National Bank,of Frederick,Maryland,to instute proceedings in the Courts of Maryland to foreclose the mortgage dated February 24,A.D.1899,given by Augustus H.Ebert and Elizabeth Ebert,his wife,to Edward J.Winebrenner Sr.,to indemnify said Winebrenner for his endorsement of said notes discounted at said Bankand now due and unpaid,the said foreclossure to be under the laws of the State of Maryland;and after deducting from the proceeds of said foreclosure sale the mortgage indebtedness and the interest thereon and all property costs and charges,to pay over the surpluss,if any there be, to the Trustees in Bankruptcy of the said Augustus H.Ebert and Elizabeth Ebert,his wife,for distribution to the creditors of said Bankrupts entitled thereof,as their interest may appear under the directions of this Court;provideed due notice be given by serving a copy of the foregoing petition and of this order on the Trustees in Bankruptcy of the said Augustus H.Ebert and Elizabeth Ebert, his wife,of the object and purpose of the petition filed as aforesaid by the said Central National Bank,of Frederick,Maryland,on or before the 6th day of January A.D.1908,for the said Trustees to answer said Petition in this Ciurt on or before the 18th day of January A.D.1908,and show cause,if any they may have,why this order should not be made absolute.January 2,1908.

Thos.J.Morris
District Judge.

UNITED STATES OF AMERICA,DISTRICT OF MARYLAND,to-wit:

I,ARTHUR L.SPAMER,Clerk of the District Court of the United States for the District of Maryland,do hereby certify that the foregoing is a true copy of the petition of the Central National Bank of Frederick,Maryland,and the Order of Court thereon,which were entered and filed in the therein-entitled matter of Augustus H,Ebert,trading as B.Ebert and Sons,Bankrupt,in said District Court,on the second day of January,1908.

In TESTIMONY WHEREOF,I hereunto set my hand and affix the seal of said District Court,this thirty first day of January,1908.

Arthur L.Spamer
Clerk.

PLACE UNITED OF STETES SEAL

Filed Feby,14th,1908.

EXHIBIT NO 5

IN THE DISTRICT COURT OF THE UMITED STATES FOR THE DISTRICT OF MARYLAND.

IN BANKRUPTCY.

Bankrupt.

In the Matter of
Augustus H.Ebert,
trading as B.Ebert &Sons,

No.1 6 6 5 Docket H.

The matter of the petition of the Central National Bank of Frederick,Maryland,filed January 2nd, 1908,for leave to foreclose a mortgage of indemnity, dated February 28th,1899,from the Bankrupt and his wife to Edward J.Winebranner,recorded March 4th,1899,in LIber D.H.H.No.4,folio 654,one of the land Records of Frederick County,Maryland,having come on to be heard on the said Petition and the answer thereto of John E.Shell & Company and other creditors of said Bankrupt,and the answer thereto of the Frederick Gas & Electric Company of Frederick and other creditors of said Bankrupt,and the answer thereto of Thaddeus M.Biser,one of the Trustees of said Bankrupt,and the answer thereto of Charles C.Waters and Emory L.Coblentz,two of said Trustees,and the Court having considered the same and all the proceedings in the matter,and it not being denied in any of said answers that the said mortgaged property is insufficient to pay the slaim intended to be secured by said mortgage,and it not appearing that the estate of said bankrupt has any benifiwial interest in the said property, upon consideration of all the facts set forth in the said petition and the said several answers,it is now,this 29th day of January,1908,by the District Court of the United States for the District of Maryland,in Bankruptcy,ADJUDGED AND ORDERED,that the order nisi on the said petition be,and the same is hereby,made final;and that the Central National Bank of Frederickhave leave and is hereby give leave to forclose said mortgage in any Court of competent jurisdiction as it may be advised,as prayed in said petition.

Thos.J.Morris
District Judge.

TRUE COPY TEST:Arthur L.Spamer Clerk

Filed Feby.14-1908