

M.L.Ransdall-

Plff-

Vs- Petition To Be Made A Party-

Tom Lyons-

Dft-

The petitioner and claimant, Phil Lyons, states that on January 11, 1923, the defendant, Tom Lyons, executed, acknowledged and delivered to him for value received, a mortgage on the Ford Automobile, 1917 model, license number 125,966, Motor Number 1,904, 953- which is sought to be subjected under a judgment in this action- He says that this mortgage is of full force and effect and is of record in Mortgage Book 45, on Page 57, of the records of the office of the clerk of the Mercer County Court; that at the time said mortgage was taken he had no knowledge or information as to the existence of the mortgage of plaintiff if the paper purporting to be a mortgage is in fact a mortgage, which he denies, as said paper purporting to be a mortgage as aforesaid, was never recorded and is not now of record in the aforesaid office- He says that the amount of his mortgage is \$118.87, with interest thereon from above date until paid- He says that the lien created by virtue of the mortgage given him is superior to the lien of plaintiff, if plaintiff has any lien, by virtue of the fact that his mortgage is regularly acknowledged and duly recorded as aforesaid.

Wherefore petitioner and claimant asks that he be made a party defendant in this action and that this petition be considered as his answer and that his interest to the extent of \$118.87 with interest from January 11, 1923, and his costs herein expended be protected and said amount be paid to him out of the proceeds of the sale of said car, if said proceeds exceed said amount, and if said proceeds of sale of said car does not exceed said amount, that said car be not sold, but retained by defendant, Tom Lyons, and held by him subject to the interest of the claimant herein- He prays for all relief to which he is or may appear to be entitled-- special, general and proper-

Subscribed and sworn to before me by Phil Lyons, Mo- 23, 1923-

Attest R. L. Black Phil Lyons

R. L. Black
Examiner Mercer County, Va.