

No. 8123 Equity

together with the Costs of said Proceedings and her Solicitor's fee of \$30.00 and your Petitioner was by said decree appointed Trustee to execute such Mortgage, conveying the interest Contingent or otherwise, of the Children and Heirs-at-law of the said Randolph Abney, deceased, all of whom were infants, together with the interest of your Petitioner, in said real estate, as will appear by the Proceedings in said No. 772 Equity.

5. That the Mortgage, under which the said real estate was sold in these proceedings, was executed in pursuance of the aforesaid decree but for only a portion, to-wit: \$482.00 of the amount for which said Mortgage was authorized, the total amount for which said Mortgage was decreed as aforesaid to be executed being \$722.71 including said deficiency of \$667.71 and \$27.00 Costs of said Proceedings, and said Solicitor's fee of \$30.00 the balance of said total amount, over and above said sum of \$482.00 having been paid by general funds of your Petitioner who was desirous of reducing to the lowest possible point the note for which said Mortgage should be executed, and the said balance of \$242.71 has remained to the present time due and owing to your Petitioner.

6. That your Petitioner is advised and avers that she is entitled to be reimbursed and paid the said sum of \$242.71 and the interest thereon from the date of said Mortgage, out of the Surplus Proceeds of said Mortgage Sale in these proceedings, and that by virtue of said decree your Petitioner had an equitable lien upon said real estate for said balance of the amount for which said Mortgage was decreed, and interest thereon as aforesaid, and that she now has lien upon said Surplus Proceeds of Sale.

7. Wherefore your Petitioner prays that an order may be granted by your Honorable Court, directing the Auditor in stating an account in these proceedings to allow and distribute to your Petitioner out of the Surplus Proceeds of said Mortgage Sale the said sum of \$242.71 and interest thereon, from July 24, 1904, the date of said Mortgage; and that she may have all such other and further relief as the case may require. And as in duty &c.

Orville C. Abney,
Honor* Honor solrs for Petitioner