

No. 7751 Equity.

Ordered this 3rd day of February, 1903, by the Circuit Court for Frederick County, in Equity that leave be granted to the parties to the Cause to take testimony before Albert S. Brown, one of the Standing Masters of the Court

John L. Motter,

Opinion

Filed September 1-1904

On the 30th of November 1891, Mary M. C. Crendoff and James A. Crendoff, her husband, executed a mortgage to Francis H. Crendoff to secure the payment of their joint and several promissory note of even date for the sum of \$5,000. The Real estate conveyed by the mortgage is situated in Frederick County and is the same which Francis H. Crendoff conveyed to Mary M. C. Crendoff by deed bearing date on the 24th day of November 1891. The note secured by the mortgage was to become due in twelve months after its date and to bore interest payable semiannually. On the back of this mortgage there is enclosed a release dated the 1st day of December 1894, and recorded on August 13<sup>th</sup> 1896, extinguishing the lien of the mortgage to the extent of \$3,000. There is also contained upon the mortgage an assignment bearing date the 3rd day of December 1894, and recorded December 14<sup>th</sup> 1894, transferring "the within mortgage to Julia Wells, daughter of Dr. C. H. Wells". Both the release and the assignment were signed by Francis H. Crendoff and witnessed by Michael C. Walsh, on September 17, 1900, the Union National Bank of Westminster, and Mrs. Anne M. Roberts executrix of the estate of the late Judge Charles B. Roberts filed in this Court, in Equity Cause No. 7751, a bill of Complaint against James A. Crendoff, Francis H. Crendoff, Julia Wells and the heirs at law of Mary M. C. Crendoff, then deceased, wherein it was alleged, in addition to the facts already above stated, that a certain Edward Lynch, Francis H. Crendoff and the late Judge Roberts and others became indebted to the Union National Bank of Westminster on sundry joint and several promissory notes for various sums of money, and that the Bank later on recovered judgments against the makers of these notes in the Circuit Court for Carroll County. That on the 6th day of October 1894, Edward Lynch, Francis H. Crendoff