No. 5567 Equity.

Petition

The First National Bank of Frederick
vs
Mary C Delaplane & others

No. 5567 Equity.
In the Circuit Court for Frederick County sitting as a Court of Equity.
To the Honorable the Judge of said Court.

The petition of Adam Roser respectfully shows:

1st. That Hezekiah Delaplane was in his life time indebted to James M. Delaplane in the sum of three hundred and fifty dollars by his promissory note for said amount bearing date March 24th 1884 payable one year after date with interest at the rate of five per cent per annum, and upon which said Hezekiah Delaplane paid interest up to the 1st day of April 1889, but paid no part of the principal, and died intestate in the month of April 1889, leaving said note unpaid and on the 24th day of May A.D. 1889 the said James M Delaplane for value received transferred said note to your petitioner, all of which will fully appear by reference to said note filed herewith, marked Exhibit No 1. and which with all other Exhibits herewith filed, is prayed to be taken as part of this petition as fully as if here inserted in words and figures.

2. That there is now due your petitioner on said note the sum of three hundred and fifty dollars with interest from the 1st day of April A.D. 1889 at 5%

3. That the personal estate of said Hezekiah Delaplane is insufficient to pay his debts and on the 22 day of May A.D. 1889, the First National Bank of Frederick, a creditor of said Hezekiah Delaplane filed its Bill of Complaint in the above case praying a decree for the sale of the real estate of said Hezekiah Delaplane for the purpose of paying his debts, and said bill was filed as well for the other creditors of said Hezekiah Delaplane as for said Bank — Wherefore your petitioner prays

1st. That he may be made a party plaintiff in the above case.

2. That he may have all such other and further relief to which he may be entitled, and he will ever pray &c.

Milton G. Roser
Solr for Petitioner

Filed July 3. 1889.

Answer

Answer

Answer

Answer

Answer

The Answers of Henry Clay Delaplane and Elizabeth Delaplane his wife, to the bill of Complaint of the First National Bank of Frederick filed against these defendants and others in the Circuit Court for Frederick County sitting as a Court of Equity. These respondents say for answer they admit that Hezekiah Delaplane died intestate, as alleged in said bill, possessed of the real estate described in said bill and leaving the children and heirs at law therein named; that said Hezekiah Delaplane was indebted at the time of his death to the Plaintiff as alleged and his personal estate is not sufficient to pay all of said Hezekiah Delaplane's debts in full and these respondents are willing for a decree to pass as prayed for the sale of said real estate.

H. Clay Delaplane
Elizabeth Delaplane

Filed Sept. 14. 1889.