

No. 11373 Equity.

And heretofore conveyed to the said Peter Sahn by deed from Henry McNeill Executor of Samuel J. McNeill deceased, Samuel Getzendanner, and Margaret E. Getzendanner his wife, bearing date March 4th, 1871, and duly recorded among the Land Records of Frederick County, in Liber C. M. No. 6 folio 394 & 5; and in said deed more fully and particularly described also all that house and lot situate and being on the North side of East Fifth Street in Frederick City Md., which was on the tenth day of February, 1848, conveyed to John George Beerlein from John Lambrecht and wife by deed duly recorded among the Land Records of Frederick County in Liber N. B. S. No. 7 folio 41 & 2, and which was devised to the said Peter Sahn, by the last Will of the said John George Beerlein, subject to a life estate in said property, devised by said John George Beerlein to his wife Mary P. Beerlein. Also all the goods, wares and merchandise, stocks in trade, and fixtures, now in the store room, occupied by the said Peter Sahn on the N. W. Corner of Market and Fourth Streets, in Frederick City aforesaid, and also all debts, claims, and demands, either in law or in Equity, due and owing, from any person and every person, whatsoever, to him the said Peter Sahn, whether the same be due upon bond, bill, note or open account, to have, and to hold the said Lands, property debts due and demands and other estate above specified, whether the same be real personal or mixed, to them the said James W. Pearce and Noah Bowler, and the survivor of them and the heirs of such survivor in trust - nevertheless for the use intents, and purposes hereinafter particularly set forth expressed limited, and declared, and for no other use intent or purpose whatsoever, that is to say, that the said James W. Pearce and Noah Bowler or the survivor of them, and the heirs of such survivor may sell and dispose of all of said lands, goods wares, and merchandise, at public or private sales, for cash or on credit, as they or he, may judge most expedient, collect all said debts, and demands, and the of said sales and of such collections to apply first, to the payment of three Magistrate's Judgments, upon which executions have issued (viz: One in favor of Geo. P. Hymas & Co before William Mahony Esq. J. P. One in favor of G. C. Garty before Washington R. Johnson Esq. J. P. and one Lord Robinson & Co. before Robert Stokes Esq. J. P. principal interests and costs. 2d To pay to the said Mary A. B. Sahn, wife of the said Peter Sahn such sum of money out of the proceeds of sale of the said Real Estate as she should be allowed by the rules of the Circuit Court for Frederick County as a Court of Equity, in lieu of her potential right of dower in said real estate. 3d. To pay in full one half of the amount found to be due from Peter Sahn Executor of Anne E. Staley dec'd, to Clara J. Staley, and Cora P. Staley on settlement of his account as said Executor, in the Orphans Court of Frederick County, the whole amount due said parties being Two hundred Twenty seven dollars & ninety eight cents, with interest due thereon. 4th. To pay all costs, charges, and fees of Counsel, and expenses incurred & paid in virtue of this deed of trust or that may hereafter accrue or be expended in the execution thereof including six per cent commission to said Trustees on amount of said collections. 5th. To pay and satisfy all just and fair debts, at this time due and owing by the said Peter Sahn of the proceeds of said Real and personal property, and collections be sufficient for that purpose, and if not sufficient to pay all said debts in full then to pay said debts pro rata without any preference or priority, except as hereinbefore specified. And if the proceeds of said sales of said real and personal property should be more than sufficient for the before specified purposes then the surplus to be paid over to the said Peter Sahn and Mary A. B. Sahn in equal portions. And empowered to execute, a good, valid, and sufficient deed of Conveyance for the same as soon as the whole purchase money therefor has been paid or secured to be paid: Provided before said Trustees or either of them shall be authorized to make sale of any of the foregoing property they shall execute a bond to the State of Maryland in the penalty of Twenty five hundred dollars signed by themselves with a surety or sureties to be approved by the Judge or Clerk of the Circuit Court.

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