

William Townsend and Arthur Townsend, her husband are adults and residing in the State of Maryland, in the town of Cambridge, and the said Georgia McCann and William J. McCann, her husband are adults and residents of the State of New Jersey and the said Blaine Decker, is an infant residing in the City of Baltimore, all defendants in the above entitled cause.

2-That on the 4th day of September, 1915, one Roy E. Benjamin, late of the City of Baltimore died intestate, leaving no personal estate but leaving real estate, which has been decreed to be sold by your Honorable Court in these proceedings by a Trustee appointed by your Honorable Court, as by reference to the previous proceedings in this cause, will fully appear.

3-That the said Roy E. Benjamin, late of said City of Baltimore, during his lifetime gave to the plaintiff two notes, one of which was for the sum of One Hundred Dollars, which notes was due the plaintiff September 3rd, 1915, and the said Roy E. Benjamin also gave to said plaintiff another note for the sum of Thirty Five Dollars, which was due the plaintiff November 20th, 1915, said notes bearing interest at the rate of six per cent per annum payable in advance, and then and there is interest due on said notes since September 3rd, and November 20th, 1915 respectively, and that said notes are still due and owing to said Myersville Savings Bank, a body corporate and interest as aforesaid, as will appear by Exhibit "A" and "B" herewith filed.

4, That there being no personal estate of the said Roy E. Benjamin, and that there will come into the hands of your trustees Reno S. Harp in this cause, a considerable sum of money from the sale of the real estate of the said Roy E. Benjamin, above all costs and expenses incurred in the sale of the real estate of the said Roy E. Benjamin and the mortgage indebtedness against said real estate, and there will be sufficient sum of money to pay said notes and all other creditors of the said Roy E. Benjamin and your petitioner feels it has the right to have the amount due it upon said notes, paid out of the surplus funds that will come into the hands of the trustees in said cause, before a distribution is made among the heirs at law of the said Roy E. Benjamin, deceased.

And your Petitioner prays for the following relief.

1. That an order or decree may be passed by Your Honorable Court authorizing the trustee in this cause to pay out of the funds arising from the sale of the real estate in said cause the amount of the notes filed with this petition, principal and interest, and all other creditors of the said Roy E. Benjamin .

2. That your said petitioner shall such other and further relief as the nature of its case may require. And your petitioners prays for the following process:

1-That a summons may be issued in the usual form, directed to Lavinia E. Benjamin, of Baltimore City, William Townsend and Arthur Townsend, her husband, of Cambridge, Maryland, and Blaine Decker infant, in order that they may answer the matters and things herein contained, commanding them to be and appear in your Honorable Court some certain day to be named therein, either in person or by solicitor, to answer the premises and abide by and perform such decree as may be passed therein.

2. That an order of Publication may issue giving notice to the non-resident defendants, the said Georgiana McCann and William J. McCann, her husband, notifying them of the object and substance of this petition and commanding them to be and appear in your Honorable Court on some certain day to be named therein, to answer said petition, abide by and perform such decree or order as may be passed in the premises.

And as in duty bound etc.,

Reno S. Harp.

Solicitor for Petitioner.

Filed Feby, 23' 1916.

EXHIBIT "A"

\$100.00

Myersville, Maryland March 3rd, 1915.