

No 4947 Equity

In No 4947 Equity

March Term 1884.

Order of Court setting course for hearing

Ordered by the Court this 5 day of April A.D. 1884 that this case be set for hearing on Tuesday the 15 day of April next at 4 O'clock P.M. provided a copy of this order be served upon Peter Legebenel or his solicitor on or before the 7th inst.

John A Lynch
Judge of the Cir. Court.

It is agreed that this case be set for hearing on the 15 inst & service of notice is waived.
April 5. 1884

J^r M Sherry
for Respondent. P Legebenel
Milton G Jones
for Petitioner

Dennis H Maynard
Mortgagee of
Basil Maynard
in
Petition

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

To the Honorable the Judges of said Court

1. The Petition of Nicholas H. Coleman of said County and State respectfully shows unto your Honors that the Petitioner is interested in the surplus funds remaining in the hands of the mortgagee after satisfying the mortgage debt, interest and costs and other liens and proper claims thereon.
2. That said interest arose under and in virtue of the agreement and memorandum herewith filed and marked exhibits X and Y respectively.
3. That there is no personal estate in the hands of the Executor of said Basil Maynard out of which said sum of money so due to your Petitioner can be paid.
4. That said Exhibits X and Y operate in law and in Equity as a transfer of said funds in said mortgagee's hands to the extent of said claim of your petitioner with interest thereon.
5. That your Petitioner is entitled to the sum of five hundred dollars with interest from the ratification of said sale.
6. Your Petitioner prays for the following relief:
 1. That an order may be passed directing the Auditor in distributing the funds reported in this Cause, to allow the said claim and interest thereon, of your Petitioner after satisfaction of said mortgage debt interest, costs and expenses and other liens upon said funds or proper prior claims thereon.
 2. And for general relief. And as in duty lies.

Petition of Nicholas H Coleman

J^r M Sherry
Sol. for Pet.

Exhibit X.

Articles of agreement made concluded and entered into this second day of January in the year Eighteen hundred and eighty four by and between Nicholas H Coleman of Frederick County Maryland of the first part and Scott H Maynard and Julia C Maynard of said County and State of the second part. Witnesseth whereas under and in virtue of a power of sale contained in a mortgage executed by Basil Maynard now deceased to Dennis H Maynard the real estate therein described was sold by the Mortgagee as appears by reference to the proceedings in Equity Cause No 4947 Equity on the Equity docket of the Circuit Court for Frederick County at which sale the said party of the first part became purchaser as herein after set forth: And whereas the said Dennis H Maynard also held upon the same real estate a prior mortgage; and whereas when said real estate was offered under said second