

No. 7471 Equity

Petition of G. Waring Tappan Comr Order Throug. directing the auditor, to audit to petitioner the recider of the proceeds of Sale after the payment of Costs Expenses &c. Subject to exception on the part of anyone interested in or to the final Satisfaction of said audit.

Filed Oct 3rd 1904.

John W Carter, Trustee

vs

Francis Traugle, Maria D. Anthony, et. al.

No 7471 Equity. In the Circuit Court for Frederick County, in Equity.

To the Honorable the Judge of the Circuit Court for Frederick County, sitting as a Court of Equity.

The petition of G. Waring Tappan respectfully shows unto your Honor:-

1st

That your Honorable Court, in passing the decree for the Sale of the Real Estate sold in this Cause reserved for ... future determination the question as to the proper disposition of the proceeds of Sale, as well appear by reference to said decree.

2nd.

That one-fourth undivided interest in and to the house and lot of ground on West Second Street decreed to be sold was sold by the trustee appointed by your Honorable Court to your petitioner; that said Sale has been finally ratified and confirmed and the trustee now has in hand the proceeds of Sale to be distributed and disposed of as your Honor shall direct.

3rd.

That as alleged and contended in the answer of your petitioner to the original Bill filed in this Cause said one-fourth undivided interest was sold to your petitioner and paid for by him at the time of his purchase from William D. Traugle, Trustee, of said house and lot as is shown by the proof in this cause

4th

That the said John W. Carter, Trustee, the Complainant in this Cause, being the successor in the trust of said William D. Traugle, the former trustee ought not to be allowed to again receive the purchase money for said one fourth interest. Your Petitioner, therefore, prays your Honor