

No. 4411. Equity.

Exceptions to
Return

17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th,
31st, 32nd Cross-interrogatories to James A. Orendorff, as incompetent and inadmissible.

The 1st recross-interrogatory to said Jas. A. Orendorff as incompetent and
inadmissible.

The above exceptions apply to the interrogatories and the answers to the same.

Fred. J. Nelson.

C. V. S. Long.

Sols for Complainants.

Filed Oct. 31st, 1882.

Eliza Larouse Ex'rs et al.

James A. Orendorff and
Mary E., his wife.

No. 4411. Equity.

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

November Term, 1882.

Opinion and
Decree of Court

The Bill in this case alleges that James A. Orendorff, being indebted to John R. Stover, on a single bill, dated March 27, 1870, for the sum of \$1,441, which is assigned to Michael Larouse, who is now dead; to George W. Rowe & Son, on a single bill dated November the 8th, A. D., 1872, for \$377.97, and to same on a note dated July the 1st, A. D., 1873, for \$405.80, on which there has been paid the sum of \$270.83; to James S. Hays, on a note dated September the 16th, A. D., 1876, for \$200; to James A. Elder, on a note — December the 17th, A. D., 1877, for \$85.10, and to said James A. Elder, upon other promissory notes and single bills, which are not yet due by the terms thereof; on the 8th day of August A. D., 1878, conveyed to his wife, Mary E. Orendorff, all his real estate mentioned and described in a deed of said last date, a copy of which is filed in this case as "Exhibit No. 7; that said deed was placed upon record on the 7th day of September, A. D., 1878; that at the time said debts were contracted, and long prior thereto, the said James A. Orendorff had title to said real estate, and was in possession thereof, cultivating and improving the same, and always represented himself to be the owner thereof; that suits were pending on said indebtedness, and just before judgment was about to be obtained thereon, the said deed was executed and placed upon record; that lately, (before the filing of the said bill of complaint,) the said James A. Orendorff sold all, or nearly all his personal property, and, thus he has sold and conveyed all his property, which could be subject to sale by fieri facias, at the suit of his creditors; that said deed was made long after said suits were brought, and that conveyance was fraudulently made, and not for a bona fide, but for simulated and pretended consideration, and was made to hinder, delay and defraud your complainants and his other creditors of their just and lawful debts, and especially for the purpose of hindering, delaying and defrauding your complainants in their actions, debts and damages, aforesaid, and of rendering their judgments thereon and therefore fruitless, when such judgments shall be obtained; that said deed is in prejudice of the rights of the Complainants, and the other subsisting creditors of said James A. Orendorff, and is therefore void. The bill then prays, that said deed may be declared void, and may be vacated and annulled, and for general relief.

The defendant, James A. Orendorff, in his answer, admits the execution and delivery of the deed, of which "Exhibit No. 7" is a copy, and also admits

Opinion
of Court