

WILLIAM M. SMITH, one of the Complainants, after being duly sworn, deposes and says:

QUESTIONS BY MR. OFFUTT:

Q. State your name, age and residence.

A. My name is William M. Smith, I am 51 years of age and reside at 1413 Forrest Park Avenue, Baltimore 7, Maryland.

Q. For what period of time have you been a resident of the State of Maryland?

A. All my life.

Q. Mr. Smith, on the 24th day of February, 1959, did you or not file a Bill of Complaint in the Circuit Court for Frederick County request specific performance of a Contract with the Defendants, Roy H. Sorrells and Dorothy F. Sorrells, his wife, the Agreement being dated August 13, 1958.

A. I did.

Q. Where is the property located which you contracted with the Defendants to purchase?

A. It is located along the public road leading from Emmitsburg to Thurmont known as the Old Mechanicstown Road. It is about midway between Thurmont and Emmitsburg and is in Thurmont Election District.

Q. What is the acreage of the tract of land?

A. According to the Deed it is 11 acres and 36 square perches, more or less.

Q. In the Contract of Sale dated August 13, 1958, what is the purchase price of the real estate which you have contracted for from the Defendants.

A. \$6800.00.

Q. I show to you a Contract dated August 13, 1958 and ask if the signature written as "Buyer" is your signature?

A. Yes it is.

Q. This is the copy of the Contract which you have a copy and which was signed by and between you and the Sellers, is that right?

A. Yes it is. (Complainant offers into evidence as "Complainant's Exhibit A" Contract of Sale dated August 13, 1958 entered into by and between Roy H. Sorrells and Dorothy F. Sorrells as Owner and Seller and William M. Smith and Olivia G. Smith, as Buyer)

Q. Mr. Smith, from whom did the Sellers, Roy H. Sorrells and Dorothy F. Sorrells, his wife, acquire the real estate which you are under Contract to purchase?

A. According to the Deed recorded among the Land Records of Frederick County in Liber 479, folio 581, dated April 12, 1949, the Sorrells purchased the property from Chesapeake Conference Association of Seventh-Day Adventist, a corporation of the State of Delaware. (Copy of Deed dated April 12, 1949 and recorded in Liber 479, folio 581, one of the Land Records of Frederick County offered into evidence as "Complainant's Exhibit B")

Q. Mr. Smith, upon examining the title to the real estate in question what if anything did you discover concerning the title to said property?

A. It appears that the Chesapeake Conference Association of Seventh-Day Adventist had previously sold the property under a Contract in writing to certain people by the name of Ray P. Boggs and Zada R. Boggs, his wife, the Agreement being dated April 16, 1947 and is on record in Liber 462, folio 213, one of the Land Records of Frederick County.

Q. To your knowledge has the Agreement which you have referred to been vacated or declared to be null and void?

A. No it has not and apparently is still open on the records. (Contract of Sale dated April 16, 1947 by and between Chesapeake Conference Association of Seventh-Day Adventist