

Defendant of the Cause being set down for hearing, so that this defendant had no opportunity to defend his interests and rights, wherefore this Defendant excepts to the ratification of said Sale, and prays that said Decree be rescinded, and the Cause again opened that he may have an opportunity to prosecute defunct.

All of which is respectfully submitted

Filed March 5th 1869

Milton J. Druer
Solicitor for Henry Foyle

Court's Order In the Matter of Sale of Real Estate of Henry Foyle

No. 3392 Equity

Ordered this 9th day of March 1869 that the matter of the within exceptions be set down for hearing on the twentieth day of March 1869, at 4 o'clock P.M., and leave is hereby granted to either party, to take testimony before a Justice of the Peace of Frederick County, or a Commissioner of the Circuit Court, upon one day's notice of the taking of such testimony in reference to said exceptions.

Filed March 9th 1869

John A. Lyne

Court's Opinion and Order of Ratification George Keramer vs Henry Foyle

No. 3392 Equity

In the Circuit Court for Frederick County as a Court of Equity

This Case comes before the Court on exceptions to the ratification of the Report of Sale made by Wm. B. Nelson, the Trustee, and filed on the 16th day of February A.D. 1869. The Court has carefully considered the testimony filed in the Cause, together with the arguments of the respective Solicitors, and can see no reason why the sale should not be ratified. Inadequacy of price alone, without some evidence of fraud or collusion on the part of those concerned is not a sufficient cause for setting aside a Trustee's sale, and in this case the Court can discover no such fraud or collusion. The Court must refuse to set aside or open the decree, because, the application being made after the decree has been enrolled, and the time expired, comes too late, and as sufficiently strong grounds of surprise in obtaining the decree has been shown or proved.

It is therefore this 7th day of April A.D. 1869, by the Circuit Court for Frederick County, as a Court of Equity, and by the Authority thereof, adjudged, ordered and decreed that the exceptions to the Report of Sales made and filed in this Cause, be, and the same are hereby overruled and set aside; and it is further ordered and decreed that the said Report of Sales made by Wm. B. Nelson Esq. Trustee, be and the same are hereby ratified and confirmed, and this Case is hereby referred to the Auditor to state an account between the parties.

Filed April 7th 1869

John A. Lyne

Audit

Statement of an Account between Wm. B. Nelson, Trustee in No. 3392 and Real Estate of Henry Foyle.

		\$	cts	\$	cts
To	Amount of Sales Reported			250	00
"	Trustee usual Commissions	17	50		
"	" to pay "Misc" Audits	3	00		
"	" paid Corrostate taxes 1868 Voucher No 1.	3	54		
"	" Advt's Sale & "Misc" sales " " 2	12	50		
"	" Auctioneer " " 3	10	00		
"	Solicitor for filing Bill & Amounts forward	40	00	86	54
		86	54	163	46