

FIFTH: That the O.F.Zurn Company, is also a judgment creditor of the defendant in the sum of Five Hundred and Seventy Eight Dollars and Sixty (\$578.60) Cents, with interest and costs, as evidenced by a judgment obtained in the Circuit Court for Frederick County, on December 11, 1916, a certified of which said Judgment and Docket Entries is herewith filed as part hereof, marked "Exhibit E".

SIXTH: That on April 23, 1917, Hugh H. Obear and Charles McC. Mathias, the Receivers appointed in this cause, filed herein their report of sales showing that they had sold the property and assets of the defendant Company, subject to the the final ratification of the court, to a certain W.A. Riddell, at and for the sum of Twenty One Thousand Six Hundred (\$21,600.00) Dollars "subject to the present first Mortgage bond issue on said property of One Hundred and Ten Thousand (\$110,000.00) Dollars."

SEVENTH: That your Petitioner being boni fide judgment creditors of said defendant company, hereby except to the ratification of said sale thus reported for the following reasons :-

(a) Because your petitioners and exceptants are judgment lienors on the property and assets of said Morris Iron & Steel Company, next in priority after said mortgage bonds, and that said reported sale purportes to sell said property subject only to the first mortgage bond issue, and altogether disregards and ignores the lien of your petitioners judgments.

(b) Because the decree appointing said Hugh H. Obear and Charles McC. Mathias, receivers and bearing date November 20, 1916, imposes no restrictions upon creditors in prosecuting their claims, either at law or in Equity, and, therefore, the judgments, which were subsequently recovered by your Petitioners and exceptants, on suits that had been previously instituted, are as much a lien on the real estate of the defendants as if the appointment of the receivers had never been made .

(c) Because there is absolutely no provisions in said decree of November 20, 1916, appointing said Receivers, requiring notice to be given to creditors, and there was no such order passed until March 24, 1917, and, manifestly, this order being passed after the rendition of the judgment cannot operate retroactively to impair the validity of the lien of your petitioners judgments.

(d) Because to ratify said report of sale, and compel your petitioners to file their claims under the order of your Honorable Court requiring notice to be given creditors bearing date March 24, 1917, would result in a waiver of the priority which your petitioners now have and would, in effect, destroy the lien of their said Judgments.

(e) Because of other good and sufficient reasons to be made known at the hearing.

WHEREFORE, Your petitioners and exceptants object to the ratification of said sale and pray that the lien of their said judgments may be enforced.

Leo Weinberg

Clayton O. Keedy

Solicitors for Exceptants.

(Filed May 2, 1917)

EXHIBIT "A".

State of Maryland, Frederick County, to-wit:-

In the Circuit Court for Frederick County:

Valley Iron Works, a body  
corporate

vs.

The Morris Iron & Steel  
Company, a body corporate.

No. 89 Trials December Term 1916

Action in Assumpsit

Rule Plea

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1916 September 21, Mem. Prom Note and Protest filed by Plaintiff and Narr filed and affidavit of J. S. Hoffer Agent of Plaintiff filed and summons for Defendant issued to Sheriff and copy of summons sent to be left with deft dobj corporate . (Retble 3rd. Monda October 1916)  
returned "Summoned The Morris Iron & Steel Co. by service upon Chas. McC. Mathias Director of the said Company and copy left with him".

1916 October 16, Defendant fails to appear.

1916 October 17, Personal appearance of Defendant entered and Rule laid on it to plead.

1916 December 11, Judgment for Plaintiff on the Rule Plea and on its motion Court assess its damages at \$806.10, and thereupon same day Judgment extended by Court for Plaintiff for the sum of Eight Hundred and Six Dollars and ten cents, with interest from date till paid and costs of suit.