

No 4864 Equity

2. That the said May Saylor at the time of her death was indebted unto your Petitioner in a large sum of Money as will appear by reference to a promissory note and an open account herewith filed Marked Exhibit A & B respectively and prayed to be taken as part hereof, besides being indebted to sundry other persons in large sums of Money

3. That the proceeds of the sale of the said real estate are or are about to be in the hands of the Trustees in this Cause for distribution, and your Petitioner is advised that she is entitled to have so much of the same as may be necessary applied to the payment of her said Claim.

4. That the personal estate left by the said May Saylor has all been exhausted without paying any of the claims due to your Petitioner

Your Petitioner prays for the following relief

1. That an order may be passed requiring the parties to this Cause to shew cause on or before some day to be therein named why the said proceeds of sale of said real estate or so much thereof as may be necessary should not be applied under the order of this Court to the payment of said Petitioner's claims and to the payment of such other claims as may be duly filed before the auditing of said purchase money.

2. That your Petitioner may have such other and further relief as she may in Equity be entitled to receive and as to your Honors may seem meet. And as in duty bound

Nov^r 19. 1883.

J^r M^r Sherry

Sol for Pet^r

The foregoing petition having been read and considered it is thereupon this 19th day of November A.D. 1883 by the Circuit Court for Frederick County sitting as a Court of Equity adjudged and ordered that the parties to this Cause plaintiffs and defendants be and they are hereby required to shew cause on or before the 10th day of December A.D. 1883 why the prayer of the foregoing petition should not be granted and why the proceeds of the sale of the real estate in this Cause should not be applied to the payment of the Petitioner's claims. Provided a copy of said Petition and this order be served upon the said Plaintiffs and Defendants or their solicitors by the Sheriff of this County on or before the 5th day of December A.D. 1883.

Filed Nov 19. 1883.

Mrs Ritchie

Copy of the above Petition of Elizabeth A Fleming was delivered to the Sheriff and by him endorsed as follows: Served on James M Sherry Atty for Def^t and John C Motter of the firm of Motter & Gieslin Counsel for Plff

November 21st 1883

Filed Nov 21. 1883.

Robert Barrick - Shff.

David A Baker

vs

John A Baker et al

No 4864 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

The answer of David A Baker to the Petition of Elizabeth A Fleming in this Cause filed, respectfully says: That he admits that May A Saylor at the time of her death was indebted unto the Petitioner Elizabeth A Fleming upon a promissory note filed with said petition as Exhibit A. to the same, as therein alleged. But this Respondent further answering say, That he denies that the said May A Saylor at the time of her death was indebted to the petitioner Elizabeth A Fleming upon an open account filed with said petition as Exhibit B to the same, as therein alleged. This Respondent further answering says, That he admits that the