

No. 8064 Equity.

Claim of the parties to this cause, and of any person or persons claiming by, from, or under them; and the said Trustee shall bring into this Court the money arising on such sale or sales, and the bonds or notes which may be taken for the same to be disposed of under the direction of this Court, after deducting therefrom the costs of this suit, and such Commission to the said Trustee as the Court shall think proper to allow on consideration of the skill, attention and fidelity which they shall appear to have discharged their trust.

Jas. McHenry,

Petition and Affidavit
Otho J. Shank et al.

Filed Dec. 22^d 1906.

To the Honorable the Judge of said Court:-

The petition of Otho J. Shank, Isaiah Shier, and J. Clarence Lane, Administrators of the estate of Jacob Shank, late of Frederick County, deceased, and of Otho J. Shank in his own right respectfully shew unto your Honor:-

1. That on December 1, 1905, a decree was passed in the above entitled cause, for the sale of the Real Estate therein mentioned for the purpose of partition among the grantors, named in the deed of May 14, 1905, and that in pursuance of said decree the said lands have been advertised for sale on December 29th 1906.
2. That at the time of the passage of said decree your petitioner Otho J. Shank, as Administrator of Jacob Shank, deceased, was entitled to the benefit of a judgment lien on said lands for the sum of Eight Thousand Dollars and interest, it being the unpaid purchase money or Consideration named in said deed, which Consideration had never been paid, and was and still is a debt due the estate of said Jacob Shank, deceased.
3. That on December 3, 1906, your petitioners, Isaiah Shier, and J. Clarence Lane were, at the request of said Otho J. Shank appointed, co-Administrators with the said Otho J. Shank, in the Settlement of said estate and as such entitled with the said Shank to the benefit of said lien and to all the rights of the said Shank in the enforcement of the same.
4. That a Bill has been filed in your Honorable Court by said two last named Administrators, with the Consent of the said Shank, for the enforcement of said Vendor's lien by a sale of the said lands, and the application of the proceeds of said sale to the payment of the purchase money due