

said Street to the beginning, which lot of land was conveyed to Piedmont Oil Company by Henry Briggs by deed dated April 2, 1920 and recorded in R.M.C. Office for Greenville County in Deed Book Volume 63, page 430.

This Trustee further represents that said real estate is subject to certain outstanding mortgages: Lot No. 1 as above described being subject to a mortgage executed by C.H. Newton and W.E. Payne to H. Frank Smith on January 7, 1920, recorded in Mortgage Book Volume 69, page 180, on which mortgage there is a balance due of approximately Thirty Eight Hundred (\$3800.00) Dollars; That the lot described at No. 2 above is subject to a mortgage executed by Piedmont Oil Company to Henry Briggs dated April 2, 1920, recorded in Mortgage Book Volume 83, page 299, on which there is a balance due of approximately Forty-five Hundred (\$4500.00) Dollars.

This Trustee further represents that both of the above described lots of land, and the larger portion of the personal property, fixtures and equipment of said Piedmont Oil Company, bankrupt, is subject to a mortgage executed by Piedmont Oil Company to Waggoner Refining Company on July 2, 1921, recorded in Real Estate Mortgage Book 42, page 316, and Chattel Mortgage Book 42, page 148, and given to secure the sum of Thirty-six Thousand forty-five and 88/100 (\$36,045.88) Dollars, reference to which is here made. And a large portion of the fixtures, personal property and equipment of said Piedmont Oil Company, bankrupt, is subject to the terms of various other agreements and Chattel mortgages, the amounts due thereon and the identity of the property covered thereby being matters that will later have to be established by the claimants.

The Trustee respectfully submits that it would be to the best interest of the bankrupt estate that said property, both real and personal, should be sold free and discharged from the lien of any and all of said mortgages or other encumbrances, and that the liens represented by said mortgages, agreements, etc. be transferred to the fund arising from the sale of said property, according to their respective rights and legal priorities.

Wherefore, your petitioner prays that he may be empowered and authorized to make sale of all of said property belonging to the said bankrupt estate at public auction for cash, free and discharged from any encumbrances thereon.

Dated this the 29th, day of November A.D. 1922.

J.P. Abernethy.

Trustee.

The foregoing petition having been duly filed and heard, and having been consented to by all of the lien creditors, and the sale of the property having been duly authorized by a resolution of the creditors at a duly called creditors' meeting held in the office of the Referee on November 14, 1922.

It is ordered that the said Trustee be authorized and empowered to sell all of the real estate belonging to Piedmont Oil Company, bankrupt, as described and set out in the foregoing petition; likewise, all of the personal property, including fixtures, equipment, accounts, bills receivable, etc., at public auction, after due advertisement, for cash, selling all of said assets, real and personal, free and discharged from the lien of any and all encumbrances thereon, the purchaser to pay for papers and revenue stamps.

It is further ordered that the lien of any and all mortgages, or other encumbrances, be transferred to the fund derived from the sale of said property according to their respective legal rights and priorities; and the said Trustee is

Further Ordered to keep an accurate account of the property sold and the price received therefor, and if he deem it advisable he may sell the mortgaged property separately, or as he may deem to -

(Next page)

the best interest of the estate, and then sell the property as a whole, and in the event the property should sell for more as a whole than the aggregate amount of the sales in parcels, the amount bid on the respective parcels covered by mortgages shall determine the ratio of participation in the whole fund realized from the sale of the property as a whole, where the price bid at separate sale does not equal the amount due on account of the mortgage thereon.

The said Trustee shall file the account showing the property sold, the price received therefor, and to whom sold, with the Referee immediately after the sale.

Witness my hand this the 29th, day of November A.D. 1922.

E.M. Blythe

Referee in Bankruptcy.

We consent:

B.A. Morgan,
Attorney for Henry Briggs,
Bank of Commerce and H.
Frank Smith.

Haynsworth & Haynsworth,
Attorney for Waggoner
Refining Company.

Guy A. Gullick,
Attorney for W.M. Watson.

Wyatt Aiken, Jr.,
Attorney for S.F. Bowsert
& Company.

Wyatt Aiken, Jr.,
Attorney for American Oil
Pump & Tank Company.

Stephen Nettles,
Atty. for Trustee.

A true Copy.
Test- D.C. Durham,
Clerk.

Recorded January 5th, 1922.