, & that Exhibits 1 & 2 are true copies.

That the said Sarah A. N. Easterday died as stated in said Bill - and left this respondent her surviving husband, and the children as named in said Bill of Complaint - that Joanna Easterday, one of said children died intestate as stated in said Bill, since the death of her mother, the said Sarah A. N. Easterday & without issue.

That Jacob Frederick N. Easterday, one of the tenants in common being indebted to Wm. A. Kemp, executed the Mortgage in said Bill, mentioned and that the copy of said Mortgage filed with said Bill of Complaint is true, certified, copy of such Mortgage & that the Mortgage debt is still due, owing and unpaid.

That this respondent, and his son Jacob Frederick N. Easterday under the name of Frederick N. Easterday became indebted to the Fredericks town Savings Institution by their promissory note - that said Savings Institution obtained judgments against this respondent and his said son by the name of Frederick N. Easterday, and that upon said judgments writs of Fieri Facias were issued out of the Circuit Court for Frederick County and executed upon the interest of this Respondent and the said Jacob Frederick Easterday and their respective interests in said lands were sold by the Sheriff of Frederick County to the Complainant and that the said deeds from Joseph S. P. Harbuck, Sheriff, to the Complainants are true, certified copies of such deeds.

That the said Fredericks Town Savings Institution now holds the life interest of this respondent, and the interest of said Frederick N. Easterday, subject to the Mortgage to Wm. A. Kemp

That said Lands cannot be divided without loss and injury to the parties interested and that it would be to the interest and advantage of all to have the property sold and the proceeds divided among the parties interested. - And this respondent agrees that such decree be passed in the premises as to the Court shall seem right and proper.

Filed May 10, 1880

Joseph Easterday.