

Dollars, conditioned for the faithful performance of the trust reposed on him by the Decree, or which may be reposed on him by any future order or decree in the premises. He shall then proceed to make sale of the said real estate, having given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as he may think proper of the time place manner and terms of sale; which terms shall be as follows. One third of the purchase money to be paid on the day of sale, or on the ratification thereof by the Court, the residue in two equal payments in one and two years thereafter, 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 claims of the parties to this Cause, and of any person or persons claiming, by force 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 July 15th 1841 ~ John A. Squels

Petitioner
James L. Davis
Trustee

Peter Thomas of & } No 368 Equity ~
vs } In the Circuit Court for Frederick County sitting
Mathew Cunningham } in Equity. ~
et al.

To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity.

The Petition of James L. Davis Trustee, appointed by the Decree in this Cause to make sale of the real estate in the Bill mentioned, respectfully shows: That after complying with the directions in the Decree contained, and giving due and extensive notice by advertisements in various newspapers, he was unable to obtain for the said real estate any price which in his judgment was adequate to represent the value of the property, He therefore refused to sell the same; Your Petitioner further represents that since said offer and refusal to sell at Public Sale he has received an offer for said property at private sale for a price in excess of that offered at public sale, and due which is as fair a price for said property as he is likely to obtain, Your Petitioner therefore prays your Honors to grant unto him an order permitting him to sell the said real estate in the Bill in this Cause mentioned, at private sale, upon such terms as he may deem most beneficial for the parties interest provided he receive for the same not less than he was offered at public sale, and as in duty bound.

Filed July 7th 1842. ~ Wm P Maulsby Jr Solr for Petitioner