

Decree, David O. Smith & others

No. 4330 Equity

vs. Clara C. Smith & others

In the Circuit Court for Frederick County, sitting as a Court of Equity. February Term, 1898.

The above cause standing ready for a hearing, and being submitted, the Bill, answer, Exhibit, Testimony and all other proceedings were by the Court read and considered. - It is thereupon, this 29th day of February, in the year Eighteen hundred and ninety eight, by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings be sold, and that Mary A. Smith and Jno. G. Miller of Frederick County, be, and they thereby appointed Trustees to make the said sales, and that the course and manner of their proceeding shall be as follows: They shall first file in the Clerk's Office of this Court a bond to the State of Maryland, executed by them with a surety or sureties, to be approved by the Court, or the Clerk thereof, in the penalty of Sixty Thousand Dollars, conditioned for the faithful performance of the trust reposed in them by this Decree, or which may be reposed in them by any future order or decree in the premises. They 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 notice as he may think proper of the time, place, manner and terms of sale; which term shall be as follows: One third of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in one and two years from the day of sale 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 Trustees 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 Trustees 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, from or under them; and the said Trustees 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 Trustees as the Court shall think proper to allow on consideration of the skill, attention and fidelity wherewith they shall appear to have to have discharged their trust.

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