

No. 7379 Equity

Testimony re,

Clarence C. Corty, a witness of lawful age produced on the part of the plaintiff being first duly sworn and examined viva voce deposes and says as follows, My name is Clarence C. Corty. I am the plaintiff in this cause I was acquainted with May E. Esworthy in her life time, she died in May 1901 and left no will that I am aware of and no personal estate. She was seized of several parcels of real estate which are correctly described in Exhibits 3, 4, 5 now shown me so far as I know of, I know where the property is situated but I have no definite idea as to their value. Mrs. Esworthy was in her life time indebted to me on a joint & several note, executed by her, James A. Esworthy, her husband and Robert Waller dated Sept. 18th 1899, payable three months after date for \$55.00 with interest from date, there was paid on this note \$17.00 Sept. 23rd 1899. \$10.00 January 12th 1900. Three dollars (\$3.00) February 5th 1900, leaving a balance with interest due & unpaid of \$25.00 and interest. There is also due to me from the estate of May E. Esworthy the sum of \$70.00 on open account for funeral expenses. There are other debts due by her estate which I only know of from hearsay and about which I am not able to testify definitely. My claim filed in this cause are marked Exhibits 1 & 2. There being no personal estate or funds out of which said debts can be paid it will be necessary that her real estate be sold under a decree of the court for the payment of said debts.

Genl Vnt, To the General Interrogatory propounded by the Examiner.
Ans. Nothing more &

C. C. Corty.

Filed Oct. 29th 1901.

Decree,

Clarence C. Corty }
James A. Esworthy }
et al. }
No. 7379 Equity,
In the Circuit Court for Frederick County
sitting as a Court of
Equity,
November Term, 1901.

The above cause standing ready, and being submitted, the bill, answer Exhibits, testimony and all other proceedings were by the Court read and considered. It is thereupon this 9th day of November in the year nineteen hundred and one by the Circuit Court for Frederick County, as a Court of Equity, and by authority of said Court adjudged or decreed, that the land and premises mentioned in these proceedings be sold, and that John S. Keeman and John Francis Smith of Frederick County, be, and they hereby appointed Justices to make the said sales and that the course and manner of their proceedings shall be as follows. They shall first file in the clerk's office of this Court, a Bond to the State of Maryland executed by them with a surety or sureties to be approved by the Court or the clerk thereof, in the penalty of twenty five Hundred Dollars conditioned for the faithful performance of the trust reposed in them by this decree or which may be reposed in them by any future order, or decree in the premises. They shall then proceed to make sale of the said Real Estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as they may think proper of the time, place, manner and terms of sale, which terms of sale shall be as follows: One half of the purchase money to be paid in cash on the day of sale, or on the ratification thereof.

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