No. 6671. Equity.

Robert Biggs and John E. Motter Committee, mortgagees of Mary E. Hyden, William H. Hyden and Sarah M. Hyden, his wife.

vs

Petition.

No. 6671 Equity.

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

To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity.

The petition and report of sale of Robert Biggs and John E. Motter, Committee mortgagees of Mary E. Hyden, William H. Hyden and Sarah M. Hyden, his wife, respectfully represents unto your Honors

1st That on the 15th day of March in the year 1893 one William H. Hyden became indebted unto the said Robert Biggs and John E. Motter, Committee by his promissory note payable in one year after date, in the sum of four hundred dollars with interest from date, which promissory note is filed herewith marked Exhibit No. 1 to this petition, and which Exhibit with such other Exhibits as the plaintiffs may file herewith it is prayed may be taken to be a part of this petition and report of sale,

2d That on said 15th day of March in the year 1893, the said William H. Hyden and his wife Sarah M. Hyden and his mother Mary E. Hyden (spelled in said Mortgage Mary E. Hiden) executed a mortgage conveying to the said Robert Biggs and John E. Motter, Committee, the below described real Estate for the purpose of securing unto the said Robert Biggs and John E. Motter, Committee the payment of the said sum of Four hundred dollars & the interest thereon, when due and payable according to the terms of said promissory note above mentioned, a certified copy of which mortgage as recorded in the Land Records of Frederick County is filed herewith marked Exhibit No. 2 to this petition and report of sale.

3d That there is a power of sale in said mortgage authorizing and empowering said Robert Biggs and John E. Motter, Committee, in the event that the said William H. Hyden should at its maturity fail to pay said promissory note for Four hundred dollars or the interest thereon then it should be lawful for the said Robert Biggs and John E. Motter or the survivor of them to sell at Public Sale, for Cash, the said mortgaged premises at the premises, first giving three weeks public notice of the time, place, manner and terms of sale by advertisement once a week for three successive weeks prior to the day of sale in some newspaper published in Frederick County, and to apply the proceeds of said sale, First, to the payment of the costs and Expenses attending said sale including Commissions and Counsel fees, then to the payment of the above mentioned mortgage indebtedness and the interest thereon and the balance if any to be paid to the said Mary E. Hyden and William H. Hyden, all of which will appear by reference to Exhibit No. 2.

4th That the said William H. Hyden failed to pay said promissory note for four hundred dollars or the interest thereon when due and