

IN RE NEEDHAM.

{1 Chi. Leg. News, 171.}

District Court, E. D. Missouri.

1869.

BANKRUPTCY—TRUST DEED—SALE BY CREDITOR
WITHOUT PERMISSION OF COURT.

1. A creditor of a bankrupt holding the security of a deed of trust in the nature of a mortgage with a power of sale, in a third party as trustee, must prove his debt as a creditor holding a security, and obtain the permission of the court to have the security sold. If he directed a sale without this permission, the court upon application of the assignee, will set aside the sale.
2. If the trustee sell without the authority of the court, does any title pass to the purchaser?

Decided by TREAT, District Judge.

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