the decree referred to in the above petition be & the same are hereby altered & so as to empower the said Joshua Shellhouse, trustee, therein mentioned, to receive the amount of purchase money herein decreed to be sold by him in cash, and the said Trustee is hereby authorized and empowered to receive said purchase money in cash, and immediately upon the receipt thereof to execute to the said purchaser a good & valid deed therefor

M. Nelson

No 453 Equity

Supplemental proceedings to No 453 Equity, original recorded in Equity Record Liber J. L. No 3, folios 619 to 620 inclusive.

To Honorable Madison Nelson Judge of the Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of John Delauder Executor of Jacob Delauder of Frederick County, dec. respectfully shewes to your Hon. that on the 11th day of September in the year 1823, a bill was filed in your Honorable Court by Rene S. Pigman & others as Complainants, against the widow, heirs at law and devisees of David Delauder dec.d for the sale of the real estate of said David Delauder for the payment of his debts - That on the 17th day of March 1824, a decree was passed therein for the sale of the whole, or so much of the real estate of said David Delauder as might be necessary for the payment of his debts and also, on the application of said Elizabeth Delauder, the widow of said David Delauder, appointing commissioners to lay off & assign to said widow, her dower interest in said real estate - That Rene S. Pigman was by said decree appointed the trustee to make said sale - That the said Commissioners on the 1st day of October 1824, made their return to the Court laying off and assigning to said Elizabeth Delauder as her dower interest in said real estate two tracts of land containing, one of them 63¾ acres, and the other 24½ acres of land, which are fully and particularly described in said return of the Commissioners and in the papers filed therewith marked "Paper No 1" & Paper No 3" - That said return was, after due notice, finally ratified and confirmed by your Honorable Court - That said Rene S. Pigman as such trustee, sold all the residue of said real estate, except that portion assigned to the widow as her dower interest, and reported his sales to the Court, which report was, after due notice, finally ratified & confirmed and the trustee was thereby ordered to give the usual notice to the creditors to file their claims and that such notice was according ly given - That said Jacob Delauder, your petitioner's testator, with the rest of the creditors of said David Delauder filed their claims in said case with the Clerk of the said Court & the case was then referred to the auditor of the Court to state an account therein between said trustee and the creditors of said David Delauder, distributing the proceeds of sale among said creditors - That said account was then stated by said auditor, whereby the whole of the proceeds of the sales of the real estate made, and reported by said trustee was distributed among said creditors and there was allowed to them fifty three and one half cents on the dollar on their respective claims & that said audit was finally ratified & confirmed all of which will fully appear by said proceedings in Equity, being No 453 on the Equity docket of your Honorable Court, all of which proceedings in said case, your petitioner prays may be taken as a part of this petition as if here inserted. Your petitioner states further that no other part of said claim of said Jacob Delauder has been paid but that the whole of the residue thereof still remains due & owing - That said Elizabeth Delauder has lately departed this life, whereby said land was as aforesaid laid off for her dower interest, is, as your petitioner is advised, liable to be sold for the payment of the residue of the debts due & owing by said David Delauder filed in said case in Equity, but for asmuch as said Rene S. Pigman, the trustee in said case, has died many years ago, the said creditors cannot enforce their said claims without the aid of your Honorable Court and your petitioner therefore prays your Honor to appoint a new trustee in the place & stead of said Rene S. Pigman to carry out & complete the trust left by him unexecuted & your petitioner will ever pray &c.

Grayson Eichelberger
Solr. for Petitioner.

Rene S. Pigman & others
vs
Jacob Delauder & others

No 453. In the Circuit Court for Frederick County, sitting as a Court of Equity
Feb. Term 1862

Courts Order

The foregoing petition having been read & duly considered; It is thereupon this 19th day of June 1862, by the Madison Nelson Judge of the Circuit Court for Frederick County sitting in Equity and by the authority of said Court, adjudged, ordered and decreed that Grayson Eichelberger be and he is hereby appointed trustee in the place & stead of Rene S. Pigman dec.d to carry out & complete the trust