

No. 4937 Equity.

Petition v. Horack
Order.

8th That said decree appointing said John J. Horack and John S. Neoman Trustees in said cause was passed inadvertently by your Honorable, and upon an erroneous statement of facts.

To the end therefore:

That the said John J. Horack and John S. Neoman may be required to answer this petition and show cause if any they may have why the decree in said cause appointing them as trustees in said cause to administer said trust should not be cancelled, revoked and annulled.

2d And for such other and further relief as the nature as the case may require.

Frank L. Stoner
Solr. for Petr.

State of Maryland, Frederick County, Oct.

I hereby certify that on this 17th day of October in the year A.D. 1900, before the Subscriber the Clerk of the Circuit Court for Frederick County, personally appeared Valeria E. Horack and made oath in due form of law that the matters and things set forth in the above and foregoing petition are true and bona fide as therein set forth.

Douglas H. Karpis, Clerk.

Answer of John
E. Horack.

Jacob J. Horack
Petitioner.

No. 4937 Equity.
in the Circuit Court for Frederick County
in Equity.

The Answer of John E. Horack and John S. Neoman Trustees to the petition of Valeria E. Horack filed in this cause against them on the 17th day of October in the year Nineteen Hundred.

These respondents answering said petition answer and state:-

That the petition of Samuel C. Warner and Sarah C. Warner was filed and your respondents appointed Trustees without any knowledge upon the part of your respondents or of said petitioners of the proceedings in said No. 4937 Equity, and without any knowledge whatever upon the part of the children of Jacob J. Horack and Ann E. Horack, his wife, that the proceedings in this cause had ever been had.

2nd That the said children and grand-children of the said Jacob J. Horack and Ann Elizabeth Horack, his wife, are the only persons, at this time interested in the trust created by the deed of trust filed in this cause as Exhibit "A."

3rd. That by an order and decree of Court passed in this cause the said Valeria E. Horack was designated as a trustee to manage the trust created by the deed aforesaid yet by the same order and decree she was directed to give bond in the penalty of one thousand dollars and although now about seventeen years have elapsed since the passage of that order the said Valeria E. Horack has never complied with said order and has never filed a bond as required thereby.

4th These respondents allege that the bond so directed to be given was a condition precedent to her acting as Trustee and that by reason of her failure to comply