

No. 5608 Equity

Lewis P. Shriver and
Joseph Byers
Assignees of Calvin P. Trice,
Mortgagee of Charles C. Shriver
also Lewis P. Shriver and
Joseph Byers, Mortgagees
of Charles C. Shriver
on
Petition

In the Circuit Court for Frederick County
sitting in Equity.

To the Honorable the Judge of said Court:
The Petition and Report of Sale of
Lewis P. Shriver and Joseph Byers Assignees
of Calvin P. Trice, Mortgagee of Charles

C. Shriver also of Lewis P. Shriver and Joseph Byers Mortgagees of
Charles C. Shriver respectfully represents.

1. That on the thirteenth day of January in the year Eighteen
hundred and Eighty seven, a certain Charles C. Shriver did, by his
deed of Mortgage, duly executed, acknowledged and recorded, convey unto one
Calvin P. Trice certain real estate described therein to secure the payment
of the sum of four hundred dollars, conditioned that if the said Charles
C. Shriver should sell and truly pay or cause to be paid, the said sum of
four hundred dollars on the first day of October in the year
Eighteen hundred and Eighty seven, with interest thereon from the
first day of January in the year Eighteen hundred and Eighty seven,
at six per centum per annum, then the said Mortgage should be
void and provided that if default should be made by the said
Charles C. Shriver in payment paying said sum of four hundred dollars
on the said first day of October next after the date of said Mortgage
or if default should be made in the payment of said interest thereon
on said date, then it should be lawful for the said Calvin P. Trice
or his assigns to sell said mortgaged property at the "Common
House" in the town of Emmittsburg in Frederick County at public
auction for cash, after first giving three weeks public notice of
the time, place, manner and terms of sale by advertisements inserted
in some newspaper printed in Frederick County prior to the
day of sale, and to apply the proceeds of such sale to the payment
in the first place, of the expenses attending such sale, including therein
to the said Calvin P. Trice and his assigns, the usual Chancery
Commission allowed in Frederick County for the sale of real
estate and reasonable counsel fees, and then to the payment of
said Mortgage debt and interest and the surplus if any, to pay
over to the said Charles C. Shriver.

2. That on the seventh day of November, in the year Eighteen
hundred and Eighty seven, the said Calvin P. Trice assigned
the said Mortgage to your petitioners and that your petitioners are
now the bona fide holders and owners of the same and for
greater certainty in regard to said allegations your petitioners
file herewith as part of this petition and report a duly certified
copy of said mortgage and said assignment marked Exhibit No. 1.
3. That no portion of said mortgage debt has been paid although the
time limited for the payment of the same has passed and the whole