

No. 5120 Equity.

J. S. Anwar & Bro -

Plaintiffs

No. 5120 Equity.

In the Circuit Court for Frederick County, sitting in Equity -

against Eli Ferguson, Defendant

The Petition of Eugene L. Rowe Solicitor for the plaintiffs in the cause respectfully shows.

1. That by a clerical mistake, or an accidental slip, or omission, your petitioner neglected to the defendant Eli Ferguson his day in Court in the Decree passed in this cause on the 3rd day of April, 1886.
2. That said Decree is not yet enrolled, and your Petitioner would pray your Honors to correct said mistake or omission, and to so modify said Decree of April 3rd, 1886, as to give the defendant his day in Court.

Eugene L. Rowe, Solicitor for plaintiff

The foregoing Petition having been read and considered by the Court, It is thereupon this 13th day of April, 1886, adjudged, ordered, and decreed by the Circuit Court for Frederick County sitting in Equity and by the authority thereof that the mistake or omission in said Decree be corrected, and that said Decree be, and the same is hereby so modified, as to give the defendant ten days from this date to pay or tender to this Court the sum of thirty four Dollars and forty cents with interest thereon from the eighth day of July 1874 until paid together with the costs of this suit or on default thereof that the mortgaged property mentioned in the proceedings be sold, and that Eugene L. Rowe of Frederick County be, and he is hereby appointed Trustee to make the said sale, and that the course and manner of his proceedings shall be as follows; he shall first file in the Clerk's office of this Court, a Bond to the state of Maryland, executed by him with a surety, or sureties, to be approved by the Court or the Clerk thereof in the penalty of six hundred Dollars, conditioned for the faithful performance of the trust reposed in him by this Decree, or which may be reposed in him by any future order or Decree in the premises; he shall then proceed to make sale of the 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 terms shall be as follows: Cash on the day of sale, or on the ratification thereof by the Court; and as soon as may be convenient after any such sale, the said Trustee 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 annexed, and on the ratification of such sale, by the Court, and on the payment of the whole purchase money and not before, the said Trustee 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 (but subject to the potential right of Dower of Mary Ferguson the wife of the defendant) and of any person, or persons claiming by, from, or under them; and the said Trustee shall bring into this Court the money arising on such sale, and the bonds or notes which may be taken for the same, to be disposed of under the discretion of this Court; after deducting therefrom, the costs of this suit, and such commission to the said Trustee as the Court shall think proper to allow, in consideration of the

Petition to modify Decree and Court's Order

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Order on p