

## No. 8369 Equity.

proceedings, that before the said sale was made by said trustees to the said Francis H. Markell and wife for the sum of \$60.00 per acre they have received an offer of \$70.00 per acre for said property from the said George W. Tobler; and the said offer was received prior to the presentation of the said petition of January 5-1909, to your petitioners for their signature, which presentation was made by the said Baker & Lamar, and your petitioners were not informed and had no knowledge whatsoever as to the said higher price having been offered for said property.

6. That your petitioners are advised that your honorable court passed its decree for a private sale of said property in these proceedings upon the understanding that your petitioners with knowledge of the offer of the said George W. Tobler of \$70.00 per acre for said property nevertheless preferred to have said property sold by the trustees to be appointed by your honorable court to the said Francis H. Markell and wife at \$60.00 per acre, and your petitioners are advised and are that your honorable court would not have passed such decree for private sale but would have passed the usual decree for a public sale of said property if your honors had been aware that the fact of said higher offer was entirely unknown to your petitioners at the time of the signing of the said petition of January 5-1909.

7. That your petitioners desire that said property should be sold to the best advantage and they are utterly opposed to such a sacrifice of the value of said property as would be involved in the sale thereof by said trustees to the said Francis H. Markell and wife for \$60.00 per acre when it is and was apparent at the time of said sale that the said property would readily bring at least \$70.00 per acre more than the price reported.

8. That it would be unjust and inequitable to your petitioners who represent large and substantial interests in said real estate, to have the value of their interests diminished by the ratification of a sale made under the circumstances herein mentioned.

Therefore your petitioners except and object to the ratification of sale reported in these proceedings because it was made improvidently, improperly and for an inadequate price and they pray that the said sale may be rejected and that the decree of your honorable court may be modified so as