

No 4977 Equity

No. Equity.

In the Circuit Court for Frederick County, sitting as a Court of Equity

John J. Kunkel

Mortgagee of Julius Hafner

vs.

Petition

To the Honorable the Judges of said Court:

- The Petition and report of sales of John J. Kunkel Mortgagee of Julius Hafner and wife respectfully shows unto your Honors
- 1.<sup>st</sup> That the said Julius Hafner and Marietta Hafner his wife being indebted unto the said John J. Kunkel in the sum of one thousand dollars, did, on the fourteenth day of October Eighteen hundred and Eighty, execute and deliver unto the said John J. Kunkel a certain mortgage to secure the payment of said indebtedness, as will appear by reference to a certified copy of said mortgage herewith filed marked Exhibit A, and hereby prayed to be taken and considered a part hereof as fully as if herein at large in words and figures set forth.
  - 2.<sup>d</sup> That said mortgage was duly recorded among the Land Records of Frederick County in Liber A. F. No 2. folio 413.
  - 3.<sup>d</sup> That attached to and forming a part of said mortgage is a clause whereby it is provided that if the said Julius Hafner and wife should make default in paying the said mortgage debt when the same became due or in paying the interest thereon at the time or times therein limited for the payment thereof, that it should be lawful for the said John J. Kunkel to sell the mortgaged premises, lying and being in Frederick County in the State of Maryland and fully described in said Exhibit A, at public auction at the Court House in Frederick City for cash after giving at least three weeks previous notice by advertisement inserted in some news paper printed in said County, of the time, place and terms of sale as will fully appear by reference to said Exhibit A.
  - 4.<sup>th</sup> That subsequently to the execution delivery and recording of said mortgage William A. Hafner and wife conveyed their equity of redemption in the said premises unto Milton G. Lutton by deed duly recorded in Liber A. F. No 3 folio 750 one of the Land Records of said County as by reference to a certified copy of said deed herewith filed as Exhibit B, will fully and at large appear.
  - 5.<sup>th</sup> That a default occurred in paying said mortgage debt and interest which under the terms of said power of sale authorized the said John J. Kunkel to exercise the said power of sale.
  - 6.<sup>th</sup> That after said default in the payment of said mortgage debt, the whole of which is due with interest from the fourteenth day of October last until paid, the said John J. Kunkel executed a bond to the State of Maryland in the penalty of Two thousand dollars with two sureties conditioned in the form and manner prescribed by the provisions of the Code of Public General Laws relating to the sale of mortgaged premises under power of sale in such mortgages contained which bond was duly approved by the clerk of this Court and filed for record.
  - 7.<sup>th</sup> That after the filing of said bond the said John J. Kunkel caused an advertisement to be inserted in the "Frederick" a newspaper printed in Frederick County giving notice that said mortgaged property described in said Exhibit A would be offered at Mortgagee's sale at public auction at the Court House in Frederick City on Thursday the twenty fourth day of April Eighteen hundred and Eighty four at the hour of Eleven O'clock A.M. which said advertisement was published for three weeks before the said day of sale as appears by a copy thereof marked Ex D.
  - 8.<sup>th</sup> That on the said twenty fourth day of April in the year Eighteen hundred and Eighty four.