

No. 8702. Equity.

day of April, 1911 in Number 8627 Equity authorized them to file such petitions as may be deemed necessary and desirable in the matter of the foreclosure of any mortgage held by the Savings Bank of Providence, R.I. That the indebtedness which the mortgage aforesaid was given secure has not been paid said Savings Bank is largely since past due and it is necessary and desirable that the mortgage aforesaid should be foreclosed and the property conveyed by it sold in accordance with the terms of the mortgage to reimburse said Savings Bank the amount due and owing by said E Park Willard.

4th. That the buildings and improvements which were on the property at the time of the execution of the aforesaid mortgage together with all machinery implements tools and equipment therein, or on said property used and engaged as part of or in connection with the Laundry or Sewing business then conducted and carried on on said property were several years ago destroyed by fire and there are now no buildings or improvements on the lot of ground conveyed by said mortgage.

5th. That the said William Schmauffer one of the trustees named in said mortgage to make sale of the mortgaged premises in the event of a default in the payment of the indebtedness which it was given to secure declines to execute the power of sale therein contained and your petitioners file the written notification of said William Schmauffer addressed to your petitioners as receivers of the said Savings Bank so declining which is herewith filed as "Exhibit" 7 to this petition.

6th. That in this state of case there may be some doubt as to whether John S. Newman the person named in said mortgage to execute said power of sale is authorized so to do without an order of your Honorable Court confirming him as sole trustee to execute said power of sale or appointing some other person to act with him in place of the said William Schmauffer.

Wherefore your petitioners pray your Honors to pass an order either confirming and appointing John S. Newman as sole trustee to sell the mortgaged premises in accordance with the terms of said mortgage and the statute laws of the State of Maryland in the premises or appointing some other person to act in conjunction with him in place of said declining trustee and for such other or further relief as the nature and equity of their case may require.

And as in duty, etc.

John S. Newman,
Sole for Petitioners.

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