

No. 4931 Equity

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In the Circuit Court for Frederick County.

Louis McMaster assignee of Mortgage from
Frederick Stambaugh and wife to Elijah Close } On Petition

To the Honorable the Judges of said Court
Your petitioner says.

1. That on the third day of April in the year Eighteen hundred and Eighty a certain Frederick Stambaugh and Margaret Stambaugh his wife by their deed of Mortgage duly executed acknowledged and recorded a certified copy whereof is herewith filed as part hereof marked Exhibit No 1. conveyed unto one Elijah Close certain real estate to secure the payment of a promissory note for Twelve Hundred Dollars dated on the third day of April in the year Eighteen hundred and Eighty payable two years after date with interest from date the interest to be paid annually and filed herewith as part hereof marked Exhibit No 2. conditioned that if the said Frederick Stambaugh should pay the said promissory note at maturity with the interest thereon then the said mortgage should be void and provided that if default should be made in the payment of the promissory note aforesaid at maturity or of the interest thereon then it should be lawful for the said Elijah Close to sell the said mortgaged premises at the premises by public auction for cash after having first given at least three weeks public notice of the time, place and terms of sale in some newspaper published in Frederick County once a week prior to the day of sale and to apply the proceeds of such sale to the payment in the first place of the expenses attending said sale including reasonable Counsel fees and Commissions and then to the payment of the said promissory note and all interest due thereon and the surplus if any to pay the same to the said Frederick Stambaugh.
2. That on or about the eighth day of March in the year Eighteen hundred and Eighty three the said Elijah Close departed this life intestate and letters of administration were duly granted to one Albert B. Close by the Orphans Court of Frederick County as will more fully appear from a duly certified exemplification of said letters testamentary filed herewith as part hereof marked Exhibit No 3.
3. That the said Albert B. Close as administrator of the said Elijah Close deceased, on the twenty fourth day of August in the year Eighteen hundred and Eighty three assigned the said mortgage and promissory note to a certain Eugene Le Roue and that the said mortgage and promissory note were subsequently assigned to your petitioner by the said Eugene Le Roue and that your petitioner is now the bona fide holder and owner of the same and for greater certainty in regard to said allegations your petitioner files herewith as part of this Petition and report of sale the said mortgage and said promissory note and said assignments marked Exhibits Nos 1 & 2.
5. That default having been made authorizing the exercise of the power of sale contained in said mortgage your petitioner filed with the clerk of the Circuit Court for Frederick County his bond to the State of Maryland in such sum and with such surety as was approved by said clerk conditioned as required by law in such case made and provided and having given notice of the time, place manner and terms of sale by advertisements inserted for more than three successive weeks prior to the day of sale in the Emmittsburg Chronicle a newspaper published in Frederick County and also by hand bills extensively circulated in the Town of Emmittsburg your petitioner did in pursuance of said advertisement attend at the premises first mentioned in said advertisement on Saturday the sixth day of October in the year Eighteen hundred and Eighty three at the hour of 1 O'clock P.M.