

In this cause exceptions were filed by Harry W. Barrick and wife to the sale reported by H. Kieffer DeLauter, Trustee. The only allegation in support of the exceptions is that the price is grossly inadequate.

Inadequacy of price is a strong auxiliary argument in connection with circumstances which cast doubt or suspicion upon the correctness of the sale. However, mere inadequacy of price alone is not sufficient to set aside a sale unless it is so grossly inordinate as to shock the conscience and raise the presumption of fraud, unfairness or lack of judgment on the part of the person making the sale or some misconduct or mistake for which the purchaser should be held responsible. *Backrach vs. Washington United Co-Operative*, 29 A.2d 822.

In this case there is no allegation or proof as to any fraud or any mistake. The Court feels that the explanation given by the Trustee is entirely satisfactory because (1) an effort was made to sell the farm in 1943 and his testimony is that he found, after some bids were made, that he was unable to procure signatures on an acknowledgement of purchase; and (2) all of the various formalities were gone through with again for a second sale and here again there was great difficulty in disposing of the property, and it appears obvious to the Court that Grover E. Barrick, E. Ruth Barrick, and Emma L. Barrick, have co-operated for the very purpose of selling this property for the settlement of these proceedings in order that there would be no further delay and no further expense.

The conclusion, therefore, of the Court is that even though it appears that the amount obtained for this property on February 18, 1944, was below the assessed valuation, nevertheless the Trustee had made two efforts to sell the farm and had also taken the matter up with members of the family to see if it was possible to increase the amount he obtained at the sale. It appears that he did all that might be expected of a Trustee in this Court, and consequently the Court finds it necessary to overrule the exceptions.

ORDER OF COURT

It is thereupon this 3rd day of April, in the year 1944, ORDERED by the Circuit Court for Frederick County, sitting in Equity, that the exceptions filed by Harry W. Barrick and Carrie Barrick, his wife, to the sale reported by H. Kieffer DeLauter, Trustee, be and the same are hereby overruled.

Filed April 3-1944

Edward S. Delaplaine
JUDGE.

TESTIMONY

Grover E. Barrick and Emma L. Barrick, his wife, et al,	"	No. 14, 724 Equity.
	"	In the Circuit Court
vs.	"	For Frederick County,
Harry W. Barrick and Carrie Barrick, his wife, et al.	-----"-----	In Equity.

TESTIMONY TAKEN ORALLY BEFORE THE COURT, HONORABLE EDWARD S. DELAPLAINE, APRIL 3, 1944, at 10.30 A. M.

Present: Holden S. Felton, Esq., for the Exceptants;

Richard E. Zimmerman, Esq., for the Respondents.

Grover E. Barrick and Emma L. Barrick, his wife, et al.	"	No. 14, 724 Equity
	"	In the Circuit Court
vs.	"	For Frederick County
Harry W. Barrick and Carrie Barrick, his wife, et al.	-----"-----	In Equity.

Harry W. Barrick, Exceptant, and a witness of lawful age, produced on the part of himself, having first been duly sworn, desposes and says:

Mr. Holden S. Felton:

Q. State your name?

A. Harry W. Barrick.