

No 4947 Equity

Dennis H Maynard
Mortgage of Basil Maynard
or
Petitioner

No 4947 Equity
In the Circuit Court for Frederick County
Sitting as Court of Equity

The answer of Peter Luginbel, Executor of the last will and testament of Basil Maynard deceased to the Petition of Dennis H Maynard against him and others in the above cause Exhibited

1. This respondent admits that by virtue of a power of sale in a mortgage from Basil Maynard to said Petitioner, said Petitioner sold the real estate in these proceedings mentioned as set forth in the first paragraph of said petition.
2. This respondent also admits that said sum for which said property sold, is more than sufficient to pay the mortgage debt and proper costs and expenses.
3. That this respondent does not know and neither admits nor denies any thing with respect to the judgment mentioned in the third paragraph of said petition but leaves the petitioner to his proof in regard thereto.
4. This respondent admits that Basil Maynard is now dead, but whether at the time of his death he was indebted to said Petitioner as stated in the fourth paragraph of said petition this respondent does not know and neither admits nor denies but leaves the said petitioner to his proof in regard thereto.
- 5th This respondent does not know and does not admit nor deny that said decedent was further indebted to said petitioner as set forth in the fifth paragraph of said petition, but leaves the petitioner to the proof thereof.
6. This respondent admits that said Basil Maynard did possess of but a small amount of personal estate and he admits that said judgment, if proven to exist, would be a lien on the Equity of redemption and would be entitled to be paid out of the surplus funds after paying the said mortgage and interest and costs but he denies that other creditors not having liens are entitled to be paid out of said fund.
7. He admits that said real estate was sold subject to whatever dower right the widow of said decedent had therein, and that the only children left by said decedent are those named in said petition.
8. He admits that he is executor of said Dennis Maynard's will, a certified copy whereof is herewith filed marked Exhibit A, and is prayed to be taken as a part hereof.
9. And this respondent further answering saith that after the payment of said mortgage debt and interest and costs and the said judgment the surplus funds belonging to this respondent as executor under said will and not to any creditor of said deceased, that this respondent has duly qualified and bonded as Executor and having under said will a power of sale of the real estate, is entitled to be awarded the proceeds aforesaid, to the end that they may be duly administered as required by law. And having fully answered he prays that he may hence be dismissed with reasonable costs in this behalf sustained.

January 21st 1884

Filed January 22, 1884.

Jas W. Sherry

Sol for respondent

In the name of God Amen.

I Basil Maynard of Frederick County and State of Maryland being of sound and disposing mind, memory and understanding, considering the Certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will & testament in manner and form following, that is to say,

First and principally, I commit my soul into the hands of Almighty God and my body to the earth to be decently buried at the discretion of my Executor herein after named, and after my debts and funeral charges are paid, I devise & bequeath as follows, I give and bequeath unto my

Exhibit A.
to answer of
Peter Luginbel