

In The District Court of The United States for the District of Maryland.

In the Matter of J. Stewart Annan, et al. co-partners, trading as Annan, Horner & Company, Bankrupts.

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In Bankruptcy No. 3885.

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The Petition of the Baltimore Commercial Bank respectfully represents unto your Honors;

- 1: That on the 1st day of November, 1921, J. Stewart Annan, Edgar L. Annan and Andrew A. Horner, who have been adjudicated bankrupts in this proceeding, executed a mortgage to Annan, Horner & Company, the said Annan, Horner & Company likewise having been adjudicated bankrupts in this proceeding, the said mortgage covering a large tract of orchard property, the greater part of which is located in Adams County, Pennsylvania, and a small part of which is located in the 5th Election District of Frederick County, Maryland, the said mortgage having been given to secure a note in the amount of Fifteen Thousand Dollars (\$15,000.00) given by the said mortgagors to the said mortgagees, this mortgage having been duly recorded among the Land Records of Adams County, Pennsylvania and likewise among the Land Records of Frederick County, Maryland.
2. That on or about the 3rd day of November, 1921, Andrew A. Horner, J. Stewart Annan, Rosa J. Annan and Anna E. Horner, being all of the members of the co-partnership of Annan, Horner & Company, duly assigned the aforesaid mortgage, together with the note secured thereby and all monies due or to become due thereunder to Arthur C. Adams, agent, the said Arthur C. Adams being in fact agent for the Baltimore Commercial Bank, which assignment was duly recorded among the Land Records of Adams County, Pennsylvania and likewise among the Land Records of Frederick County, Maryland.
3. That the aforesaid mortgage was junior to a mortgage on the identical property given by J. Stewart Annan, Edgar L. Annan and Andrew A. Horner to J. S. Hollinger, which first mortgage secured the sum of twenty thousand dollars (\$20,000.00).
4. That the mortgagors failed to pay the aforesaid first mortgage, whereupon it was foreclosed by authority of this Court and that portion of the mortgaged premises located in Adams County, Pennsylvania, was sold, The proceeds derived from the sale of that portion of the premises being sufficient to pay the amount due on the first mortgage with a balance of Four Hundred Seventy-seven Dollars and Fifty-four Cents (\$477.54) which was paid to your petitioner and credited on its aforesaid second mortgage.
5. That your petitioner has not received on account of its mortgage aforesaid any sum except the \$477.54 above mentioned and that there is now due and owing unto your petitioner secured by the said mortgage the sum of seventeen thousand, two hundred and seventy-two Dollars and fifty cents (\$17,272.50).
6. That it is to the best interests of your petitioner and the bankrupt estate that your petitioner be given authority to foreclose its aforesaid mortgage on that portion of the property covered thereby located in Frederick County, Maryland, and to apply the proceeds from such sale to the note held by the petitioner and secured by the said mortgage.

WHEREFORE your petitioner prays that this Honorable Court pass an order authorizing and directing your petitioner to foreclose the aforesaid mortgage held by it and to take all necessary steps including the institution of proceedings in the Circuit Court of Frederick County which may be necessary to foreclose the said mortgage and to sell the property located in Frederick County, Maryland, covered thereby, the proceeds of such sale to be applied to the payment of the note secured by the said mortgage. And as in duty bound, etc.

Roland R. Manhart  
Edward F. Johnson.  
Attorneys for Petitioner.

Baltimore Commercial Bank  
By Gwynn Crowther.  
President.  
Arthur C. Adams