Lewis S.Clingan,surviving Executor of the last Will and Testament of Ann C.Kunkel,late of Frederick County,deceased,mortgagee of John W.Weller and wife.

O N.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Court Court for Frederick County,Maryland, sitting as a Court of Equity.

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To the Honorable,the Judges of the Circuit Court for Frederick County,Maryland,sitting as a Court of Equity!-John M.Weller and wife,the above named Mortgagors,further except to the ratification of the sale made and reported unto your Honorable Court in the above entitled cause by Lewis S.Clingan,surviving Executor,and for the following reasons additional to those heretofore filed by these Exceptants in the first Exception filed by them in this cause in your Honorable Court;-

1st.-because the mortgaged real estate was offered only as a whole and so sold,whereas it was susceptible of division into smaller lots or parcels,and if so divided,the several lots or parcels could have been advantageously sold,and a much larger price realized.

2nd.-That more land was sold than was necessary to pay the mortgaged debt and all proper and necessary costs pertaining to said mortgage foreclosure.

Wherefore for said additional reasons these Exceptants pray that your Honors will not finally ratify and confirm the sale made and reported unto your Honorable Court in the above entitled cause.

Jacob Rohrback
Solicitor for John W.Weller and Olivia Weller his wife

Filed April 1'1916.

State of Maryland,Frederick County,Sct!

By the Circuit Court for Frederick County February Term,1916.

To the Sheriff of Frederick County!

You are Commanded to Summon J.Harry Grove (Farmer)Charles Moberly(Near Fair Ground)P.Mehrl Hiteshew (Near Fair Ground)Frederick County,Md.and them have you before the Judges of said Court, now sitting,to testify for John W.Weller in No.9432 Equity.

Returnable Saturday 8th,1916 at 9.30 O'Clock A.M.

Issued April 6th,1916 Eli G.Haugh Clerk.

O P I N I O N A N D D E C R E E

Lewis S.Clingan,Surviving Executor,&c.,Mortgageedof John W.Weller and wife.

on.

P E T I T I O N.

No. 9 4 3 2 E Q U I T Y.

In the Circuit Couer for Frederick County, siting as a Court of Equity.

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Exceptions have been filed by John W.Welller and Olivia M.Weller,his wife,mortgagors,to the ratification of the sale of the property made by the surviving executor of the mortgagee,and reported to the Court in the above entitled cause.The grounds of the exceptions in substance are:-

1.-That the advertisement of sale was misleading to proble purchasers as to the quantity of land contained in the mortgaged premises,by stating that the lot contained but "one-half acre of land," whereas it in fact containes more than an acre.

2.-That the property would have brought a higher and better price if it had been properly advertise

3.-That the mortgaged property was susceptible of division into smaller lots which could have been sold separabely to advantage and a higher price realized.

4.-That more land was sold than necessary to pay the mortgage debt and the costs of sale.

Testimony was taken before the Court in regard to theses several grounds of exception,and the advertisement of sale was exhibited to the Court.

Dealing generally with these several objections,we think the advertisement is misleading as td the quantity of land covered by the mortgage.Not only is this so but neither the dimentions of the lot covered by the mortgage,nor its shape,nor its frontage,nor its depth,is satisfactorily set forth in the advertisement.Besides this it was shown in the evidence that the buildings on the mortgaged premises were so placed as to leave a vacant space on the West side of the lot,which might be out