

John W Miller, et.al/
vs
Julia E.Hummer et.al.

No 8536 Equity
In the Circuit Court for
Frederick County, in Equity

To the Honorable the Judges of said Court:-

The Petition of John W L.Miller, Julia E.Hummer and Joseph H.Hummer, respectfully represents unto your Honors:-

1. That heretofore, to wit on or about March 15th 1910, before proceedings were begun in this cause, a certain Dr T. E.R.Miller had instituted proceedings to foreclose certain mortgages held by him against the real estate of John W.Miller the father of your petitioners, which mortgage indebtedness was a lien against the land and premises in which your petitioners had an interest, which said mortgage indebtedness with a certain other mortgage held by Geo.E.L.Palmer, with interest and costs to March 15th aggregated the sum of Thirty two hundred dollars.
2. That said mortgagees did not demand payment from your petitioners but proceeded to exercise their rights by foreclosing which your petitioners conceived to be against their interest and the interest of the said estate and being a foreclosure the said property would likely have been sacrificed, and therefore they tendered to the said Dr T.E.R Miller and the said Geo E.L.Palmer the total amount due and owing to them which payment they accepted, but upon demand they refused to assign said mortgages to your petitioners, but did release them all of which will appear by reference to the original releases now on file with the Clerk of your Honorable Court .
3. That said original mortgage indebtedness together with the interest thereon should be first paid out of the proceeds of sale of the real estate of John W Miller, before the distribution of the funds among the heirs.
4. That the trustees in the above cause is now about to make a distribution and audit of the funds and