

No. 4968 Equity

and that he had made an effort several times to raise the money and had failed owing to his father having tried so frequently to raise the money; but that he was in hopes they might do so by Monday or Tuesday; but it might fail as previous promises or something similar to that I told him that if he came in on Monday or Tuesday with the money I would receive it; or any time during the week I would be at Mr Charles Ritters in Frederick. I told him that if he brought the money on Monday or Tuesday I would not advertise the property. But when I arrived in Frederick I enquired when Mr Part who I wanted to sell the property could attend to it and found he could sell it only on the 6<sup>th</sup> of March and I found that under the mortgage I had to advertise the property a certain number of days, as I had to advertise it that same Saturday, I advertised it first in the Frederick News I think that was about the sum and substance of what occurred at the interview with Mr Poole. The next interview I had with Mr Poole was on the Thursday before the day of sale. That interview was at Mr Gooff's. Mr Poole came to see me in regard to making an assignment of the mortgage. That is the only time I remember of talking with Mr Poole after the interview at his house. I told him I had employed counsel in the matter and would not commit myself either way. I was sick and confined to the house and told him I would be in to see my Counsel the next day or on Saturday. But I was sick with a severe cold - confined to the house I sent him word by Mr Gooff on Friday sometime during the day that I would not be able to come, but would do so as soon as able. At that interview with Mr Poole, I did not agree with him to assign the mortgage nor did I agree to assign the mortgage at any time. I did not see Mr Poole anymore till the day of sale. They never offered to pay me the money that was due on the mortgage.

To Cross Interrogatories the said Theresa A Simmons deposes and says:

At the interview at Mr Gooff's Mr Poole told me he had seen Col Thomas and had made some arrangements to pay the money, I made no arrangements to meet Mr Poole here when I came in to see my Counsel. I told him I would let him know whether this money would be accepted. I personally never let Mr Poole know whether I would accept his offer or not. My Counsel notified Col Thomas, Mr Turner, my Counsel advertised the property in the paper. It was done the same Saturday evening. It came out in the evening News I think. I had told Mr Poole that I would not advertise it till Monday or Tuesday. I advertised in the Citizen also because my Counsel thought it was better to advertise in two papers to give it a better circulation. There was six months interest due on my mortgage up to the day of sale. I got \$1700.<sup>00</sup> for this property when I sold it to Mr Poole. When I sold it at this sale four years afterwards I sold it for \$1300.<sup>00</sup> I paid \$1700.<sup>00</sup> for it when I bought it eight or nine years ago I sold it to Mr Poole at public sale to the highest bidder.

To Re Direct Interrogatories the said Theresa A Simmons deposes and says:

I put a cistern on the property while I owned it, which cost me \$80.<sup>00</sup> I think it is in worse condition now than when I sold it to Mr Poole. The yard fences to one yard are now down and a hole dug in the yard is what I mean by worse condition. At the interview at Mr Gooff's I told him (Mr Poole) that if he had brought me the money according to agreement on Monday or Tuesday or any time during the week while I was in town it would have saved further trouble, the property would have had but one advertisement and would have stopped there.

Signed Theresa A Simmons

Otho J Keller a witness of lawful age produced on the part of the Respondents being duly sworn deposes and says I reside near Buckystown about a quarter of a mile from this property. I know this property and have known it for about thirty years. If a man wanted this property as an investment or to