

## No 7453 Equity.

1 That after the payment of the mortgage debt and interest and of the Costs and expenses of the Sale of the mortgaged property mentioned in these proceedings, your Petitioner will have in hand as surplus proceeds of sale the sum of about \$210<sup>00</sup> to be divided equally between Jacob A Warner and George W Warner the two mortgagors of said property.

2 That the said Jacob A Warner has departed this life intestate and left no estate, other than his one-half of said surplus, and his heirs at law and next of kin have authorized and requested your Petitioner to pay out of the said Jacob A. Warner's share of said surplus, the funeral expenses, including Cost of tombstone and the Doctor's bill of the said Jacob A. Warner, and then pay the balance of said share to George W Warner, surviving mortgagor: as will appear by their several authorities and agreements to that effect filed herewith and marked Exhibits J & K.

3. That in pursuance thereof your Petitioner has paid out of said share of Jacob A Warner deceased the sum of \$65<sup>00</sup> including sundry items of funeral expenses etc. of said decedent, and has in hand a balance of said share of about \$60<sup>00</sup> to be paid to the said George W. Warner and your Petitioner files herewith his vouchers for the payments made by him as aforesaid.

Wherefore your Petitioner prays your Honors to order and direct that the aforesaid payments out of the said share of the said Jacob A Warner, and the distribution of the balance thereof to the said George W. Warner, surviving mortgagor, be allowed in the audit to be stated in this case, out of the <sup>share</sup> share of the surplus proceeds of sale of the said Jacob A Warner.

And that your Petitioner may have all such other and further relief to which he may be entitled he will ever pray

And as in duty &c.

Usher & Usher  
Solicitors for Petitioner

Upon the foregoing Petition it is ordered by the Court this 2nd day of January A.D. 1906 that in the audit in the above intitled case there shall be allowed out of the said Jacob A Warner, deceased mortgagor's share of the surplus proceeds of sale the funeral expenses including Cost of tombstone and the Doctor's bill of the said Jacob A. Warner, and that the balance of said share be distributed to the said George W Warner surviving mortgagor, as prayed in the foregoing petition. Subject to the further order of this Court

John C. Motter.