

NO. 8769 EQUITY.

Millard F. Shafer and John S. Newman, Receivers
of the Savings Bank of Brunswick, Mortgagee of
Mary E. McGovern and James Joseph McGovern, her
Husband.

No. 9769 Equity.
In the Circuit Court
for Frederick County,
in Equity.

On
Petition.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of Millard F. Shafer and John S. Newman, receivers, of the Savings Bank of Brunswick, mortgagee of Mary E. McGovern and James Joseph McGovern, her husband, respectfully shows unto Your Honors--

1st. That on the twenty-ninth day of June in the year nineteen hundred and three, Mary E. McGovern and James Joseph McGovern, her husband, executed their deed of mortgage of that date, which is duly recorded in liber D. H. H. No. 18 folio 474, etc., one of the land records of Frederick County, conveying unto the Savings Bank of Brunswick, lots Nos. 1, 2, and 3 in Block No. 24, on the plat of the Mutual Land and Improvement Co's division of Brunswick, which said lots are situated, lying and being in the town of Brunswick, Frederick County, Maryland, and are more fully described in said mortgage to secure the indebtedness of \$365.00 due said Savings Bank of Brunswick, as evidenced by their joint and several promissory note of even date with interest from date; and which mortgage provided that if default should be made in the payment of any note or notes given in renewal thereof, or of the interest thereon, then it should be lawful for William Schnauffer and John S. Newman, or the survivor of them, as trustees, or in case of their or his death, or declining to execute said trust then for any other trustee to be appointed by the order of the Circuit Court for Frederick County, as a Court of Equity, in place of said deceased or declining trustees, consent being given by the said mortgagors, upon petition to be filed by the said mortgagee to said Court, for the appointment of such trustee, to sell the property" in the manner in said mortgage prescribed. All of which will fully appear by reference to a certified copy of said Mortgage herewith filed as Exhibit "A", and which together with all other exhibits hereinafter produced, it is prayed may be taken and considered as a part of this petition.

2nd. That Your Honorable Court having heretofore appointed the said Millard F. Shafer and John S. Newman receivers of the Savings Bank of Brunswick, by Your order passed on the twenty-second day of April 1911 in No. 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 Brunswick.

3rd. That the indebtedness which the mortgage aforesaid was given to secure has not been paid said Savings Bank, is long 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 MARY E. McGovern and James Joseph McGovern, her husband.

4th. That the said William Schnauffer, 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, declined to execute the power of sale therein contained; and your petitioners file the written notification of said William Schnauffer, addressed to your petitioners as receivers of the said Savings Bank so declining, which is herewith filed as Exhibit B to this petition.

5th. That in this State of case there may be some doubt as to whether John S. Newman, the other person named in such 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 Schnauffer.

Wherefore your petitioners pray Your Honors to pass an order either confirming and appointing