

NO 5362 Equity.

to such Sale, all of which will appear by the proceedings in the above case.

3- That on the 31st day of December A. D. 1887. Your Honourable Court passed a decree in Said Cause, and appointed George William Buckley, and Milton G. Orner as Trustees to sell Said real estate and who advertised and offered Said real estate at Public Sale, but did not sell the same, and the same has since been re-sold by order of Your Honourable Court:-

4. That Said Preston S. Shilbiss was at the time of his death indebted unto your Petitioner by his two notes, one for three thousand dollars, bearing date the 1st day of April A. D. 1879, payable one year after date with interest from date and the other for six hundred dollars bearing date the 1st day of April A. D. 1887, payable one year after date with interest from date.

5. That on the 24th day of February A. D. 1888, your Petitioner procured Said notes to be proved and passed by the Orphan's Court for Frederick County, for payment out of the Personal estate of Said Preston S. Shilbiss and Said notes were then entered upon the Claimant's docket in Said Orphan's Court.

6. That the Personal estate of Said S. Shilbiss was largely insufficient to pay his debts, and the same was finally settled in Said Orphan's Court, on the 1st day of May A. D. 1889, without the Said notes due from your Petitioner, or either of them being paid and both of them are still wholly due to your Petitioner.

7. That at the time of the death of Said Preston S. Shilbiss interest had paid on Said first mentioned note of \$1000- up to the 1st day of April 1887, and since his death interest has been paid upon both of Said notes up to April 1st, 1890 and which payments were made by Said George William Buckley Trustee and Said Mollie L. Shilbiss, and as your Petitioner believes out of the money received for the rest of Said real estate.

8. That both of Said notes are now due your Petitioner with interest from the 1st day of April A. D. 1890, and your Petitioner advised she is entitled to have the same paid out of the proceeds of Sale of Said Real Estate.

9. That a portion of the real estate mentioned in the proceedings in the above case, to wit the smaller farm containing in the aggregate about one hundred and eight acres of land