

No. 5429 Equity.

improper in it, he was likewise induced by said Trustee to sign the memorandum of sale filed with the Report of Sale, when as a matter of fact and in truth he was not the purchaser of said Real Estate, But said Trustee, Hezekiah B. Pittinger was through him as Agent said purchaser - this Petitioner further represents that it is impossible for him to comply with the terms of said sale, and that said Trustee now declines to take said Property.

2^d Your Petitioner further represents that said Hezekiah B. Pittinger has assigned all of his interest in the proceeds of sale of said property and all his interest in said property to his brother - - - - and that said Hezekiah has not any further interest in it.

3^d Your Petitioner further represents that his brother Charles, and James Pippinger who are the only ones interested in said property besides your Petitioner, are willing that your Petitioner be relieved from said sale as an evidence of which he files herewith a paper marked Exhibit T. to this petition. Your Petitioner prays your Honors to pass an order not confirming said sale, and relieving him from said purchase, and directing that said Real Estate be sold again.

And, as in duty bound &c
John C. Matter -
Sol. for Petitioner

The above Petition having been read, and considered, it is thereupon on this 9th day of November 1888, Ordered, and decreed by the Circuit Court for Frederick County, Sitting as a Court of Equity, and by the authority thereof that the said Samuel B. Pittinger be relieved from said sale, and that the same be not confirmed unless cause to the contrary be shown by the said Hezekiah B. Pittinger on or before the 21st day of November 1888; and it is further Ordered, that the said Hezekiah B. Pippinger show cause on or before the said 21st day of November, 1888, why he should not be removed as one of said Trustee for the sale of the real estate in these proceedings mentioned. and it is further ordered that a copy of the above petition, and this order be served on said Hezekiah B. Pippinger on or before the 21st day of November, 1888.

John A. Lynch -
Judge of the Cir - Court.

The Undersigned owners of the Interest in the proceeds of sale of the Property above mentioned, hereby agree that an order of resale be passed by Your Honorable Court for the said Real Estate, and that it be sold without risk, to our brother Samuel B. Pippinger

Charles M. Pippinger
James W. Pippinger

A Copy of foregoing Petition, and Courts Order is herewith filed Endorse at bottom
"True Copy, - Test: - W. Irving Parsons Clerk" and on back "Sewed as directed Nov.
15, 1888 - Abouge Banner, Sheriff. -