

No. 9969, Equity,

And petitioner accepts to the ratification of said sales for the purpose of presenting his offer of Twenty Thousand (\$20,000) dollars, for the real estate herein mentioned
 Frank L. Stoner,
 Solicitor for Petitioner,

Petition of Charles Wertheimer
 and Courts Order, thereon,

A. Ruth Stockman, et al. o No. 9964, Equity,
 Vs, o In The circuit Court for Frederick County, in Equity,
 Olive Grove et al., o

TO THE HONORABLE JUDGES OF SAID COURT;

The Petition of Charles Wertheimer respectfully shows:-
FIRST. That on May 24th 1919, he purchased at public sale the property described in these proceedings, and in the advertisement of said sale of the farm containing 100 acres and 10 Square perches, of land, and agreed to pay therefor the sum of \$182,00 per Acre (\$18,211,37, in the aggregate.

SECOND. That your petitioner in compliance with the terms of sale, as stated in the advertisement paid the sum of \$700,00 as a deposit on account of said sale.

Third. That your petitioner attended the sale at the Court house door on May 24th, 1919, after having read the advertisement of sale, and acted in good faith in purchasing this property.

Fourth. That your petitioner relying upon the fact that he had purchased this property, having paid the sum of \$700,00 as aforesaid, on account thereof, and having signed an acknowledgement of purchase, obligating himself to pay for said farm has expended a large amount of money, in extensive plans, for the improvement of said farm among other things, consisting of a New Hog house, a new Corn House, That your petitioner, a Hundred Dollars worth of paint, has taken out Extra fire Insurance, paying the premium thereon of \$20,00 has Ordered 6 sets of Harness, which are now in process of manufacturing; has engaged Frank Grove, a Contractor, to make different improvements, cut the timber, do the Carpenter and cement work, has also arranged for the drilling of well, has had blue prints made for contemplated improvements, including a Concrete bridge, acc the little stream, on the farm and has asked for bids on an automatic water system.

Fifth; That your petitioner, in addition to the foregoing has actually taken possession, of the Farm, the lease between the Landlord and Tenant having been assigned, to him on May 26th, 1919 and your petitioner has arranged with the present tenant, to haul stone, sand and building materials, and has frequently been in Consultation with the tenant, giving him directions as to said farm.

Sixth. That On July 5th. 1919, there was filed in this case, a proposition, purporting, to be made by one Edward H. Rau whom your petitioner is informed is the brother of Dr. Rudolph M. Rau Whereby the sum of Twenty Thousand (\$20,0000 Dollars, is offered for said farm, that the said Dr. Rudolph M. Rau was present, at said sale, and had ample opportunity, to bid on said property, that said sale was extensively advertised in the Daily News, The Frederick Post, and The Valley Register, as well as by posters conspicuously exhibited,

Seventh; that said property having been sold at public sale, and ample opportunity for competition having been available, has acquired rights, under said bidding, made at the public sale, and through open competition, which rights, in Equity, and good conscience should not be disturbed by the advanced offer, now made.

Eighth; That your Petitioner, is entitled to intervene in this case, so that he may participate with the aid of Counsel in this litigation, and thereby fully protect his rights.

Wherefore Your Petitioner prays as follows;

- (1) That he may be made a party defendant, to these proceedings, with full right to attend the hearing, and through his attorney, Cross-examine Witnesses, Offer testimony in his own behalf, as well as be heard in the argument of the case.
- (2) That the Court may assign a day for a hearing of this case, with testimony to be taken orally, in open Court, subject to all legal exceptions.
- (3) That your petitioner may have all such further and Other relief as the nature of his case may require,

And as in duty, etc.,
 Leo Weinberg,
 Solicitor for Petitioner,

Courts Order,
 Upon the foregoing petition it is ordered this 14th day of July 1919, by the Circuit Court for Frederick County, in equity. That Charles Wertheimer, be, and he is, hereby made a party-defendant, to these proceedings with all rights attaching thereto, the Clerk of the Court being hereby directed to enter his name on the Docket in this cause.

It is further ordered that this case is hereby assigned for a hearing before the Court, on the 21st day of July 1919 at ten o'clock A.M, with leave to the parties, to offer testimony orally, subject to all legal exceptions, provided a copy of this order be served upon the Solicitor for the respective parties, on or before the 15th, day of July 1919,
 Hammond Urner,

Copy of Courts Order to be served,

A. Ruth Stockman, et al., o No. 9964, Equity, In the Circuit Court, for Frederick County,
 Vs, o In Equity,
 Olive Grove et al., o

to the Honorable Judges of said Court:
 The petition of Charles Wertheimer respectfully shows, &c. &c. &c. upon the foregoing Petition it is ordered this 14th day of July 1919, by the Circuit Court for Frederick County, in Equity, That Charles Wertheimer, be, and he is, hereby made a party-defendant to these proceedings with all rights attaching thereto, the Clerk of the Court being hereby directed to enter his name on the Docket in this case.

It is further Ordered, that this case is hereby assigned for a hearing before the Court, on the 21st day of July, 1919, at 10-O'clock A.M, with leave to the parties to offer testimony orally, subject to all legal exceptions, provided a Copy of this Order be served upon the solicitors of record, for the respective parties, on or before the 15th day of July 1919,
 Hammond Urner,

Filed July 14th, 1919,

True Copy Test.

1919, July 15. Courts Order served on Frank L. Stoner, & F. X. DeLauter, Solicitors, C. H. Klipp, Sheriff,

O P I N I O N

A Ruth Stockman, et al., o No. 996 Equity, in the Circuit Court, for Frederick
 vs, o County, Sitting as a Court of Equity,
 Olive Grove and Virginia
 Grove, Infants, o

o
 o

This proceeding is necessary, because two of the five heirs owning said farm mentioned in the proceedings, in the petition have not yet reached their legal Majority, and are therefore incapable, of selling and conveying their interests, in the property, the petition states the farm was contracted to be sold by the Adult heirs, on behalf of themselves, and the two infant Owners, to Mr Charles Wertheimer, for the sum of \$18,211,37, the sale was made at public auction, It was fair, in all respects, and the price at that time appeared to be adequate, But an offer has since