

Dece

Philip Hardman } No 3584 Equity ~
 or } In the Circuit Court for Frederick County sitting
 Francis Smith and } as a Court of Equity ~
 Mary Ann Smith his wife } February Term 1870 ~

The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibits, and all other proceedings, were by the Court read and considered. It is thereupon this ninth day of March in the year Eighteen Hundred and twenty, by the Circuit Court for Frederick County as a Court of Equity, and by the Authority thereof, adjudged, Ordered, and decreed that unless the defendant shall pay, or bring into this Court, to be paid unto the Complainant the sum of twelve hundred and ninety seven dollars and fifteen Cents with the interest thereon from this date, and the costs of this suit, on or before the fifteenth day of April next, that the Mortgage lands and premises or so much thereof as may be necessary to discharge the Complainant's claim then remaining unsatisfied be sold, and that John W. Mullen of Frederick County, be, and he is hereby appointed a Trustee to make the said sale, and that the course and manner of his proceeding shall be as follows: He shall first file in the Clerk's Office of this Court a bond to the State of Maryland, executed by himself with a surety, or sureties, to be appointed by the Court, or the Clerk thereof, in the penalty of Four thousand Dollars, conditioned 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 shall then proceed to make sale of the said real estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County and such other notices as he may think proper of the time, place, manner and terms of sale; which terms shall be as follows: One half of the purchase money to be paid on the day of sale, or on the ratification thereof by the Court, the residue in six months, the purchaser or purchasers giving his her or their notes, with approved security, and bearing interest from the day of sale; And as soon as may be convenient after any such sale, or sales, 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 annexed, and on the ratification of such sale or sales, by the Court and on payment of the whole purchase money, and not before, the said Trustee by a good and sufficient deed to be executed and acknowledged, agreeably to law, shall convey to the purchaser or purchasers of the said property, and to his, her or their heirs, the property to him, her or them, sold, free, clear, and discharged of all claim of the parties to this cause, and of any person or persons claiming by, from, or under them; And the said Trustee shall bring into this Court the money arising on such sale or sales, and the bonds, or notes which may be taken for the same, to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such Commission to the said Trustee as the Court shall think proper to allow, on consideration of the skill, attention, and fidelity, wherewith he shall appear to have discharged his trust. ~

Filed March 9th 1870 ~

H. Davis Davis
 John A. Leitch
 Judges of the Circuit Court