

## No. 8346. Equity.

whereof is herewith filed marked Exhibit D.

(b) A tract of land in Said Washington County, containing (111 acres and one hundred and ten (110) perches, more or less.

(c) A tract of land in Said Washington County, containing eleven (11) acres and sixteen (16) perches, more or less, which last mentioned two tracts of land were conveyed to the said Oscar J. Harbaugh, by Charles E. Harbaugh, Attorney, by deed dated the 21st. day of January, 1901, and of record in Liber No. 113, folio 696, one of the Land Records of Said, <sup>Washington</sup> County.

(d) A tract of land Situate in Frederick County, Maryland, containing ten (10) acres, three (3) rods and thirty-six (36) perches, more or less, which was conveyed to him by Charles A. C. Oiler, and others by deed dated the 12th. day of February 1900, and filed for record in Said Frederick County, & recorded in Liber S. J. N. 284, folio 231, one of the Land Records of Frederick County.

(e) A tract of land Situate in Frederick County, Maryland, containing five (5) acres and three (3) rods, which was conveyed to him by Charles E. Harbaugh, Attorney, by deed dated the 21st. day of January, 1901, and to be recorded among the Land records of Said Frederick County.

That tract described above as (d) is embraced and conveyed in mortgage mentioned in the first paragraph hereof, but by reason of said mortgage, not having been recorded in Said Frederick County, within the time required by law, the mortgage debt therein mentioned has no priority, in so far as the tract in Frederick County, is therein concerned over the creditors of said Oscar J. Harbaugh, who became such after the making of said mortgage without notice, but can only share pari passu with them in proceeds of sale.

That the tract described above as (e) is embraced and conveyed in the mortgage mentioned in the fifth paragraph of said Bill, but by reason of said land being therein described as situate in Washington County and said mortgage debt, therein mentioned in so far as the said land, described as (e) is concerned, is no lien, and your orator is advised that he is entitled to share pari passu, the other creditors of said Oscar J. Harbaugh in the proceeds of sale thereof.

Seventh: That said Oscar J. Harbaugh departed