Answer of Joseph Wood

No. 6087. Equity.

Answer of Joseph Wood.

Vinnie K. Adams and Edward E. Adams her husband, Byron F. Etchison and others

Alice V. Etchison and others

No. 6087. Equity.

In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable, the Judges of said Court.—

The Answer of Joseph Wood to the Bill of Complaint of Vinnie K. Adams and Edward E. Adams, her husband, Byron F. Etchison and others against this Respondent and others in the above entitled cause respectfully shows unto your Honors:—

I. That your Respondent admits the matters and things alleged in the 1st, 2nd, 3rd, 4th, 5th and 6th paragraphs of said Bill of Complaint.

II. That he denies the allegation of the 7th paragraph of said Bill that Vinnie K. Adams, Byron F. Etchison, Helen M. Appler, Annie M. Cobb, Grace G. Etchison, Howard M. Etchison, Elizabeth Etchison and Margaret Etchison are now seized and possessed of the real Estate mentioned in these proceedings as tenants in Common.

III. That the interest of Byron F. Etchison and Grace G. Etchison in said property, constituting an undivided one-third interest therein, was vested in one John Ritchie as Trustee for the sale of the same by a decree of your Honorable Court passed on the 23rd day of November A.D. 1889 in No. 4576 Equity, and said Trusteeship was subsequently transferred to your Respondent by an Order of said Court passed in said cause on the 13th day of October A.D. 1892.

IV. That at the time of the execution and delivery of the mortgage mentioned in the 8th paragraph of said Bill the said Byron F. Etchison and Grace G. Etchison had a vested and mortgageable interest in said real Estate, and that said interest was conveyed by and is now subject to said Mortgage.

V. That the assignment to your Respondent of the said mortgage was made after the proceedings in said No. 4576 Equity had been instituted, and that it was, therefore, unnecessary for said assignment to be recorded among the Land Records of Frederick County, but that the same was properly filed among the papers in said Cause.

VI. That your Respondent admits that said real estate cannot be divided among the parties in interest without loss and damage and further believes that the value of said property would be sacrificed, if the interest of your Respondent as Trustee therein were sold separate from those of the other parties hereto, and he, therefore, consents to the passage of a decree as prayed in said Bill of Complaint for the sale of said real estate as a whole, reserving his full interest therein as Trustee to be satisfied by the payment to him of one-third of the net proceeds of sale, and upon the condition that your Respondent have representation upon the trusteeship created in this cause for the sale of said property.

Urner, Reedy & Urner
Solrs. for Respondent

Filed April 11, 1893.