

No. 4968 Equity

- 1<sup>st</sup> That in making said sale she did comply with the terms as prescribed in said Mortgage.
- 2<sup>nd</sup> That Mrs Poole the wife of the Mortgagor did not sign said Mortgage, because said Mortgage was executed to secure the purchase money for the real estate sold by this respondent to said Bushrod Poole, and the deed for which was delivered to said Bushrod Poole simultaneous with the execution and delivery of said Mortgage, and my interest of said Mrs Poole is subject to the lien of said Mortgage and it was not necessary to notice or reserve such interest in making said sale.
- 3<sup>rd</sup> That said Mortgagor was not "ready and willing" to pay the mortgage, interest and cost before said sale, and did not offer to do so.
- 4<sup>th</sup> That this respondent was always ready to receive from said Mortgagor before said sale the amount of the mortgage debt and interest due her and the costs then incurred and release said Mortgage, but said Mortgagor did not offer to pay the same.
- 5<sup>th</sup> That she denies that she agreed with said Mortgagor to come to Frederick to receive any money from the said Mortgagor in payment of said Mortgage debt & and then failed or refused to comply with such agreement.
- 6<sup>th</sup> That she denies that said property sold for a grossly inadequate price, but the same was sold at public sale to the highest bidder and such sale was fairly made.

Milton G. Linn

Filed April 3, 1884

Sol for Respondent, Petitioner & Mortgagor

Order Nisi On Sales.

Theresa A Simmons Mortgagee  
of Bushrod Poole  
on  
Petition

No. 4968 Equity  
In the Circuit Court for Frederick County, sitting in Equity  
March Term 1884. In the matter of the Report of Sales  
filed the 10<sup>th</sup> day of March 1884.

Ordered, that on the Fifth day of April 1884, the Court will proceed to act upon the Report of Sales of Real Estate reported to said Court by Theresa A Simmons, Mortgagee in the above cause, and filed therein as aforesaid, to finally satisfy and confirm the same, unless Cause to the contrary thereof be shown before said day; provided a copy of this order be inserted in some newspaper published in Frederick County, for three successive weeks prior to said day.

The Report states the amount of sales to be of 1300.

Dated this tenth day of March 1884

Adolphus Fearnback Jr

"Daily News" Filed March 10, 1884

Clerk of the Circuit Court for Frederick County

Office of "The News", Frederick, Md. May 26, 1884

Printers Certificate

This is to certify, that the annexed order was published in "The Daily News" a newspaper published in Frederick County, once a week for 3 successive weeks prior to the 5<sup>th</sup> day of April 1884

Schley and Delaplana

Filed May 27, 1884

Publishers Per O

Theresa A Simmons, Mortgagee  
of Bushrod Poole  
on  
Petition

No. 4968 Equity  
In the Circuit Court for Frederick County  
Sitting as a  
Court of Equity

In pursuance of notice given me by the respective Counsel for the Exceptant and the Respondent in the above entitled cause, I Clayton O Hasty one of the regular Examiners of said Court, having fixed Tuesday the 8<sup>th</sup> day of April A.D. 1884 at my office in Frederick City as the time and place for taking the testimony in this cause and having given due notice thereof to the parties concerned, did then and there proceed to take the following testimony in the presence of the Counsel for the said parties to wit: \_\_\_\_\_