

which sum has been distributed to the noteholders except \$347.12 of which \$148.50 is payable to Rose J. Waters & \$148.50 to Gettysburg National Bank, Trustee & \$50.12 for payment of bond premium on other allowable expenses and at numerous times has called conferences of the noteholders or their representatives to discuss the most advantageous settlement of the Weinberg obligation held by them.

THIRD: That not having been able to reach any satisfactory settlement, your Petitioner on November 30, 1935, filed a Petition in this cause praying that an Order Nisi be passed requiring Leo Weinberg and L. Rae Weinberg, his wife, to show cause, if any, they had, why a receiver should not be appointed by your Honorable Court to take charge of the property and to collect the income therefrom.

FOURTH: A hearing was had before your Honorable Court on said Petition and the Answer of the mortgagors, at which hearing the mortgagors proposed that The Law Building be sold to Dr. Ira J. McCurdy and Lucy E. McCurdy, his wife, at and for the sum of Eighteen Thousand Dollars (\$18,000) and the home be conveyed at the request of the mortgagors, to Mrs. Clara W. Wachter, upon the receipt of the sum of \$8250 to be made up as follows: \$6500 to be advanced by Mrs. Wachter for the purpose of said settlement, and the payment by Mr. Weinberg of the sum of Seven Hundred Fifty Dollars (\$750) cash and One Thousand Dollars (\$1,000) to be paid at the time of settlement by the personal representatives of his deceased brother, Henry Weinberg, being the legacy of said Leo Weinberg, said payments to be made after consent of unsecured creditors was had and obtained, said offer to net the noteholders 50% of their corpus. This offer was accepted by all the noteholders, however, the acceptance of the trustees being conditional upon the approval of the same by your Honorable Court.

FIFTH: That from the evidence produced at said hearing your Petitioner believes that the disposal of the two properties, secured by the mortgage, in the manner set forth in the offer will result in a greater return to the noteholders than could be accomplished by a foreclosure of the mortgage and the execution upon the deficiency judgment resulting from said sale, or by the creation of a receivership to extend for a reasonable time and then the sale of said properties, or through bankruptcy proceedings.

WHEREFORE, your Petitioner prays,

1. That he be authorized by your Honorable Court to join the aforesaid Leo Weinberg and L. Rae Weinberg, his wife, in conveying The Law Building, being No. 5 West Church Street, Frederick, Maryland, to Dr. Ira. J. McCurdy and Lucy E. McCurdy, his wife, upon the receipt of Eighteen Thousand Dollars (\$18,000) and the home property, No. 22 West Second Street, Frederick, Maryland, at the request of said mortgagors, to be conveyed to Mrs. Clara W. Wachter, upon receipt of Eight Thousand Two Hundred Fifty Dollars (\$8,250) to be raised as aforesaid.

2. That he be further authorized upon the receipt of the ten Five Thousand Dollar (\$5,000) notes secured by the aforesaid mortgage, duly endorsed to the said Philip Wertheimer, Substituted Trustee, for cancellation, to release said mortgage and to deliver said notes, after cancellation, to the mortgagors.

3. That he be also authorized to pay out of the aforesaid funds totalling Twenty-six Thousand Five Hundred Dollars (\$26,500) the 1935 state, county and city taxes on the aforesaid properties, but no other taxes or public charges thereon; Twenty-five Thousand Dollars (\$25,000) to the payment of the 50% of the principal due on the promissory notes secured by said deed of trust, and the balance (approximately Five Hundred Dollars) (\$500) of said fund, after the payment of the 1935 state, county and city taxes as aforesaid, which approximate a total of Seven Hundred Fifty Dollars (\$750), to your Petitioner and his counsel, Benjamin B. Rosenstock as compensation for their services in promoting and consumming the settlement herein described.

4. That your Petitioner may have all such further and other relief as the nature of his case may require.