

110.8820 Equity

as such executor, at the time of my qualification as such executor the title to the land mentioned in these proceedings was in dispute and in litigation between the children of Margaret E. Miller the first wife of said George F. Miller and my testatrix, Catherine S. Miller. There was a mortgage upon the property a certified copy of which is filed in this cause as, C. A. No. and Daniel F. Stone the assignee of the mortgage had advertised said property for sale under the power therein as appears from Exhibit No. 1. filed with the bill in this cause.

This sale was ~~to~~ place on Aug. 19, 1911. at a season of the year when property of the kind mentioned could not be expected to bring its full value at a sale to be made for cash. This would have meant if proceeded with the entire loss of the property over and above the mortgage indebtedness intended, interest and expenses. To prevent the sacrifice I as executor of Catherine S. Miller filed in the Orphans Court of Frederick County, my petition upon which the order was passed a certified copy of which is herewith filed marked Exhibit "C. H. E."

In pursuance of that order of the Court I paid off said mortgage debt, interest and expenses amounting in the aggregate to \$2562. ²³/₁₀₀ and Stone released the mortgage. I made this payment on August 3^d 1911. I claim the right to be reimbursed the amount which I paid with interest.

(No cross-examination)

Witness my hand this 15th day of March 1912.

Clayton O. Keedy, Examiner

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence, the said Examiner hereby certifies that the foregoing are the original depositions in the case as the same were read over to the witnesses and signed by them respectively and I herewith return the same enclosed to the Court.

Witness my hand this 15th day of March 9. 7. 1912. Clayton O. Keedy - Examiner

Costs of the foregoing Testimony:

C. O. Keedy Examiner 1/2 days	\$ 6 00
C. J. Fagan Sheriff	1 20
Thomas F. Fivels. Tit. att. Mortgage	2 40
Daniel F. Eyles " " "	2 00
Sarah C. Haugh " " "	2 00
Sarah H. Soy " " "	.75
D. Princeton Buckley " " "	.75
Certified to Clayton O. Keedy, Examiner	