

No 4970 Equity

James McSherry & James A. C. Bond
Trustees

vs

No 2172 Equity
In the Circuit Court for
Carroll County

Calvin B. Anders & Annie M. Anders his wife.

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

The Bill of Complaint of James McSherry of Frederick County, State of Maryland and James A. C. Bond of Carroll County and state aforesaid trustees of Calvin B. Anders as herein after more fully set out respectfully shows unto your Honorable Court that the said Anders being indebted unto various persons in sundry amounts of money and unable to pay the same in full did by his deed dated on the Eleventh day of May 1883, grant and convey unto four Orators and the survivor of them all his property known as the "Double Pipe Mills" and also all other real and personal property belonging to him, together with all choses in action &c. to have and to hold the same in Trust, and that your Orators in their discretion should sell the same (such as was saleable) at either public or private sale, on such notice, at such place, and on such terms as they might deem best for the interest of said trust Estate, and collect all such sums of money as were outstanding and due to said Anders, In Trust that from the proceeds of such sales and collections your Orators should in the first place pay all the Costs, Charges and expenses to be incurred in the execution of the trust created under and by said deed, together with a Commission of five per cent to your Orators for their services as such Trustees, also Costs of preparing executing and recording said trust deed, and then in the next place to pay to pay off all mortgages and judgments resting upon said property so conveyed, according to their respective priorities and then to pay the unsecured creditors pro rata without any preference or priority, and the balance if any to pay over to the said Calvin B. Anders, his executors, Administrators or assigns. All of which provisions in said deed will more fully and at large appear from a Certified copy of the same herewith filed and marked Exhibit A. which together with all other Exhibits filed with this Bill are prayed to be taken and considered as part thereof.

Your Orators further show that they accepted the trust reposed in them under said deed and accordingly before entering upon the execution thereof, executed a Bond to the State of Maryland in the penalty of Twenty Thousand dollars conditioned for the faithful discharge of their trust which Bond was duly approved by the Clerk of your Honorable Court as appears from a certified copy of the same filed herewith and marked Exhibit B. Your Orators further show that in pursuance of the power and authority contained in said deed, they did after giving notice of the time, place, manner and terms of sale, by advertisements in "The Baltimore Sun" "Frederick Citizen" "The Democratic Advocate" and "The American Sentinel" the two latter being newspapers published at Westminster Carroll County for once a week for each of four succeeding weeks prior to the day of sale, as will appear by the Publishers certificates of Publication herewith filed as Exhibits C & D. attend at Double Pipe Creek the place mentioned in said advertisements on Thursday the 27 day of June 1883 at 1 O'clock P. M. and then and there proceeded to sell said real and personal estate as follows to wit: In the first place your Orators offered at public sale to the highest bidder the Warehouse on the line of the Western Maryland Railroad with one acre of land or thereabouts, and received therefor a bid of Three Thousand dollars, but deeming this inadequate to the value of the property they adjourned the sale thereof, and following the offer of the above mentioned warehouse, they next proceeded to sell all the personal property of said Calvin B. a list of articles sold, the prices for some and the names of the several purchasers are given in a paper accompanying this Bill and report marked Exhibit E which shows the aggregate sales to be four hundred and forty seven dollars and seventy three Cents. Your Orators state that in connection with the sale of the personal estate, they deemed it to interest of creditors that all the personal property should be sold without setting apart any under the Exemption laws