

The Frederick Town Savings Institution v. 3020 Equity in the Circuit Court for Frederick County sitting Elizabeth C. Whitmore & others as a Court of Equity, February Term, 1862.

Devised.

The Cause standing ready for hearing, and the proceedings having been read and considered, it is thereupon this 23rd day of March in the year of our Lord one thousand eight hundred and sixty two by me Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity, adjudged, ordered, and decreed that unless the Defendants shall on or before the 1st day of April next pay or bring into the Court to be paid unto the Complainants the sum of two thousand dollars with interest thereon from the 5th day of February 1861 until paid or brought in as aforesaid together with the Complainants Cost of this Suit to be taxed by the Clerk of this Court the mortgaged premises in the proceedings mentioned or so much thereof as may be necessary for the purpose be sold.

That Edward Spier of Frederick County be and he is hereby appointed Trustee to make such sale and that the Court and manner of his proceedings shall be as follows. He shall first file with the Clerk of this Court a bond to the State of Maryland executed by himself with a surety or sureties to be approved by the Court in the penalty of Ten thousand dollars obligating him for the faithful performance of the trust reposed in him by this decree or which may be reposed in him by any future order or decree in the premises. He then proceed to make sale of the said mortgaged premises having first given at least three weeks previous notice inserted in some newspaper printed in Frederick City and such other notices as he may think proper, of the time place manner and terms of sale, which terms shall be as follows - the purchase money to be paid in equal instalments in three instalments on the day of sale or on the ratification thereof by the Court the remainder in two equal annual payments in one year and two years from the day of sale and the payment thereof to be secured by the notes of the purchaser or purchasers with a surety or sureties to be approved by the Trustee and bearing interest from the day of sale, and as soon as may be convenient after any such sale the said Trustee shall return to this Court a full and particular account of the same with an affidavit of the truth thereof and of the fairness of such sale or sales required. And on the ratification of such sale or sales by the Court and on the payment of the whole purchase money and not before the said Trustee by a good and sufficient deed to be executed and acknowledged agreeable to law shall convey to the purchaser or purchasers of said property and to his heirs or their heirs the property to him or them sold free clear and discharged of all claims of the parties to this Cause.

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Ref. S.