

his Children & heirs at law to whom said Real Estate descended & in whom the fee of the same vested and your petitioners are advised & charge that immediately upon the death of the said Brooke Baker the judgment so as aforesaid obtained by your petitioners attached to said land became a charge & lien upon the interest of the said David O Baker in the said Real Estate which descended to him as one of the heirs at law of said Brooke Baker as aforesaid your petitioners further state that after the death of the said Brooke Baker to wit by the 19th day of September 1852 a bill was filed in your Honorable Court for the sale of the real estate of which said Brooke Baker died seized for the purpose of distribution among the heirs at law and that after due proceedings therein a decree was passed & George Ogden was appointed trustee for the sale of said Real Estate that said trustee has sold said Real Estate & has reported said sales to your Honor & has brought the proceeds of said sales into Court for distribution among the parties thereto entitled that said case has been referred to the auditor of said Court to state an account therein all of which will fully appear by said bill the same being N^o 2869 on the Equity docket of said Court which with all the proceedings therein your petitioners may be taken as a part of this their petition your petitioners further state that said trust funds in the hands of said trustee are subject to the lien of the judgment so as aforesaid obtained by your petitioners to the extent of the interest of said David O Baker in said Real Estate & they therefore pray your Courts order and direct the auditor in stating the said account to allow to your petitioners the amount of their said judgment out of said David O Bakers interest in said Real Estate or the proceeds thereof the said judgment being as your petitioners aver the first charge & lien upon said David O Bakers interest therein and may it please your Honor to grant unto your petitioners all such other & further relief in the premises as the nature of the case may require & to your Honor shall seem meet & your petitioners will ever pray &c.

G. Eckelberry Sol for
Petitioners

Charles Hurnchouse &
John M Banae trading &c
as Hurnchouse & Banae

on
Petition

N^o 2869. In the Circuit Court for
Frederick County sitting as a Court
of Equity
Held on 11th Nov 1860

The Court having read and considered the foregoing petition It is thereupon ordered by the Court this 25th day of Nov 1860 that the auditor in stating the account in this case allow to Hurnchouse & Banae out of the interest of David O Baker in said Real Estate or the proceeds thereof the amount of their judgment filed as Exhibit A to their petition subject to the future order & action of this Court

M. Nelson