

Frederick City once in each of three successive weeks next preceding the 25th day of September 1857

John R. Coontz & Cole

To the Hon. M. Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity I Samuel Dixon do admit that I find myself unable to comply with the terms of sale prescribed by the Court in the decree N^o 2725 Equity and agree that the Court shall pass such decree in regard to the land purchased by me from S. C. Simmons trustee in said case as to the Court may seem just & proper

Sept 28th 1857

Samuel Dixon

Simon C. Simmons Guardian of N^o 2725 Equity In the Circuit Court for Frederick County

Copy of Petition & Courts records

Samuel S. Myers & others To the Hon. M. Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity The petition of Simon C. Simmons Trustee appointed by the decree in this cause to sell the real estate in the proceedings mentioned humbly shews that in execution of the authority vested in him by said decree he did on the 31st day of July A. D. 1857 sell said real estate unto a certain Samuel Dixon as more particularly set forth in his report of said sale and upon the terms prescribed in said decree and that said sale has been duly reported to and ratified by this Court as by the said report and the proceedings thereon now remaining in this Court will appear And your petitioner further charges that the said Samuel Dixon has not complied with the said terms of sale either by the payment of the cash payment or the execution of notes for the deferred payments as prescribed in said decree although he has had notice of the ratification of the sale so made to him as aforesaid but when required by your petitioner to comply with the said terms of sale has admitted his inability to comply therewith your petitioner therefore prays that the said real estate may be sold at the order of the said Samuel Dixon for the purposes mentioned in the decree of sale aforesaid or such other or further relief granted unto your petitioner as his case may require And as in duty bound &c

S. C. Simmons

In the Circuit Court for Frederick County sitting as a Court of Equity The Court having read and considered the aforesaid petition & also the paper filed in this cause signed by the said Samuel Dixon & dated the 28th day of September 1857 submitting to such decree as to the Court may seem just and proper it is this 29th day of September 1857 ordered by the Court that the said Samuel Dixon pay to the said Simon C. Simmons Trustee the cash payment prescribed in the decree of sale in the case and execute his notes with security for the deferred payments as prescribed by said decree on or before the 10th day of Oct next and that on the failure of said Dixon to comply with the aforesaid requirements of this order that the real estate in the foregoing petition mentioned be sold by the said Trustee in the manner & upon the terms directed by the original decree and that this proceeding be at the cost of said Dixon and that the said sale be at his said Dixon's cost & risk Provided a copy of this order be served upon the said Dixon on or before the 5th October 1857 and it is further ordered by the Court that the Trustee be authorized to receive any bid by said Dixon for said property M. Nelson, True Copy Test E. Shinnor clerk