

Lewis S. Clingan Surviving Executor
of the last Will of Ann C. Kunkel,
dec'd. Mortgagee of John W. Weller
and wife.

No. 9432 EQUITY.
In the Circuit Court for
Frederick County, sitting as
a Court of Equity.

P E T I T I O N .

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The answer of Lewis S. Clingan Surviving Executor &c., in the above entitled proceedings to the Exceptions to the ratifications of the sale reported in said proceedings says:-

1. That he denies each and every allegations of fact in the first paragraph of said Exceptions, and on the contrary avers that no one who read intelligently said advertisement of sale, was or could have been misled as to the quantity of land advertised to be sold, because the reference to the conveyances contained in said advertisement had the effect of incorporating their description as to the quantity of land in the published advertisement, and because the premises being advertised was a suburban property, the value of which consisted largely, if not principally, in the improvements thereon, and was and is entirely enclosed by fencing visible to all, so that no one who took the trouble to look at the property could fail to see the size and extent of the land as a whole.

2.- That he denies that a higher and better price could have been obtained at the sale of said property and he avers that the sale was properly and fairly advertised.

3.- And further answering said Exceptions he says that by reason of the large amount of taxes and subsequent liens on said property sold, the Exceptance have no interest in the property or proceeds of sale, and that if any person have a right to complain about the form of advertisement or the price which the property brought, it is the lien creditors and sureties of the Expectants, and not he Exceptants.

4.- That by virtue of execution issued in Nos. 2, 3, 4, & 5, Judicials, February Term, 1916, out of the Circuit Court for Frederick County, the Sheriff of said County has sold the personal property of the said John W. Weller and applied the proceeds, so far as the same would extend, and yet there remains unsatisfied large amounts of taxes and Judgements on said mortgaged property, to-wit:-

State and County taxes for the years 1912, 1913, 1914, and 1915 as per Bills rendered by Collector,-----	\$162.92
Four years water rent as per bills rendered-----	36.00
Judgement in No. 120 Trials, Sept Term, 1908 (See Judgement Transcript S.T.H. p. 181)-----	301.02
and some interest on the same. Judgement in No. 168 Trials Dec. Term, 1912, (Judgt. Transcript H.W.B. p. 263)-----	110.86
and interest from date and costs. Judgement in No. 121 Trials Feb, Term, 1914, (Judgement Transcript H.W.B. p. 449)-----	113.29
and interest from date and costs. Judgement in no. 131 Trials Sept. Term, 1915, (Judgement Transcript No. 17, page 164)-----	452.14
with interest from date and costs. Judgement in No. 132 Trials Sept Term, 1915, (Judgement Transcript No. 17, fol. 164)-----	76.12
with interest from date and costs. Judgement in No. 106 Feb, Term, 1916, (Judgement Transcript No. 17, fol 182)-----	198.67

and interest from date and costs, which together with the amount of the mortgage debt and interest in this case and costs and expenses amount to the sum \$848 beyond any possible price that could be hoped to be realized from the mortgaged premises at any sale.

5.- And this Respondent believing that said exceptions are entirely without merit, prays that the same may be set down for an early hearing. And as in duty &c.

Lewis Clinging
Executor &c.

Filed March 28th, 1916.

ADDITIONAL EXCEPTIONS TO RATIFICATIONS OF SALE.