

Petition of
Trustees

Horatio Waters & others
vs.
Emily Waters & others

No. 4085 Equity
In the Circuit Court for Frederick County.

To the Honorable the Judges of the Circuit
Court for Frederick County, sitting as a Court of Equity.

The petition of James McSherry and John Hardt trustees in the above case respectfully shows that the purchaser of the Real Estate in the above case David A. Lett is anxious to pay all or nearly all of the purchase money upon the ratification of said sale and the parties entitled are willing to receive the same from your Petitioners.

Wherefore your Petitioners pray your Honors to pass an order authorizing your Petitioners to settle with said purchaser and receive said purchase money in full and give him a deed upon the payment of the same, and that they may have all other relief they may be entitled to, they will ever pray &c

Milton G. Hener

Sole for Petitioners

Filed April 6. 1870.

Order of
Court

Horatio Waters & others
vs.
Emily Waters & others

No. 4085 Equity
In the Circuit Court for Frederick County.

February Term 1870.

Upon the foregoing petition it is ordered by the Court this 5th day of April A. D. 1870 that the Trustees in the above case be permitted to vary the terms of sale prescribed by the decree by receiving the whole of the purchase money cash or as soon as the purchaser shall pay the same and execute a deed for the property sold as soon as the purchase money shall be paid in full.

John A. Lynch
Judge of the Cir Court

Filed April 6. 1870

Petition of
Olivia Waters

Horatio Waters & Olivia
Waters his wife
vs.

No. 4085 Equity
In the Circuit Court for Frederick County.

To the Honorable the Judges of the
Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of Olivia Waters by Horatio Waters her husband and next friend respectfully shows unto your Honors that the Real Estate described in the proceedings in the above case has been sold free and clear of the potential sever right of your Petitioner in the interest of her husband in said Real Estate, that on the 8th day of February 1870 a certain Joseph Louice, who is a judgment creditor of said Horatio Waters filed his petition in this case praying that said Horatio Waters' share of the proceeds of sale be applied to the payment of his judgment and on the said 8th day of February 1870 your Honors passed an order directing that the proceeds of sale of said Real Estate when made accruing to said Horatio Waters be applied to said Jos. Louice, that your Petitioner is advised that the said judgments of said Jos. Louice were only liens upon said Horatio Waters' interest in said Real Estate and were not liens on any interest of your Petitioner, that had said Joseph Louice enforced his said judgment by execution and sale he would have had to sell said interest of said Horatio subject to the interest of your Petitioner and that said Jos. Louice is not entitled to be put in any better position by reason of said property being sold under a decree of your Honorable than he would have been in had said Horatio's interest in said property been sold in an execution of said judgments Your Petitioner therefore prays your Honors to order and direct that