

No. 5418 Equity.

the his Mortgage debt - and, as in, duty &c Charles W Pope - Atty for Petitioner

Court's Order on Petition of H. H. Hopkins

Upon the foregoing Petition & Exhibits being had by the Court & Considered. It is thereupon this sixth day of June 1888, Ordered, that the Auditor in Stating an Account in said cause, Intestate to the Petitioner, in part payment of his Second Mortgage lien, the Surplus Proceeds of sale of the said Mortgaged Premises, and Report his action to this Court for its further Order.

Jas M Sherry -

Exhibit to Petition of H. H. Hopkins.

This Mortgage made this 4th. day of August 1873 by us John D. Shearer & Sarah A. Shearer his wife of Frederick County, State of Maryland It is recited that for & in consideration of the sum of Six Thousand Dollars now due from me the said John D Shearer to W. M. Downey of State & County of Frederick, and for which said Six Thousand Dollars & the said John D. Shearer have executed unto the said W. M. Downey my promissory Note more particularly described thus One Note, dated 4th. day of August 1873 for Six Thousand Dollars, due One Year after date. The interest on said Note to be paid semi annually that is to say on the 4th. day of February & 4th. day of August, unless the Principal shall be paid sooner in which event the interest shall then be paid in full. Now therefore in consideration of the premises as above recited, and for the more fully securing the said W. M. Downey we the said John D Shearer & Sarah A Shearer his wife, do grant unto the said W. M. Downey all those parts of tracts of land called "Dappling Hill" & "Hobbs Purchase" situate & being in Frederick County, State of Maryland and by whatever names it may be known or called it being the property heretofore conveyed to said John D. Shearer by W. M. Downey & M. J. Downey his wife by deed dated July 8th 1872 & recorded in Liber C. M. No. 8. Folio 605 One of the land Records of Frederick County reference thereto being had will more fully appear. Provided that if the said John D. Shearer shall pay to the said W. M. Downey the above described Note the legal Interest thereon as above described untill the whole of said Note with the Legal Interest thereon as above described untill the whole of said Note with the Legal interest thereon shall be paid then this Mortgage shall be void. Provided that untill default of the payment of said Note, or the Interest thereon in manner & form as described the said John D. Shearer shall possess the premises as of his present Estate thereon & Provided further that if default shall be made in the payment of the Money aforesaid, or the interest thereon as aforesaid, at the Time & Manner, then it shall be lawfull for the said W. M. Downey to sell the said Mortgaged Premises by public Auction on the following Terms. One Half Cash balance in one & Two years with Interest on deferred payments from date after giving twenty days Notice of the time place & terms of sale in some Newspaper published in Frederick County prior to day of sale and to apply the proceeds of such sale to the payment of the expenses attending such sale together with 6 per ct. of the Gross Aggregate as commission on such sale & then to the payment of said debt and the surplus if any to the said John D Shearer.

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