No. 5794 Equity.

John C. Motter and Robert Biggs Trustees, the said sale having been duly reported in this Cause Court, No 5294 Equity, as will appear by reference thereto.

3. Your petitioners further show that after the payment of the said Mortgage debt to John C. Motter and Robert Biggs Trustee, together with the costs and Expenses of said sale, there will remain of the proceeds of sale a surplus in the hands of said Mortgagees

Your petitioners therefore pray your Honors to cause said surplus to be applied to the payment and satisfaction of your petitioners Mortgage by virtue of its being next in priority of lien the same being a claim upon the Equity of redemption in said property.

And your petitioners pray that they may have such other and further relief as the nature and Equity of their case may require.

James McSherry
Charles W. Ross

Exhibit "B" — This Exhibit is a copy of Mortgage from Lewis Bruner to James McSherry and Charles W. Ross dated 20th day of December A.D. 1889. Recorded in Liber W.J.P. No 10. folios 203 &c one of Land Records of Frederick County (Certificate of Mr Irving Parsons Clerk under seal of Court attached)

Filed April 7. 1891.

Affidavit to Petition — State of Maryland Frederick County, Court.

I hereby certify that on this fourth day of April A.D. 1891. before me the subscriber Clerk of the Circuit Court for Frederick County personally appeared Charles W Ross and made oath in due form of law that the matters and things stated in the foregoing petition are true to the best of his knowledge and belief.

W. Irving Parsons, Clerk

Court order — The aforegoing petition having been read and considered it is therefore this 7th day of April A.D. 1891. by the Circuit Court for Frederick County sitting as Court of Equity ordered and adjudged that the Auditor shall state an account and allow to the said James McSherry and Charles W. Ross the surplus remaining in the hands of the said Mortgagees in payment and satisfaction of the mortgage lien of the said petitioners so far as the same will extend and report the same to this Court for its further action.

John A. Lynch
Judge of the Cir. Court

Filed April 7. 1891.