

Exhibit No. 5, containing two building lots, situated in Union Bridge, in Carroll County, Maryland, to John N. Fogle, he being the highest bidder at and for the sum of \$42.00; that the sales made to the said Jacob Nusbaum and John W. Fogle, were reported by your petitioner to the Orphans Court for Frederick County, on the 29th day of October, 1914, that an order nisi on sales was duly published and said sales were finally ratified and confirmed by said Court, on the 30th day of November, 1914, as will appear by reference to the proceedings in said Court.

2d. That the Circuit Court for Frederick County, sitting as a Court of Equity, after having read and considered the Bill, Exhibits, answers and testimony filed in this cause, handed down an opinion and passed an interlocutory decree in said cause, on the 16th day of March 1915, in which opinion said Court held that, since your petitioner has made sale of the real estate, for which the Bill was filed, and said sales have been ratified and confirmed by the Orphans Court for Frederick County, the Circuit Court for Frederick County, in equity, in pursuance of the authority contained in section 93 of Article 16, of the Annotated Code of 1911, is authorized to ratify the sales made by your petitioner, as executor of the late Greenberry R. Sappington, under a supposed authority to sell the real estate, derived from the will of the said Greenberry R. Sappington; that the Circuit Court for Frederick County, in equity, in said interlocutory decree of March 16th, 1915, ordered and decreed that your petitioner be made a party plaintiff to these proceedings in his capacity as Executor of the said Greenberry R. Sappington, deceased, and that he file a petition in this cause setting forth his desire to invoke the aid of this Court in perfecting the sales of the real estate made by him as executor, and that the purchasers of said several lots or parcels of real estate, to-wit--Charles B. Sappington, Frances R. and Charles B. Sappington, Jacob Nusbaum and John N. Fogle, be made parties defendant to said proceedings, and be given an opportunity to be heard before a final decree is passed in this cause.

3d. That in pursuance of said opinion and interlocutory decree filed in this cause by Your Honorable Court, on the 16th day of March, 1915, and in pursuance of the provisions contained in said section 93 of article 16, of the Annotated Code, of 1911, your petitioner, being made a party to this cause, begs leave to file this petition and invoke the aid of this Court in perfecting the sales of the real estate made by him as executor of the late Greenberry R. Sappington, to the end that said sales may be ratified and confirmed by Your Honorable Court; and that Charles B. Sappington, Frances B. Sappington and Charles B. Sappington, Jacob Nusbaum and John W. Fogle, the purchasers, and parties named as defendants in said decree of March 16th, 1915, be required to answer this petition.

Therefore Your Petitioner Prays--

(a) That Your Honor will pass a decree of Your Honorable Court ratifying and confirming the sales made by Your petitioner, under a supposed authority derived from the will of the said Greenberry R. Sappington, to the said Charles B. Sappington, and to the said Jacob Nusbaum, and to the said John N. Fogle, the purchasers, as set forth and described in the foregoing petition; and that the said sales be ratified and confirmed in pursuance to the provisions contained in Section 95, Article 16, of the Annotated Code of 1911, and in the manner indicated in the interlocutory decree herebefore filed in this cause, on the 16th day of March 1915.

(b) That the defendants, Charles B. Sappington, the purchaser of the real estate described in Exhibit No. 2, Frances B. Sappington and Charles B. Sappington, the purchasers of the woodland described in Exhibit NO. 3, Jacob Nusbaum, the purchaser of