No. 5784 Equity.

the mortgage debt the Mortgagee had power to sell the property on the premises, for cash, on giving the notice prescribed in the Mortgage. The first three Mortgages conveyed only a certain "Mill property" described therein. The fourth Mortgage conveyed the same "Mill property" and about twenty acres of land adjoining the same.

The Mortgagors failed to pay the several sums of money named in each and all of said Mortgages. Upon each default being made, the Mortgagee made sale of the "Mill property" under the power contained in the first three Mortgages, which is reported in said Case No. 5783 Equity; and he made sale of the said twenty acres of land under the power contained in the fourth Mortgage, which is reported in said Case No. 5784 Equity.

These sales are objected to by the Mortgagors, mainly on the ground that all the property should have been sold under one proceeding, and not have subjected them to double costs. After careful consideration of the proceedings and the authorities cited in the argument, the Court has come to the conclusion, that to give a full and clear title to the "Mill property", the Mortgagee was obliged to sell said "Mill property" under the first Mortgage, and the proceeds arising therefrom might be applied to the payment of the subsequent Mortgages, after satisfying the first. Whereas if he had sold under any subsequent Mortgage, the sale must have been made subject to the liens of those prior to it. The sale of the twenty acres included only in the fourth Mortgage, could only have been made under the power contained in that instrument. But as the Mortgagor is the purchaser of the whole property, and the proceeds of the sales are not sufficient to pay the mortgage debts, and the same must all be audited, to settle, it is no longer necessary to keep the two cases separate. Therefore, to prevent two sets of costs, the Court will pass an order ratifying the sales, and consolidating the two cases—

It is thereupon this 28 day of March A.D. 1891, by the Circuit Court for Frederick County, as a Court of Equity, and by the authority thereof, ordered and decreed that the sales reported in said Equity Cases No. 5783 and No 5784, be, and the same are hereby ratified and confirmed, and the objections thereto overruled. And it is further ordered and decreed that said Case No. 5783, be and the same is hereby consolidated with said Equity Case No. 5784. and that in the further progress of these proceedings, the two cases be considered and treated as one case and taxed accordingly—

And it is further ordered and decreed that John C Motter Esq, be, and he is hereby appointed Trustee, to convey to the purchaser of the property sold to him in these proceedings, upon payment of the whole of the purchase money.

John A. Lynch
Judge of the Cir. Court

Filed March 28 - 1891.