

No. 5105 Equity

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Thomas Gorsuch Mortgage
of George C Derr and Frances
Derr his wife
or
Petition

In the Circuit Court for
Frederick County
in Equity

Petition of
Lawrence Benty

The Petition of Lawrence Benty by John C Mottler his Solicitor, respectfully represents unto your Honors, that George C Derr of Frederick County, being indebted unto the said Lawrence Benty in the full and just sum of twelve hundred dollars by his promissory note bearing date on the 17th day of February 1852 payable in twelve months after date and on the 17th day of February A.D. 1852 in connection with his said wife Frances Derr executed a mortgage conveying the real estate sold by Thomas Gorsuch as mortgage and reported by him in the above entitled Cause, for the purpose of securing the payment to the said Lawrence Benty of the said sum of twelve hundred dollars aforesaid, together with other indebtedness in said mortgage mentioned, all of which will duly appear by reference to a certified copy of said mortgage as recorded among the Land Records of Frederick County herewith filed marked Exhibit No 1. to this petition. Said note is also herewith filed marked as Exhibit No 2. to this petition. that the other notes and indebtedness in said mortgage mentioned has been paid and satisfied and fully discharged. Your Petitioner further represents that the sale of the property made by the said Thomas Gorsuch as aforesaid has been duly ratified and confirmed and that the proceeds arising therefrom are now ready for distribution and that there is a greater amount than is required to satisfy the indebtedness due the said Thomas Gorsuch. Your Petitioner therefore prays your Honors to pass an order directing the auditor in stating an account of said funds to allow your Petitioner the indebtedness due him on said Exhibit No 2. after first allowing all expenses and costs attending said sale and the public taxes due thereon and the amount due to Thomas Gorsuch.

And as in duty bound will ever pray &c.

John C Mottler

Solicitor for Lawrence Benty

Court's order

The above Petition having been read and considered it is thereupon on the 27th day of August A.D. 1855 by the Circuit Court for Frederick sitting as a Court of Equity adjudged and ordered that the Auditor allow the claim of Lawrence Benty as above prayed for in stating an audit of the funds in the hands of Thomas Gorsuch mortgage.

John A Lynch

Judge of the Cir Court

Filed August 27. 1855.

Exhibit

At the request of Lawrence Benty et al. the following mortgage is recorded February 18. 1852. Test Adolphus Fearhake Jr Clerk.

This Mortgage made this seventeenth day of February in the year Eighteen hundred and Eighty two, by us, George C Derr and Francis Derr his wife of Frederick County in the State of Maryland Witnesseth, Whereas the said George C Derr together with Lawrence Benty, James H Dean and John C Mottler of said County and State as his sureties stands indebted to the First National Bank of Frederick in the sum of five hundred dollars upon a promissory note bearing date November twenty ninth in the year Eighteen hundred and Eighty one, and payable to the said First National Bank of Frederick or order six months after the date thereof, and whereas the said George C Derr with Lawrence Benty as his surety is also indebted to the First National Bank of Frederick in the sum of Five hundred dollars upon a promissory note bearing date the fifteenth day of