No. 5850 Equity

No 1. and that the said Charles U. S. Leary at the time he loaned the money to said John J. Krom and took an assignment of the above mentioned Mortgage from the said John J. Krom knew of and was fully aware the plaintiff Mortgage and that he accepted said assignment with the knowledge of said Mortgage and the understanding that it was to be subordinate to the plaintiff Mortgage on the real Estate conveyed to her.

6th. This plaintiff further represents that the said Mortgage to Krom is not yet due, and if she should try to execute the power of sale contained in her Mortgage she having omitted to make the affidavit required by law, because of the existance of said Krom Mortgage said sale might be embarrassed and complications would arise which would be greatly detrimental to said sale and injurious to all parties concerned, and there would be a cloud on any title which a purchaser would acquire through said sale and that it would be to the interest of all parties to have a decree passed setting the rights of the respective Mortgagees and said assignee and for the sale of said real estate by a trustee appointed by your Honorable Court.

7th. And the plaintiff prays for the following relief.

1st. That a decree may be passed for the sale of the real Estate described in Exhibit No 1. by a Trustee or Trustees to be appointed by your Honorable Court, and that the proceeds arising from said sale after the payment of all the Costs and expenses of said sale and the proceedings be applied to the payment in the first place of the Mortgage debt due to the plaintiff and then to the payment of the Mortgage to the said John J. Krom assigned to said Charles U. S. Leary

2nd. That a summons be issued directed to Charles H. M. Eyler and Sarah E. Eyler his wife, John J. Krom and Charles U. S. Leary of Frederick County, Maryland, commanding them and each of them to be and appear in your Honorable Court on some Certain day to be named therein to answer this Bill and show Cause if any they have why a decree should not be passed as prayed.

3rd. And for such other and further relief as the nature of the Case may require.

And as in duty bound &c

John E. Motter, for Plaintiff

Filed July 25th 1891.

Exhibit No 1

At the request of Mary Hammond the following Mortgage is received for Record and Record April 11th 1889 at 9 Clock 50 Minutes A. M.

Test. Wesley Parson Clerk

This Mortgage made this third day of April 1889 by us Charles H. M. Eyler and Sarah E. Eyler his wife witnesseth that in consideration of the sum of six hundred dollars now due from the said Charles H. M. Eyler to Mary Hammond all the following described part of a tract of land situate in Frederick County and State of