

No. 5257 Equity

5. That it appears from said Report of Sale that said Arabella Montz left a will by which her husband A. B. Montz was made sole devisee and legatee of all of her property Real & Personal but said will has never been probated in this County -

6. That said Real Estate was purchased by Your Petitioner upon the express agreement that he was to get a clear Title thereto in fee Simple, and he does not know whether said deed of trust operated to convey the interest of said Arabella Montz in said real estate to said Trustee in her lifetime, and before it had been executed by all of the parties thereto -

7. That said Trustee has executed, and filed, a bond in Your Honorable Court, as required by Section 95 of Art. 65 of the Revised Code of this State, but such bond was not filed until after the death of said Arabella Montz.

8. Your Petitioner is ready and willing to comply with the terms of said purchase, upon the ratification of said Sale and the execution of a good and sufficient deed, and he now asks the protection of Your Honorable Court, and prays that Your Honors will ratify and confirm said sale if said Trustee are authorized to convey said property to him upon said deed in fee simple and free clear of all claims of the personal or legal representatives of said Arabella Montz deceased -

9. That Your Honors will set said sale aside if said Trustee are not authorized to give Your Petitioner a clear title to said Real Estate.

10. That Your Honors will protect the interests of your Petitioner in the premises and grant him all relief to which he may be entitled.

Wm. G. Spray

John McGill and Samuel McGill }
Trustees for the heirs of Dr. Thomas }
J. McGill, decd. }

No. 5222 Equity
In the Circuit Court
for Frederick County
sitting as a Court of Equity

an
Petition

On the 31st day of March in the Year Eighteen Hundred and Eighty seven before me the Subscriber, Clerk of the Circuit Court for Frederick County personally appeared Allan B. Montz and being duly sworn deposes and says that he is the A. B. Montz who with his wife Arabella Montz are the identical persons who signed the deed of Trust filed in this cause as Exhibit No. 1; that they granted and delivered the said deed of Trust on the 12th day of November 1886 for the purpose and with the intent to pass to Rev. John McGill and Dr. Samuel McGill the Trustees named in said deed all the right, title and interest of the said Allan B. Montz and Arabella Montz his wife, as heirs at law of Dr. Thomas J. McGill deceased, in and to all the real estate in said deed of Trust mentioned and described; and that it was the intention of the said Montz

Affidavit of
A. B. Montz

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