

but the whole of said sums, together with the interest from the date of said judgment is all due and owing to the Petitioner; a certified copy of which judgment is filed herewith as Exhibit "Judgment".

4. That the said Exhibit "Judgment" is the first judgment of record against both the said Mearl G. Warehime and Betty N. Warehime, his wife, in the Circuit Court for Frederick County, Maryland, and by operation of law became the first lien against both of said parties as husband and wife and tenants by the entireties and that they nor either of them have any other property or estate out of which said judgment can be paid or made by any execution or attachment that might be issued by your Petitioner.

5. That your Petitioner is advised that by the law governing and in Equity, in such cases made and provided, he is entitled, after the payment out of the sale price of \$3800.00, for which said real estate was sold, as will appear by the Report of Sales filed in this cause, the costs and expenses of said sale, as provided by said first mortgage, he is entitled to be paid out of the said proceeds of sale, the amount of the balance of the first mortgage debt and interest, then the surplus to be applied to the payment of said second mortgage debt and interest and any remaining amount of the said proceeds of sale may be applied, to the extent that it may reach, to the payment or in part payment of your Petitioner's claim as appears by Exhibit "Judgment", filed herewith.

Wherefore, your Petitioner prays Your Honors:

That your Honorable Court may pass an order, authorizing and directing the Auditor in this cause, that in the Statement of Account to be filed therein, he shall first allow the costs and expenses of sale as in the first mortgage, under which said property was sold, is provided therein, and then to the allowance of the first mortgage debt and interest due thereon, then to the payment of the said second mortgage debt and interest and the surplus then remaining be distributed to the Petitioner, W. Homer Renn, in part payment of his said Exhibit "Judgment".

And for such other and further relief as the case may require.

And as in duty bound, etc.,

D. Princeton Buckey
Solicitor for Petitioner.

STATE OF MARYLAND, FREDERICK COUNTY, to-wit:

I hereby certify that on this 30th day of October, 1937, before me, the subscriber, the Clerk of the Circuit Court for Frederick County, personally appeared W. Homer Renn, the above and within named Petitioner, and made oath in due form of law that the matters and things contained in the above and foregoing Petition are true as therein set forth, to the best of his knowledge, information and belief.

Ellis C. Wachter
Clerk of the Circuit Court for Frederick County, Maryland.

The foregoing petition, affidavit thereto and exhibits filed therewith, having been read and considered by the Court, it is thereupon this 2nd day of November, 1937, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ordered, adjudged and decreed that the Auditor is hereby authorized and directed to allow, in a statement of account to be filed herein, first, the costs and expenses of sale as provided in the first mortgage under which said property was sold, and then to the allowance of first mortgage debt and interest due thereon; he shall then allow the payment of the principal and interest due on the second mortgage and second single bill filed in this cause, and the surplus on the sale price he shall then distribute to W. Homer Renn, Petitioner, in part payment of his said Exhibit "Judgment", filed in this cause, all subject to exception.

Arthur D. Willard

Filed November 2, 1937.