

No. 8435, Equity.

and after the notice in said mortgage premises in the place and after the notice in said mortgage prescribed, and the proceeds of such sale should be applied, first, to the payment of all Costs, Charges and expenses of Sale, and secondly, to the payment in full of said mortgage note and all interest due thereon up to the time of payment, and lastly, the surplus to be paid to the defendants or their assigns; and the original of said mortgage is herewith filed as prayed to be taken as such and marked "Exhibit No. 2".

3. That the said mortgage was duly executed, acknowledged and delivered to your Oratrix by the said John T. Barry and Mary E. Barry, his wife, in manner and form as prescribed by the law of the State of Maryland, and your Oratrix made the usual Consideration and Mortgage tax affidavits thereto, as required by law; but your Oratrix was not aware of the necessity of having said mortgage recorded among the Land Records of said County, within six months of the date thereof, as provided by law, in order that it might be effective as against others than the parties thereto and by reason of her ignorance of said requirement your Oratrix retained the said mortgage in her Custody and did not cause it to be recorded until quite recently, when she for the first time learned of said requirement of law as to the recording of such instruments; that your Oratrix, promptly upon learning of said provision of law, caused the said mortgage to be recorded among the Land Records of said County, and it was so recorded on May 31, 1909, in Liber J. T. N. No. 288, folio 230, one of said Land Records.

4. That prior to and at the time of the recording of said mortgage your Oratrix did not know of the existence of the Act of Assembly of this State providing that in order that such recording after the lapse of said six months might be effective as against third parties it was necessary that an order of your Honorable Court should be obtained granting leave for the recording of the instrument, and on account of her ignorance of said provision of law your Oratrix caused said mortgage to be recorded, as aforesaid, without having obtained an order of your Honorable Court granting leave for that purpose.

5. That your Petitioner is a advised and avers that notwithstanding said irregularities in the recording of said mortgage, it is valid and effective as between