

correct and I adopt what he testified to as my own testimony thereto-Michael Whisner at the time of his death owned some real property here, the house he lived in and several other houses, which so far as I know are correctly described in the deeds filed as Exhibits in this case, all this property is located in Frederick city I don't know its value but I do know that it could not be divided amongst all the persons having an interest in it without loss and injury and if they want it divided the only way to do it would be to sell it and divided the proceeds of sale.

To the General Interrogatory.

Ans. I don't know any more.

Marion S. Moberly

Whereupon there being no other witnesses to examine and no further time being required for the production of testimony the said Examiner hereby certifies that the foregoing are the true and original depositions of the witnesses in this cause, as the same were read over to and signed by them respectfully; and the said Examiner hereby returns the said testimony endorsed, to your Honorable Court. Witness my hand and seal this 23rd day of December A.D. 1916.

Albert S. Brown (SEAL)
Examiner.

Costs of the foregoing Testimony.

Alert S. Brown, Examiner 1 day	\$4.00
Chas. D. Whisner, Witness	.75
Benj. E. Phebus Witness,	.75
Marion S. Moberly , ,	---.75
	\$6.25

Certified to
Filed Dec, 23, 1916. A.S. Brown Examiner.

DECREE.

Joseph P. Whisner, Margaret T.
Whisner, Mary Miller, et al.,

VS.

Clifford Stockman, Marshall
Stockman, et al.

No. 9534 EQUITY.
In the Circuit Court for Frederick
County, sitting as a Court of Equity.
January TERM, 1917.

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The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibits and Testimony and all other proceedings were by the Court read and considered and the Court being of the opinion that a sale of the real estate mentioned in these proceedings is necessary, in order that the proceeds may be divided according to the terms of the Will of Michael Whisner, deceased, and that said property cannot be divided without loss and injury to the parties, otherwise than by such sale and division of the proceeds.

It is thereupon, this 8th day of January in the year Eighteen Hundred and Seventeen by the Circuit Court for Frederick County, as a Court of Equity, and by the authority of said Court, adjudged, ordered, and decreed, that the land and premises mentioned in these proceedings be sold, and that Charles D. Whisner and Geo. A. Pearre Jr., of Frederick County, be, and they are hereby appointed Trustees to make the said sales, and that the course and manner of their proceedings shall be as follows; they shall first file in the Clerk's office of this Court, a BOND to the State of Maryland, executed by them with a surety, or surrities, to be approved by the Court, or the Clerk thereof, in the penalty thereof, Six Thousand Dollars, conditioned for the faithful performance of the trust reposed in them by this decree, or which may be reposed in them by any future order, or decree in the premises, They shall then proceed to make sale of the said Real Estate, having first given at least three weeks previous notice, inserted in some newspaper printed in Frederick County, and such other notice as they may think proper of the time, place, manner and terms of sale; which terms shall be as follows; One third of the purchase money to be paid in cash on the day of sale, or on the ratification thereof by the Court, the residue in One year after date of sale, the purchaser or purchasers giving his, her, or their notes, with approved security and bearing interest from the day of sale, or all cash at the option of the purchaser or purchasers. and as soon as may be convenient after any such sale or sales, the said Trustees shall return to this court a full and particular account of the same, with an affidavit of the truth thereof, and of the fairness of such sale or sales annexed, and on the