

No. 4590 Equity

Six Hundred and twenty-eight dollars and some cents, and the said William H. Trayer was to execute to the said Ann Clay a deed for said land, but before the same could be, or was executed, the said Ann Clay, who was at time of said contract sick, died, and a deed was not executed to her for the same, but the said William H. Trayer has always been ready and willing to execute a good deed for the same which your Complainant was unwilling and was advised he could not accept.

Your Complainant is, advised and so charges, that the said agreement for the purchase of said land is a valid agreement and that the land, vested in the said Ann Clay in Equity, while the legal title, vested in said William H. Trayer, and that this question has been decided in your Honorable Court in No. 4581 Equity William H. Trayer and others @ Theodore A. Clay, Executor of Ann Clay and which is hereby exhibit as Exhibit No. 2, to this Bill.

Bill of Compl't
Filed Aug 10, 1880

Your Complainant therefore to effect a sale and distribution of said land among the heirs of said Ann Clay, and to give the purchaser a good title thereto files this Bill.

Your Complainant therefore, charges that the said Ann Clay, died seized and possessed of the aforesaid tract of land and that the same is not susceptible of advantageous division among those interested and cannot be divided without loss and injury to the said heirs, and that it would be to the interest and advantage of all the said heirs to sell the said Real Estate and divide the proceeds among those entitled, according to the tenor of the Will of said Ann Clay, to wit equal, by as appears by said Will.

Your Complainant by leave of the Court first had files this his Amendment to the Original Bill of Complaint.

Your Complainant further shows that in addition to the facts and circumstances alleged in the original Bill that since the filing of the Original Bill your Complainant was advised by the Orphans Court of Carroll County where letters testamentary were granted your Complainant on the personal effects of Ann Clay, deceased that your Complainant could sell the Real estate herein described under the mortgage of said deceased on said property at less expense and give a perfect title, and was so advised by all the heirs. That in pursuance thereof and to gratify the Court and the parties, (Your Complainant as Executor did on the _____ day of _____ A. D. 1881 sell the said Real estate to his brother Arthur J. Clay, at and for the sum of \$350⁰⁰ after giving due notice of said sale.

Amendment
to
Bill of Compl't
Filed Sept. 14, 1881

That he reported said sale to the Orphans Court of Carroll County that the same was duly ratified and confirmed by said Court.

Your Complainant further shows that after said sale was ratified, your Complainant frequently called on and demanded of the said Arthur J. Clay the purchase money for the said Real estate, but the said Arthur J. Clay put off your Complainant with frivolous and trifling excuses, and finally refused and still refuses to take said land or to pay the purchase money therefor and says your Complainant cannot give a good title for the same.

Your Complainant now also prays your Honorable Court for an Order of Publication warning the non-resident defendants to appear on a day certain to answer the premises and abide by, and perform such decree as may be passed by your Honorable Court.

Petition
Amended

And

Court's

Exhibit