

No, 7620, Equity,

The purchasers in their individual capacity, as the same will appear to a certified copy of said petition and order, herewith filed and marked "Exhibit No, 2" that in pursuance of said order erroneously written, said Milton Urner executed a deed of the real estate mentioned, in said proceedings, and being the same real estate effected by the defect sought to be remedied in this proceeding, to John B. Jordan Sr., William Graham and Charles Fenton Wenner, dated August 21st, A. D. 1879, and recorded in Liber T, No, 12, folio 337, one of the said County Land Records, as will appear by reference to a certified Copy of said deed herewith filed marked, Exhibit No, 3, that on the 15th day of February A.D. 1887, William Graham and John L. Jordan, Sr., as surviving partners the said Claude Fenton Wenner, having in the meantime died, executed their deed for this same real estate, to George W. Benjamin, one of the plaintiffs in this cause, and one of the Mortgagors, in No, 7606 Equity, which is recorded in Liber W, I. P. No. 4. folio 72, one of the said Land Records a certified copy of which deed is herewith filed marked " exhibit " No, 4, 6th. That said property was always regarded and treated by said partners during their respective lifetimes as partnership, property and partnership assets, and was so held by them,

7th, that of said partnership William Graham, is the only one, living and John L. Jordan, Sr., died some years ago, leaving a son John L, Jordan, whose wife is Amanda Jordan, a son William H. Jordan whose wife ----- is Jordan, and a Daughter, whose name is Mary B, Walker; the third member of said partnership Charles F. Wenner is also dead, and there are surviving him a widow Lavinia C. Wenner, a Son Charles M. Wenner, whose wife's name is Edna V, Wenner, and a Son Roy B. Wenner, whose wife's name is Elva S, Wenner, heirs at law of said Charles Fenton Wenner, who with the above Jordan heirs and William Graham. are all the defendants in this cause,

8th That in fact and truth the deed conveying the real estate before mentioned by Milton G. Urner, trustee, to the grantees named in Exhibit No 3, was intended by said partners to convey said real estate to grantees as partners, and not as individuals,

9th, that the order of the Court, in said no, 4179, equity, substituting the said Jordan, Graham and Wenner, individually, as the purchasers of said real estate, was a mistake, when as a matter of fact it was intended they should acquire said property as copartners, and hold it as such, and said deed to them from Milton G. Urner Trustee, was also made by mistake, and misunderstanding on his part, and said real estate should, have been conveyed to said Jordan, Graham and Wenner, as copartners and not individually. which it was their intention should be, and which they always in their life-time believed, and supposed was so conveyed,

10th. That whilst there is an apparent interest in the said heirs at law, of the said Charles F. Wenner, in said real estate, by reason of said errors and mistakes, they in fact have no real interest in said real estate, but their supposed interest is a cloud on the title, to said real estate, which should be removed.

11th That by the execution of the deed a copy of which is filed as "Exhibit No, 4" the said John J. Jordan, Sr., and William Graham conveyed all their interest in said Real estate, and they and their heirs at law, have no further interest therein
TO THE END THEREFORE.

Your Orators pray for the following relief,

1. That the previous Order of this Court, passed on August 16. 1879 be corrected, to conform with the petition. upon which said Order was passed,
- 2, That said cloud upon the title be removed.
- 3, That a Deed be executed, by the said Milton G. Urner, Trustee, in No 4179, Equity, conveying all the Right, Title, and interest of all the heirs at law, of said Charles Fenton Wenner, to George W. Benjamin, and Lavinia E. Benjamin. his wife, and Roy E. Benjamin, convey all their right title interest in and to said Real estate, to George W. Wachtel, and Reno S. Harp, assignees, in No, 7606, Equity and that the said George W. Wachtel, and Reno S. Harp, Assignees, convey said real estate to the purchasers whose memoranda of purchase are filed in said No, 7606 Equity,
- 4, and for such other and further and general relief, as the nature of their case may require,

May it please your Honors; to grant unto your Orators, the Order of publication. giving to the said William H. Jordan, and ----- Jordan his wife, and Mary