

No. 5046 Equity

William D Bowers and
Joseph G Miller, Mortgagees
of John C Gant wife
on
Petition

In the Circuit Court for
Frederick County
Sitting as
a Court of Equity

To the Honorable the Judges of said Court.

The report and petition of William D Bowers and Joseph G Miller Mortgagees respectfully shows unto your Honors

1. That on the 14th day of December A.D. 1876, John C Gant and Rachel R Gant his wife by their deed of mortgage of said date conveyed to your petitioners a house and lot situated on the North side of West All Saints Street in Frederick City Maryland to indemnify your petitioners as securities upon a note of said John C Gant held by the Frederick Town Savings Institution for the sum of Six hundred and Eighty dollars bearing date the 28th day of September A.D. 1876 as will appear by said Mortgage a copy of which is filed herewith marked Exhibit No. 1. and prayed to be taken as part of this report and petition with all other Exhibits herewith filed.
2. That said mortgage was intended as was expressed therein, to indemnify your petitioners upon any renewal of said note, and the same was renewed from time to time until the 24th day of December A.D. 1883 when the last note was given for said sum of Six hundred and Eighty dollars which is now and unpaid with interest from the 26 day of March A.D. 1884.
3. That said mortgage contained a Covenant that if said John C Gant should pay said note together with all interest or discount due thereon whenever payment thereof shall be demanded and should perform all the Covenants in said mortgage, then said mortgage should be void, but in case of default being made in any of the conditions of said mortgage then said mortgage was in trust, that your petitioners should be authorized and empowered to sell said mortgaged premises, described in said mortgage for Cash
4. That said John C Gant did make default in the conditions of said mortgage and failed to pay said last given note, which was given in renewal of said first mentioned note although the same was long over due and payment thereof was demanded. Whereupon your Petitioners by virtue of the power of sale contained in said mortgage after giving their bond with approved security as required by law, and after giving at least twenty days notice of the time, place, manner and terms of sale by advertisement in the Daily News a newspaper published in Frederick County they did pursuant to said notice attend at the Court House door on Saturday the 31st day of January A.D. 1885 at eleven o'clock A.M. and then and there offered said mortgaged premises at public sale to the highest bidder for cash, and sold the same to George W Berrall and Joannah Berrall they being the highest and best bidders therefor at and for the sum of Eight hundred and twenty five dollars and the said Geo W Berrall and Joannah Berrall have obligated themselves to comply with the terms of sale as will appear by their acknowledgment of purchase filed herewith marked Exhibit G. H. B.
5. That your Petitioners sold said property subject to a prior mortgage dated Nov 24. 1874 for one hundred and seventy five dollars, the amount of which with interest to the day of sale was one hundred and Eighty two + ⁸⁸/₁₀₀ dollars. And your Petitioners pray your Honors to ratify and confirm said sale and grant them all such other and further relief to which they may be entitled

Matthias Woner
Solicitor

W D Bowers
Joseph G Miller
Mortgagees