No. 8119. Equity.

Joseph H. Gaver Mortgagee of Alice C. Creager, Maria P. Green and William A. Green her husband, Seamon A. Creager, John H. Nichols Jr., James Conway, Frances L. Brisco and Lewis J. Brisco her husband, and Eliza C. Creager

No. 8119. Equity. In the Circuit Court for Frederick County. Sitting as a Court of Equity.
Filed January 9-1907.

To the Honorable the Judges of the Said Court: The Petition and Report of Sales of Joseph H. Gaver Mortgagee of Alice C. Creager, Maria P. Green, and William A. Green her husband, Seamon A. Creager, John H. Nichols Jr., James Conway, Frances L. Brisco and Lewis J. Brisco her husband, and Eliza C. Creager respectfully state: 1st. That on the 22nd day of August, in the year nineteen hundred and five, a certain Alice C. Creager, Maria P. Green and William A. Green her husband, Seamon A. Creager, John H. Nichols Jr., James Conway, Frances L. Brisco and Lewis J. Brisco her husband, and Eliza C. Creager by their deed of Mortgage duly executed, acknowledged and recorded, conveyed certain real estate in Frederick City, Frederick County, Maryland, to your petitioner to secure the payment of the Mortgage debt thirty-five dollars therein mentioned and the interest thereon, which deed of Mortgage contained a power that if default should be made in the payment of the said Mortgage debt, then it should be lawful for the said Joseph H. Gaver, his personal representatives and assigns, to sell the said Mortgaged premises by public auction for cash at the Court House door, in Frederick City, Frederick County, Maryland, after having given at least three weeks public notice of the time, place, manner, and terms of sale by an advertisement inserted in some newspaper published in said Frederick County, once a week for three successive weeks prior to said sale and by such other notice as should be deemed necessary, and to apply the proceeds of such sale to the payment in the first place, of all costs and expenses attending the making of said sale, including the usual Chancery commissions, a reasonable counsel fee, and all taxes, public dues and charges on the said premises, and then to the payment of the mortgage debt in full, with interest thereon up to the time of payment, and the surplus, if any, should be paid over to the said Mortgagors, their heirs or assigns; all of which will more fully appear from the original Mortgage herewith filed as part hereof, marked Exhibit No. 1. 2nd. That no part of the principal of said Mortgage debt has been paid, and the entire principal debt remains unpaid, and also the interest thereon from August 22nd, 1905, remains unpaid, as will appear from the original Mortgage note herewith filed as part hereof marked Exhibit No. 2. 3rd. That default having been made in the payment of the Mortgage debt and interest thereon, your petitioner after having given bond as required by law, and after having given notice of the time, place, manner and terms of sale, by an advertisement inserted for three successive weeks in "The Daily News", once a week, a newspaper published in said Frederick County, and also by posters set up in the neighborhood of the Mortgaged property, did, in pursuance of said notice, attend at the Court House door in said Frederick City, on Saturday, December 29th, 1906, at 11 O'Clock A.M., and then and there proceeded to sell the real estate and premises described in said Mortgage, being all that lot or parcel of which Sarah Ann Creager, late of Frederick County, died seized and possessed, situated on the east side of East Street in said Frederick City, together with the buildings and improvements thereon, to the highest bidder for cash, and then and there sold the same to Mary K. Eckstein, she being the highest and best bidder therefor, at and for the gross sum of One hundred and Seventy-five dollars, and took her written acknowledgment of purchase of said property, which is herewith filed as part hereof marked Exhibit No. 3. 4th. That since the said sale a certain Henrietta Palmer has agreed with the said Mary K. Eckstein to become the purchaser of the said real estate in her room and stead and at and for the said sum of One hundred and Seventy-five dollars, and upon the terms set forth in said advertisement of sale, both of whom now desire that the said Henrietta Palmer may be substituted as the purchaser of the said property and that said sale may be ratified to her and in her name, and that the deed for the same may be made to her after the payment by her of the said purchase money, as will appear by the consent in writing of the said Mary K. Eckstein and Henrietta Palmer herewith filed as part hereof marked Exhibit No. 4. Your petitioner, therefore, prays your Honors that the said sale may be finally ratified and confirmed to and in the name of the said Henrietta Palmer and that the deed of conveyance for the same shall be made by the said Mortgagee to her upon her compliance with the said terms of sale, and that he may have such further and other relief as his case may require. The total amount of sales herein is one hundred and seventy-five dollars. And as in duty bound etc.

Joseph H. Gaver Mortgagee

State of Maryland, Frederick County, to-wit: I hereby certify that on this 9th day of January, in the year nineteen hundred and seven, before me, the subscriber, Clerk of the Circuit Court for Frederick County, personally appeared the said Joseph H. Gaver, Mortgagee as aforesaid, and made oath in due form of law that the matters and things stated in the foregoing Petition and Report of Sales are true bona fide to the best of his knowledge and belief, and that the sale therein reported was fairly made.

Samuel T. Haffner
Clerk of the Circuit Court for Frederick County.

Order Nisi on Sales.

Joseph H. Gaver Mortgagee of Alice C. Creager, Maria P. Green and William A. Green her husband, Seamon A. Creager, John H. Nichols Jr., James Conway, Frances L. Brisco and Lewis J. Brisco her husband, and Eliza C. Creager
on
Petition

No. 8119. Equity. In the Circuit Court for Frederick County, sitting in Equity. January Term 1907. In the matter of the Report of Sales filed the 9th day of January 1907.

Ordered that on the 1st day of February 1907, the Court will proceed to act upon the report of sales of Real Estate, reported to said Court by Joseph H. Gaver, Mortgagee in the above cause, and filed therein as aforesaid, to finally ratify and confirm the same, unless cause to the contrary thereof be shown before said day; provided a copy of this order be inserted in some newspaper published in Frederick County for three successive weeks prior to said day. The Report states the amount of sales to be $175.00.
Dated this 9th day of January 1907.

Samuel T. Haffner
Clerk of the Circuit Court for Frederick County.

"Daily News."

Printer's Certificate. Filed May 9-1907.

Frederick, Md. May 9th, 1907. This is to certify, that the annexed order Nisi on sales was published in The Daily News a newspaper published in Frederick County, once a week three successive weeks prior to the 1st day of February 1907.

The News - Wallis.

Exhibit No. 1.

Filed January 9-1907.

At the request of Joseph H. Gaver the following Mortgage is recorded for release and recorded September 2nd 1905, at 12-05 O'Clock P.M. Test Samuel T. Haffner Clerk.

This mortgage, made this 22nd day of August in the year nineteen hundred and five, by Alice C. Creager, Maria P. Green and William A. Green, her husband, and Seamon A. Creager, all of Frederick County, Maryland, and John H. Nichols, Jr., James Conway, Frances L. Brisco, and Lewis J. Brisco her husband, and Eliza C. Creager, all of Baltimore City, Maryland. Witnesseth:- That whereas a certain Sarah Ann Creager, late of Frederick County, Maryland, departed this life about sixteen years ago, intestate, leaving her surviving a husband, Julius Creager, who died a short time ago, and the following children and heirs at law to whom the real estate hereinafter described descended and in whom the same is now vested as tenants in common, namely; Cornelia G. Nichols, married to John H. Nichols, both now deceased and being survived by a son, the said John H. Nichols Jr.; Alice C. Creager; Mary E. Creager, afterwards married to James Conway, the said Mary E. Creager being now dead without children, and being survived by the said James Conway; Frances L. Creager, afterwards married to Lewis J. Brisco; Maria P. Creager, afterwards married to William A. Green; Eliza C. Creager, and Seamon A. Creager; And whereas the said Alice C. Creager, Maria P. Green and William A. Green, her husband, Seamon A. Creager, John H. Nichols Jr., James Conway, Frances L. Brisco and Lewis J. Brisco, her husband, and Eliza C. Creager now stand indebted unto Joseph H. Gaver, of Frederick County, Maryland, in the sum of thirty-five dollars, upon their joint and several promissory note of even date herewith, drawn for said sum and made payable to the said Joseph H. Gaver, or order six months after date, with interest from date at the rate of six per centum per annum, and for the purpose of securing the payment of the said note and interest thereon when due and payable, this Mortgage is executed. Now, therefore, in consideration of the premises and of the sum of five dollars, to them in hand paid by the said Joseph H.