

In re Estate of
Eleanor Eisinger

Petition of J. Myers
for decree of specific
performance

Filed May 10th 1880.
And now May 10 1880
the Court awarded a
citation against
the parties within
subscribed according
to the prayer of the
petitioner - re =
turnable on May
24. 1880 at 10 o'clock
A.M. By the court

Made out

Recorded in
book X X Page 133

Blackford Stewart

To the Honorable the Judges of the Orphans
Court of York County:

The petition of Frederick Myers of
Springgarden Township, York County
Penn^a. respectfully sheweth: That
Eleanora Einsig late of said Township
died on or about the days of
April A D 1880, intestate, and that
letters of administration of her estate
were duly granted by the Register of Wills
of said County to Herman Einsig; That
the said Eleanora Einsig dec^d, did convey
of certain real estate situate in said
Township of Springgarden, having agreed
with your petitioner in writing on the
14th day of December A D 1875, to sell
and convey the same to him his heirs
and assigns, consisting of a piece
or parcel of land bounded and des-
cribed as follows viz; All that certain
two story frame house situate on the
East side of Ridge Avenue, on a street
forty eight feet wide laid out by the
Executors of John Sleeper late of said
Township dec^d, and shown as Lot No 16
on the plat of lots laid out by said Exec-
utors, bounded on the North by property
of Leo Myers, on the South by property of
Christian Bender, on the East by a fourteen

feet wide alley, and fronting on said
Ridge Avenue, together with the appurtenances
and improvements, for which the
said Frederick Myers then agreed to pay
to the said Eleanora Eising the sum of
seven hundred dollars, in manner
following viz; fifty dollars at the date
of said agreement; \$162⁵⁰/₁₀₀ on the 1st day
of April 1877; \$162⁵⁰/₁₀₀ on April 1. 1878; \$162⁵⁰/₁₀₀
on April 1. 1879 and \$162⁵⁰/₁₀₀ on the 1st of April
1880; And upon the payment of the
moneys aforesaid, the said Eleanora
Eising agreed to make and execute to your
petitioner a good and sufficient title in fee
simple for the said premises. That in
execution of said Contract the said
Eleanora Eising delivered possession
of the said above mentioned premises
to your petitioner, who has since that time
occupied and improved the same: That
your petitioner on the day of the execution
of said agreement paid to the said Eleanora
Eising the sum of fifty dollars, and
has from time to time since the first
payment aforesaid, paid to said Eleanora
Eising various sums of money
on account of said purchase money,
which said payments at the death of

The said Eleanora Eising inclusive of said
\$50. amounted in the aggregate to the
sum of \$465., leaving yet to be paid in

on account of said purchase money,
which said payments at the death of

the said Eleonora Einsig inclusive of said
\$50. amounted in the aggregate to the
sum of \$465., leaving yet to be paid in
fulfillment of the contract of your peti-
tioner the sum of \$235. That the said
Eleonora Einsig died before the last pay-
ment under the terms of said agreement
was due, and that since her death your
petitioner has tendered to the said Herman
Einsig administrator of said deceased,
the residue of said purchase money.

That the said contract is so far execu-
ted that it would be against equity
to rescind it, and that no provision for
the performance of the said contract was
made by the deed in her life, and as
your petitioner has shown that he has
entered upon said premises, and has im-
proved the same, and has paid a large
portion of the purchase money, and has
made a tender of the entire balance
of the unpaid part of said purchase money,
and is now and at all times ready and
willing to pay the same to the administra-
tor of the said deceased, your petitioner
therefore prays your Hon. Court to award
a citation directed to the said Herman
Einsig administrator of the said deceased,
and to the heirs at law of the said Eleonora Einsig

deed, viz Hermann Einsig, David Einsig, Catharine Einsig
intermarried with ~~John~~ Myers, Theresa Einsig intermarried with
Frederick Myers, Rose Einsig intermarried with Henry White - ,
Commanding them to appear in Court and
answer this petition at a day and time to be
fixed by the Court; And if cause be not
shown to the contrary your petitioner further
prays the decree of this Court for a spe-
cific performance of said contract ac-
cording to the true intent and meaning
thereof, and that a conveyance be made
under said decree by the said admi-
nistrator of said deed out to your
petitioner of the said premises in fee
simple. And your petitioner will
ever pray &c.

Friedrich Mayer.

York County ss.

Before me personally came
the above named Frederick Myers,
who being duly sworn according to law deposes
and says that the facts stated in the above pe-
tition are true to the best of his knowledge and
belief.

Sworn to and subscribed
before me this 1st day of May 1880

Wm A Thompson
Clerk

Friedrich Mayer.

Blackston Stewart