

"The following Petition & Order to open & restate Audit was filed March 31st 1853"

Daniel Keller
Joel Keller & others
vs
Martin A Keller & others

No. 2395 Equity. In the Circuit Court for Frederick County, sitting as a Court of Equity.
To the Honorable Madison Nelson, Judge of the Circuit Court for Frederick County sitting as a Court of Equity.

The Petition of Daniel Keller, Trustee in this cause for the sale of the real estate of Rosanna Keller late of said County deceased, and the Administrator upon the personal estate of the said deceased — Respectfully represents to your Honor, that as Administrator as aforesaid, he has settled an account in the Orphans Court of said county, and applied under their direction the said personal estate to the payment of the debts of the said deceased and the costs of administration, with the exception of the sum of Thirty four dollars and fifteen cents, which still remains in his hands; that said personal estate altogether only amounted to the sum of one hundred and eight dollars, twenty eight & half cents — that since the settlement of his said account, two claims have been brought against said estate — One by a certain Sophia Leibist for Three hundred and sixteen dollars, and the other by a certain Mary Christ for eighty four dollars, which claims your petitioner administrator as aforesaid, was compelled to pay; and that by such payment he has greatly overpaid the amount of said personal estate, all of which will appear by exhibits A. B. & C. herewith filed, which your petitioner prays may be taken as a part of this his petition; — And your petitioner further states to your Honor, that as trustee in this cause he has sold the said real estate of the said deceased, reported such sale which has been ratified, and that the money arising from such sale has been audited to the heirs at law of said deceased, after deducting therefrom the proper Commission and expenses; and that said audit has been ratified by your Honorable Court; But that said money so audited has never been paid out to said heirs, but still remains in the hands of your petitioner as trustee as aforesaid, and that said claims were not known to your petitioner before said audit was made. — Your petitioner therefore prays your Honor to pass an order directing the said audit heretofore stated in this case to be opened, and remanding the papers to the auditor with directions to state another account, and in such account to allow the costs of this proceeding, and the balance of said claims and the costs in attempting to resist the same, remaining unpaid after the application of the remaining personal estate as aforesaid; and to grant to your petitioner such other and further relief as his case may require. — And as in duty bound &c.

Wm. C. Sappington Solr.
for Petitioner

Ordered by the Court this 29th day of March 1853, that the foregoing petition be granted; that the Audit heretofore stated in this cause be opened, and that the papers be remanded to the Auditor to state an account, and in such account the said petitioner be allowed such sum as he shall show he has overpaid the personal estate of the said Rosanna Keller dec^d, by paying her debts, and the balance after also allowing the cost of this proceeding be distributed among the heirs at law of said dec^d. —
M. Nelson.

Exhibit A. to petition is as follows, to wit

State of Maryland Frederick County, to wit. — I George Hoskins, Register of Wills for Frederick County in the State of Maryland, do hereby certify that it appears from the papers & records of my office that Daniel Keller has administered upon the personal estate of Rosanna Keller, dec^d, and settled the same in full, with the exception of a small balance of Thirty four dollars and fifteen cents now remaining in his hands, and that the said Keller has not received any credit in the settlement of said personal estate for any payment made to Sophia Crist and Mary Crist two of the creditors of said