

promise, with sureties, to pay, which is never the equivalent of money, since a promise may not be performed, and an action on the covenant may be defended, with delay and costs to the parties interested, even if judgment be recovered, and be paid. Again, if the party can furnish a good bond, which must be equivalent to money, he can pay or procure the money to pay into Court. So, for these reasons and because of the unprecedented nature of the request here made, the Court will require to be paid into court within twelve calendar months from the 27th day of July, 1935, the day of tax sale, the following sum of money for immediate distribution by the Clerk to the following parties, that is to say, the sum of \$3935.81, which shall be paid out or retained as follows:

To Joseph H. Weller, the principal and interest of the purchase price (\$2550) of the land at tax sale with 15% interest (\$382.50) for one year, aggregating the sum of \$2932.50, as follows:

Principal and interest		\$2932.50
Check or sum now in hands of Clerk of Court on account of residue of proceeds of tax sale by Charles R. Brillhart, Collector, and to be endorsed or paid to Joseph H. Weller by said Clerk	\$1525.89	
To Joseph H. Weller out of the funds to be paid into court pursuant to this order, the sum of	<u>1406.61</u>	<u>2932.50</u>
To amount to be so paid Joseph H. Weller		\$1406.61
To amount to be paid Joseph H. Weller to reimburse him for labor and expense of making hay crop and plaining and cultivating the growing field corn	\$405.50	405.50
To amount to be paid for State and County taxes:		
1935	\$136.32	
1936	<u>103.84</u>	240.16
Costs as taxes by the Clerk		148.15
Commissions to trustee on basis of \$4000 sale		150.00
Revenue stamp		4.00
Advertising		36.50
Auditor		9.00
Auctioneer	<u>10.00</u>	597.81
To be retained by the Clerk of the Court, subject to the order of this court, as the minimum net sum of \$1525.89 in the place and stead of the land		<u>1525.89</u>
	TOTAL	<u>\$3935.81</u>

The said amount so to be paid in may be made by the assignees of judgments or by other parties in interest.

If and when said total amount is so paid into court and allocated and distributed as aforesaid, a decree will be passed for the sale of the farm mentioned in these proceedings and embracing those portions in both Carroll and Frederick counties as a sale appears to be advantageous to all the parties concerned. By this decree the trustee will be allowed the usual commissions for the sale of land in equity, but no counsel fees, since the trustee to be appointed for the sale is a solicitor, and has stated that he will expect no fee as solicitor. After the costs and expenses of the sale, commissions to trustee, and any taxes on the parcel of land in Frederick County up to and inclusive of the year 1936, are paid, the net proceeds of sale shall be distributed as follows: (first) to reimburse in whole or as much as the net proceeds may admit the party or parties in interest who had paid into court here the said sum of \$3935.81; and (second) to add the residue, if any, to said sum of \$1525.89, so that the total may be held in trust and invested under the direction of this court so as to enure in like manner as by the original devise to the use of the same parties who would be entitled to the land so sold under and by virtue of the terms of the last will and testament of George G. Lambert, late of Carroll County, deceased.