

No. 6163. Equity.

Witnesseth, that whereas the said Josiah Eiler being now indebted unto several persons in various sums of money, and unable to pay the same in full has proposed and agreed to assign all his property unto Levi F. Miller in trust for the benefit of his creditors as hereinafter mentioned, and the said Catherine C. Eiler his wife has agreed to unite in this conveyance solely for the purpose of conveying her contingent right of dower in the real estate hereby conveyed. Now therefore in consideration of the premises, the said Josiah Eiler doth grant and transfer unto the said Levi F. Miller as trustee, the following property, namely, all that land and premises, described in a deed from Jacob Parry and wife to said Josiah Eiler recorded in Liber 10, folio 148, one of the Land records of Frederick County and also all that land and premises, described in a deed from Eli Otto and wife to said Josiah Eiler, recorded in Liber 13, folio 4, one of the Land Records of Frederick County and also all that land and premises described in a deed from George W. & Hannah Specter of John Albright, to said Josiah Eiler recorded in Liber 16, folio 572 & C one of the Land Records of Frederick County (except about six acres thereof, sold and conveyed to Frederick Thomb) and all other land and real Estate of which said Josiah Eiler is seized and possessed, whether the same be situated in Frederick County, in Carroll County or elsewhere, also all his personal property of all kinds, including horses, Cattle, wagons, farming implements, also all books of account and evidences of debt, sums of money, and personal estate of him the said Josiah Eiler, except such as is by law exempt from execution, to have, hold and take the same upon trust, that he do and shall as soon as conveniently may be, make sale of so much thereof as may be saleable for the best price that can be reasonably had for the same at either public or private sale and on such terms as the said trustee may deem best, and collect so much thereof as is outstanding and not saleable and it is hereby declared and agreed that said Levi F. Miller shall stand possessed of the monies from such sale, and to be collected as aforesaid in trust, for the following purposes, that is to say in the first place to pay and reimburse himself, all such costs, charges and expenses as may be incurred in the execution of the trust hereby created, together with the usual Chancery Commissions to the said trustee, reasonable Counsel fees, for preparing bonds, reports of Sale, and attending to the ratification thereof, and the costs of these presents, that in trust to apply the residue of the said monies to the payment of the several liens and mortgages now existing upon the property hereby conveyed and transferred, paying the same out of the respective proceeds of sale of the respective property upon which said liens and mortgages exist, and in the order of their legal priority, then in trust to apply the remainder in payment of the several debts due to the creditors aforesaid of said Josiah Eiler pari passu, and without preference or priority of payment except such as is created by law, and then to pay the surplus if any, unto said Josiah Eiler his personal representatives or assigns. And the said Catherine C. Eiler hereby grants unto said Levi F. Miller, trustee as aforesaid her contingent right of

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