

## No. 3873 Equity

ing of the same.

That in consideration and pursuance of said agreement, your orator on the 6<sup>th</sup> day of April in the year 1872 did advance and pay to the said Theodore Fogle the unpaid balance of the said purchase money amounting with the interest accrued thereon to the sum of two hundred and fifty two dollars and twenty Cents.

That on the receipt of said \$281.20, the said Theodore Fogle did deliver to said Margaret Hartman a deed conveying the said land to her and her said infant brothers and sisters, a certified copy of which deed is herewith filed as Exhibit No. 3. That the said Margaret Hartman, did thereupon, with her said infant brothers and sisters on the first day of April 1872 execute their single bill to your orator for the amount so advanced by him as aforesaid, wherein they promised to pay to him or order the said sum of \$281.20 on or before the first day of April A.D. 1873 with interest from date, which single bill is herewith filed as Exhibit No. 4. And to secure the payment of said indebtedness according to the tenor of said single bill, the said Margaret and the said infant brothers and sisters at her instance and by her direction did on the 6<sup>th</sup> day of April A.D. 1872 execute a deed of mortgage conveying said premises to your orator, a copy of which mortgage is filed as Exhibit No. 5. That to said deed there is a condition annexed that it be void on the payment to your orator of said sum of \$281.20 with interest from the first day of April 1872 on or before the 1<sup>st</sup> day of April 1873 according to the tenor of said single bill that all of said parties save except said Margaret are infants, and that said Harriet is now married to Ephraim Fogle, and they all reside in Frederick County. And your orator charges that no part of the aforesaid sum of money intended to be secured by said mortgage, or the interest accrued thereon, has been paid to him although the time limited for the payment thereof by the condition aforesaid has elapsed, and payment thereof has been duly demanded by your orator, but the whole of said sum of money and interest as aforesaid remaining are now owing to your orator.

And your orator charges that the conditions of said mortgage not having been fulfilled, and by reasons of the facts and circumstances set forth, he is entitled to have the premises sold for the payment of his said debt notwithstanding the infancy of the said Harriet, Wm. H. John J. Isaac Spaid and Anna A. L. Albaugh.

To the end therefore that the said Margaret Hartman, Harriet Fogle and Ephraim Fogle, Wm. H. Albaugh, John J. Albaugh, Isaac Spaid, Albaugh and Anna A. Albaugh may answer the several matters and things hereinbefore stated as fully and particularly as if they were herein again repeated, and they were therewith specially interrogated, and that the promises promised

Exhibit No