No. 5427 Equity.

Milton G Unger — Plaintiff.
Vs.
Martha M. Fout and Cyrus A Fout, her husband and Trustee; Ruth R Rupley, William R Rupley, Susan R. Rupley and Charles J. Lewis Trustee. —

No. 5427 Equity.
In the Circuit Court for Frederick County sitting as a Court of Equity.

The object of this Suit is to procure a decree for the Sale of Certain Real Estate situated in Frederick City, and for an Account - The Bill states that on the 15 day of November A.D. 1875, Amos Valentine, his Wife, by their deed of Mortgage, of said date Conveyed to the Plaintiff and a certain William H. Ramsburg, a certain house and lot situated on the East side of East Street in Frederick City, to indemnify the Plaintiff and said Ramsburg from loss as sureties upon two promissory notes, one for $150. and the other for $200. particularly described in said Mortgage, and in which said Mortgage, and in which said Mortgage there was a provision that if said Valentine should make default in the payment of said notes then it should be lawful for the Plaintiff and said Ramsburg to sell the said Mortgaged Property; that said Valentine did make default, and the Plaintiff and said Ramsburg did pay said Notes and by Virtue of said power of Sale did sell said Mortgaged Property and purchase the same themselves at and for the sum of $400. which Sale was reported to and ratified by the Circuit Court for Frederick County sitting in Equity as by the proceedings in No. 4577 Equity will fully appear; that subsequent to said Sale and the ratification thereof the said Ramsburg died after having made and executed his last Will and Testament, whereby he devised all of his estate to his Wife Rebecca C. Ramsburg for and during her natural life, and after her death then to Thomas Gorsuch and Thomas M. Markell, in Trust for the benefit of two daughters of said Wm H Ramsburg, Viz - Fanny Rupley and Martha Ramsburg, now Martha Fout, during their lives and then to their Children; that said Rebecca C. Ramsburg has since died and said Thomas M Markell resigned said Trust, and Cyrus A Fout and John S Ramsburg were appointed Trustees in their place, and said John S. Ramsburg declined to accept said trust and Charles J Lewis was appointed Trustee in his place, and by a division of said trust said Cyrus A. Fout continued to Act as Trustee for said Martha M Fout and said Charles J Lewis as Trustee for said Fanny Rupley; that said Fanny Rupley has recently died and by the provisions of said Will the one half of the Interest of said William H. Ramsburg in said Real Estate now belongs to the Children of said Fanny Rupley, deceased, who are Ruth R Rupley, William R. Rupley, Susan R. Rupley, and G King Rupley, all of whom are infants and all of whom reside at Martinsburg, Blair County in the State of Pennsylvania; that after said sale and the ratification thereof said Ramsburg and the Plaintiff had said property and during the lifetime of said Ramsburg he received the rent therefor, and after his death the said Rebecca C. Ramsburg received the rent therefor and since her death the Plaintiff has receive what rent has been paid and has paid the taxes, Cost of repairs &c, and the Plaintiff is ready to account for the Money by him received; that said property is of small Value and the source of more annoyance

Order of Publication

Answer of Wm Fout and Cyrus A. Fout his husband

Printer Cost to C of Pub

Order of Guardian