

No 5389 Equity

Isaac S. Aman, James L. Aman  
Andrew Aman, and Oliver A. Homer,  
Co-partners, trading as Aman, Homer  
& Co. Assignees of Edward M. Entie  
Mortgagee of J. Thos. Bussey  
on  
Petition

No. 5389 Equity

In the Circuit Court  
for Frederick County  
sitting  
in Equity.

Order of C

Petition  
of  
James A. Elder  
Ex. of  
Mary E. Patterson

To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity - The Petition of James A. Elder, Executor Mary E. Patterson of Frederick County, Maryland, respectfully represents unto your Honors -  
1<sup>st</sup> That J. Thomas Bussey being indebted unto Mrs. Mary E. Patterson in the sum of Eight Hundred and fifty dollars on the 11<sup>th</sup> day of June 1853, delivered to the said Mary E. Patterson his promissory Note for said amt. payable, with interest from date in twelve years from date, the interest payable annually, which note is herewith filed, as Exhibit No. 1. to this Petition.

2<sup>nd</sup> That being so indebted, the said J. Thomas Bussey, on said 11<sup>th</sup> day of June 1853, in order to secure the payment of said promissory Note, and the Interest on the same, executed his Deed of Mortgage, conveying to said Mary E. Patterson certain Real Estate therein described, in which Deed of Mortgage there was a Power of Sale authorizing the foreclosure, of the same in the event of a default of the payment of said Note, or the Interest thereon, annually which Mortgage is herewith filed, as Exhibit No. 2.

3<sup>rd</sup> That on the 25<sup>th</sup> day of May 1857 the said Mary E. Patterson departed this life leaving a Last Will, of which your Petitioner the Executor and to whom Letters Testamentary have been granted by the Orphan Court of Frederick County and that your Petitioner was duly qualified as such.

4<sup>th</sup> That there has been a default in the payment of said Interest, there having paid only the sum of Twenty Five Dollars thereon, and that all the Principal and balance of said Interest is still due and unpaid.

5<sup>th</sup> That there was a prior Mortgage on said Real Estate, which has been foreclosed in the above entitled cause; and said real estate sold for a much larger amount than is necessary for the payment of said prior Mortgage and the costs and Expenses thereon.

6<sup>th</sup> That your Petitioner's Mortgage is the next lien on said Real Estate and the Proceeds of sale of the same, and your Petitioner has the Right to have applied said excess over the amount money to pay off the preceding Mortgage and the costs and Expenses, to the payment of your Petitioner's above mentioned claim.

Your Petitioner therefore prays your Honors to pass an order, directing the Auditor in stating his account of said fund, after first allowing the preceding Mortgage claim, of Aman Homer & Co. and the costs and Expenses of said Sale, to allow the said Mortgage claim, of the said Mary E. Patterson above mentioned - And as in duty bound so

John L. Motter, Sol. for Petitioner -

Report

State of Maryland, Frederick County, Ct: -

I hereby certify that on this 5<sup>th</sup> day of March 1858, before the Subscriber, a Justice of the Peace, of the State of Maryland, in and for Frederick County, personally appeared the above named James A. Elder, and duly made oath according to law that the Matter and things stated in