

No 4947 Equity

Dennis H Maynard,  
Mortgagee of Basil Maynard

No 4947 Equity  
In the Circuit Court for Frederick County  
Dec Term 1893

or  
Petitioner

Fiscal  
Rectification  
of  
sales.

Ordered by the Court this fifth day of January A.D. 1894, that the foregoing report of sale be and the same is hereby ratified and confirmed notice having been duly given as required by the foregoing order and the only objections filed having been withdrawn, and the case is hereby referred to the auditor to state an account with instructions to allow the mortgagee the usual Chancery Commissions and the expenses of sale upon the production of his vouchers

Jos Ritchie  
John A Lynch  
Judge of the Cir Court

Dennis H Maynard  
Mortgagee of Basil Maynard

No 4947 Equity  
In the Circuit Court  
For Frederick County

or  
Petitioner

To the Honorable the Judges of said Court:

The Petition of Dennis H Maynard respectfully shews unto your Honors:

- 1<sup>st</sup> That by virtue of a power of sale in the Mortgage from Basil Maynard to himself dated the 5<sup>th</sup> day of July A.D. 1881, he sold the real estate described in the proceedings in the above case for the sum of thirty nine hundred and sixty dollars, which sum has been paid to him and said sale has been ratified by your Honorable Court, as will appear by the proceedings in the above case and he is now ready to have an audit made distributing said fund -
- 2<sup>nd</sup> That the said sum for which said property was sold is more than sufficient to pay the said Mortgage debt and Commissions and Costs.
- 3<sup>rd</sup> That on the 13<sup>th</sup> day of April A.D. 1888 your Petitioner obtained a judgment against the said Basil Maynard rendered by James H Cason a Justice of the Peace of the State of Maryland in and for Frederick County, for the sum of thirty eight & <sup>24</sup>/<sub>100</sub> Dollars with interest from date and twenty five cents costs a copy of which said judgment your Petitioner procured to be recorded in the office of the Clerk of the Circuit Court for Frederick County on the 16<sup>th</sup> day of April 1888 and the same thereby become a lien upon the said Basil Maynards Equity of redemption in the property sold under said Mortgage as aforesaid all of which will appear by said judgment as rendered filed herewith marked Exhibit D.H.M. No 1. and prayed to be taken as parts hereof
- 4<sup>th</sup> That said Basil Maynard is now dead, and at the time of his death he was further indebted to your Petitioner, in the sum of fifty & <sup>52</sup>/<sub>100</sub> Dollars, with interest from the 25<sup>th</sup> day of Sept. A.D. 1882 for a promissory note of said date for said amount upon which your Petitioner was bound as surety for said Basil Maynard to Philip B Myers and which your Petitioner paid to said Myers on the 13<sup>th</sup> day of March A.D. 1883, as will be seen by said note filed herewith marked Exhibit D.H.M. No 2.
- 5<sup>th</sup> That said Basil Maynard was also indebted to your Petitioner at the time of his death by his certain other promissory note, dated May 7<sup>th</sup> A.D. 1883 for the sum of forty dollars with interest from date payable six months after date and herewith filed marked Exhibit D.H.M. No 3.
- 6<sup>th</sup> That all of said indebtedness is still due and unpaid
- 7<sup>th</sup> That said Basil Maynard died leaving little or no personal estate, and if he left any personal estate it is entirely insufficient to pay the debts of said Basil Maynard, and your Petitioner is advised that after said proceeds of sale under said mortgage are applied to the payment of said Mortgage debt and interest and the Commissions and Costs of sale, that the balance is liable to the payment of said judgment, which is the first and only lien after said Mortgage, and then