

No 5337. Equity.

1st. That in obedience to the order of your Honorable Court heretofore passed in this cause on the 21st. day of August. 1911. he has distributed to Thomas F. Clagett and the Guardian of Cynthia N. Clagett. the whole of the trust estate in his hands. with the exception of a piece or parcel of real estate consisting of forty acres of land. more or less. and improvements thereon. Situate at or near Motters Station. Emmitsburg Election Dist. 2.

Frederick County Maryland. which. by reason of its nature. he has was unable to divide and distribute between said children of Jesse C. Clagett.

2nd. That your petitioner was requested by the said Thomas F. Clagett. and the Guardian of Cynthia N. Clagett to sell said real estate and distribute the proceeds of sale. after the payment of the costs and expenses attending the same. between them.

3rd. That by reason of the inability of your petitioner to divide said real estate the same not being susceptible of division. as it consists of about forty acres of land with a dwelling house. etc. erected thereon. a large part of the value of which consists of the dwelling house. and by reason of the request and expressed desire of the said Thomas F. Clagett and the Guardian of the said Cynthia N. Clagett. that your petitioner should sell the real estate and distribute the proceeds of sale. both the said Thomas F. Clagett and the Guardian of the said Cynthia N. Clagett. believing that it would be to the benefit and advantage of both of the said children of said children of Jesse C. Clagett. to have your petitioner make sale of the same. your petitioner has entered into a written contract of sale with Calvin S. Fyers and S. Ella Fyers. his wife. whereby he has agreed to sell said real estate to them for the sum of thirty-six hundred and fifty dollars (\$3650.00). cash and to convey the same to the purchasers free of all taxes and encumbrances upon the payment of taxes and encumbrances upon the payment of the purchase price. Subject to the sanction and approval of your Honorable Court. as will appear by reference to said agreement of sale herewith filed as Exhibit. C.S.F. and S.E.F. to this petition. which is prayed to be taken and considered as part thereof.

4th. That there are due and owing some State and County taxes on said real estate. and also a bill of John T. Hays & Son amounting to \$22.50. for certain repairs made to said property.

5th. That Ella L. Claggett. mother of Cynthia N. Clagett. was on the 22nd. day of August. 1911. appointed guardian of the said Cynthia N. Clagett. by the Orphans' Court of Frederick County.

6th. That your petitioner believes the purchase price above mentioned to be fair and reasonable price at this time