

**SALE OF REAL ESTATE FREE FROM LIENS**  
**Act of Feb. 17, 1876, P.L. 4, No. 2**  
AN ACT

Cl. 39

To enable assignees for the benefit of creditors to make sales of real estate encumbered by liens.

WHEREAS, It frequently occurs in assignments for the benefit of creditors, where the assignor is the owner of a number of tracts of land, encumbered to such an extent that it is impossible to ascertain definitely whether a sufficient amount can be realized to discharge all the liens, whereby the titles made by the assignees are regarded as doubtful, and the assignees are thereby unable to make advantageous sales of said real estate; therefore,

Section 1. Sale of real estate free from liens

In all assignments for the benefit of creditors it shall and may be lawful for the several Courts of Common Pleas of this Commonwealth, upon application of the assignees of insolvent debtors, setting forth that the personal estate is insufficient for the payment of the debts, and the real estate encumbered with liens to such an extent as to render it difficult to determine whether the same can be sold for enough to pay all the liens as aforesaid, to grant an order, where the said court shall deem it for the manifest interest of all parties authorizing and empowering the said assignees to make public sale of such real estate, or so much thereof as shall be deemed necessary, at such place and upon such terms as the said court shall direct; of which sale notice shall be given twenty days prior thereto, by hand bills and publication in at least two newspapers in the county where said lands are situated, should two newspapers be published in said county, one of which may be german, if such be published in the county; which sale or sales, after being confirmed by said court, shall discharge all liens against the real estate so sold, excepting that where the lien of a mortgage upon real estate is or shall be prior to all other liens upon the same property, except other mortgages, ground rents, and the purchase money due the commonwealth, the lien of such mortgages shall not be destroyed or in any way affected by any sale made by virtue or authority of any sale made under the provisions of this act; and the proceeds arising therefrom shall be appropriated to liens extinguished by virtue of such sale according to their priority: Provided, before said sale is authorized the assignee or assignees shall file a bond with two approved sureties, in double the estimated value of said real estate, conditioned for a faithful appropriation of the proceeds thereof: and provided further, that the court shall require such proof of notice of such intended application to have been given to the lien creditors or their attorneys, as said court shall deem sufficient to give said lien creditors an opportunity to be heard touching said order of sale. 1876, Feb. 17, P.L. 4, Sec. 1.

Section 2. Stay of execution; extending order of sale or

awarding alias

Whenever said court shall grant an order of sale as aforesaid, said court may order a stay of execution on all liens that may be divested by such sale by the assignee, until said order shall be expended or revoked: Provided, That it shall be lawful for said court to extend any order of sale granted as aforesaid, or to award an alias or pluries order of sale. 1876, Feb. 17, P.L. 4, Sec. 2.