

made in July 1894, having been set aside by an order of this court, dated January 8-1895. The objection of the second sale were demurred to be the Assignee, and argument thereon has been heard by the Court. The demur must be overruled, and the second sale set aside for the reasons hereinafter stated. The first sale was made under a mortgage for \$1000. Louis Bretz to Otto Kamberger, In the order setting aside the first sale, the assignee was directed by the Court to "resel the said property, or as much thereof as may be necessary &c". Insted of doing this he filed his bond under another mortgage for \$6600. from said Bretz to Wms. Louisa Heck, of which he is assignee, and sold all the property at the same sale, under the powers in both mortgages, to Otto Kamberger, for \$7360. The notice of the sale was published in one advertisement, for both mortgages, to be made at the same time and place. The sale of each piece of the property was made for both mortgages, under the same offer; and at the same bid, and reported to the Court as one sale. This was improper, and not as the assignee was required to do by the order of the Court. The advertisement was regular, but the sale irregular. He should have first offered and sold enough to pay the first mortgage, interest and costs; then offered and sold the balance of the property, or as much thereof as was necessary to satisfy the second mortgage, interest and costs. He should have made separate and distinct reports of the sales under each mortgage. As the sales were made and reported to this Court, it is imposible to say what was sold to satisfy the first mortgage, or what was sold to pay the second. It is thereupon, this 25th day of June A. D. 1895, by the Circuit Court for Frederick County, as a Court of Equity, and by the authority thereof, ordered and decreed that the demurer filed in this case be, and the same is, hereby overuled, and it is further ordered and decreed, by the authority aforsaid that the sale made on the 23rd, day of March A. D. 1895 and reported to this Court on the 6th, day of April A. D. 1895, be, and the same is hereby set aside; and it is further ordered and decreed that the said assignee resell the said property, or as much thereof as may be necessary, after duly advertising the same, and that he make said sales in the manner set forth in the aforegoing opinion, and in the former order passed in this cause, for a resale of said property.

John A. Lynch
Judge of the Circuit Court.

Filed June 25th, 1895.

TRUSTEES REPORT AND ORDER NISI.

William E. Schloegel Assignee	"	No. 6273 EQUITY.
of Otto Kamberger & Louisa	"	In the Circuit Court for
Heck	"	Frederick County sitting
VS.	"	as a Court of Equity.
Louis Bretz.	"	
	"	
	"	

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To the Honorable Judges of the Circuit Court! for Frederick County in Equity!:-

The report of William E. Schloegel Trustee appointed by a decree of this Court, passed in the above entitled cause, dated the 25th day of June, 1895, to make sale of certain Real Estate therein mentioned of which property your trustee is the assignee of two mortgages on the same property from the same mortgagor, the one from Louis Bretz to Otto Kamberger for \$1000. and the other from Louis Bretz to Louisa Heck for \$6600. and that in the last named mortgage from Louis Bretz to Louisa Heck the aforsaid Otto Kamberger covenanted under seal to give Louisa Heck's Mortgage priority over his, which was duly recorded in Liber _____ Folio _____ and your trustee respectfully shows!:- That after giving bond with security for the faithful performance of his trust, and after having complied with all prerequisites, as required by law, and the said decree, and giving notice of the time, place, manner and terms of sale by advertisement (see copy annexed) inserted in The "Brunswick Herald", a weekly newspaper published in Brunswick, Frederick County, Md., for at least three successive weeks, before the day of sale, he did, pursuant to said notice, attend at the drug store on the premises at Brunswick on the 27th day of July 1895, at 1 O'Clock P.M.