

No. 5255 Equity

stand it and is unwilling to purchase said property from Petitioner and is unwilling for him to retain it, and as he did not desire said Property and was only induced to purchase the same as an act of friendship for said widow he does not desire to retain it against her wishes.

3- That in view of the fact said misunderstanding has arisen he prays that the order of Your Honorable Court ratifying said Sale may be stricken out and rescinded, and said Sale be set aside, and said Property be ordered to be resold. And that he may have all such other and further relief to which he may be entitled he will ever pray &c.

Isaiah Nusbbaum

David E. Stem

No. 5255 Equity
In the Circuit Court for
Frederick County, in Equity.

Allie May Shivers & Others

To the Honorable the Judges of said Court:— The petition of Wm. S. Ulmer, One of the Trustees in the above case, respectfully shews

1st That he attended the sale of the Real Estate decreed to be sold in the above case, on the 12th day of February A. D. 1887, and he and his Co. Trustee offered said Real Estate at public Sale, and the first bid, to the best of his recollection was \$1000. the auctioneer then proceeded to auction the same receiving, as he alleged several successive bids until he got a bid of \$1400, but could get no higher bid, and his Co. Trustee, who was the widow of Geo. W. Shivers was unwilling to let the property to be sold for that sum, claiming the property ought to bring \$2000.—

2- That said bid of \$1400. was made by Isaiah Nusbbaum, and as said widow was unwilling for said property to be sold for said \$1400. Your Petitioner proposed they would hold the property at said bid until a lot of Personal Property was sold, when they would offer the said real estate again.

3- That after said personal property was sold, the said real estate was again offered, and there being no further bid the said property was knocked off to said Isaiah Nusbbaum at \$1400.—

4- That Your Petitioner was of Opinion that said sum of \$1400. was a reasonably fair price for said Real Estate but his Co. Trustee was of Opinion the was worth more, and before said Property was knocked off to said Isaiah Nusbbaum he agreed with said Susan Shivers, the said widow, that she could have said property, at the same price, or if she could get a purchaser at an advance price she could have the benefit of such advance. That Your Petitioner believing said sale to be fair and for a reasonably fair price, and believing said Isaiah Nusbbaum and Susan Shivers understood one another and could arrange their matters to their mutual satisfaction, he reported said sale to Your Honorable Court and had the same ratified on the 12 day of March A. D. 1887 but his said Co. Trustee now claims that she did not understand that the real Estate was sold, and only supposed said Isaiah Nusbbaum bid it in for me, and she is unwilling for said Nusbbaum to keep the property as purchaser and is also unwilling to purchase it from him, and has filed her petition asking that said sale be set aside, and said Nusbbaum does not wish to keep the property in the face of the opposition of said

Petition of
W. S. Ulmer
Trustee

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