

No. 21,653 EQUITY  
In the Circuit Court for  
Frederick County, Maryland  
RICHARD E. ZIMMERMAN  
TRUSTEE, In No. 21,286 EQUITY,  
and EUGENE A. GRAY  
and IDA M. GRAY, his wife

VS.  
THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, DESCENDANTS OR SUCCESSORS IN INTEREST OF FLORENCE CARROLL DAY and GEORGE T. DAY, her husband,  
GANNIE CARROLL STEWARD and ELMER STEWARD, her husband,  
VIRGINIA CARROLL GOODE and GILES G. GOODE, her husband, and  
JAMES D. CARROLL and MARY CARROLL, his wife

**Order Of Publication**  
The object of this Bill is that the Court may take jurisdiction in the premises and enter a Decree removing the cloud upon the title of the Complainants and that the Court shall declare that the Complainants have a good and marketable fee simple title to the property described in the Bill of Complaint, and may sell or convey or otherwise deal with such property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants or successors of Florence Carroll Day and George T. Day, her husband; Gannie Carroll Steward and Elmer Steward, her husband; Virginia Carroll Goode and Giles G. Goode, her husband; and James D. Carroll and Mary Carroll, his wife.

The Bill recites that Richard E. Zimmerman, Trustee under a Deed of Trust dated November 4, 1963, and recorded among the Land Records of Frederick County in Liber 695, folio 118, from Norman L. Carroll and Evelyn L. Carroll, his wife, has been foreclosed in No. 21,286 Equity in the Circuit Court for Frederick County, thus vesting legal title to said property in the said Richard E. Zimmerman, Trustee in No. 21,286 Equity, said Equity case being prayed to be taken a part hereof, said tract of land being all that lot or parcel of land situate, lying and being in Urbana Election District, Frederick County, Maryland, and being more particularly described as part of Lot No. Nine (9) of the second part of a tract of land called "New Bremen" and consisting of 17 acres and 15 square perches of land, more or less, excepting and reserving therefrom all that real estate containing 1.63 acres more or less, which was conveyed by Norman L. Carroll and Evelyn L. Carroll, his wife, to Eugene A. Gray and Ida M. Gray, his wife, by deed dated November 4, 1963, and recorded in Liber 692, folio 686, one of the Land Records of Frederick County.

That said tract and parcel of real estate which is the subject of these proceedings was acquired by Norman L. Carroll and Evelyn L. Carroll, his wife, from Ruth G. Zimmerman, widow, by deed dated November 27, 1962, and recorded in Liber 677, folio 549, one of the aforesaid Land Records, said deed being filed herewith and marked Plaintiffs' "Exhibit 1" and prayed to be taken as a part hereof; said tract or parcel of real estate having been conveyed unto Ruth G. Zimmerman, widow, by Addie Mary Carroll, widow, et al, by deed dated December 27, 1962, and recorded in Liber 677, folio 544, one of the aforesaid Land Records, said deed being filed herewith and marked Plaintiffs' "Exhibit 2" and prayed to be taken as a part hereof; the said Addie M. Carroll, widow, et al, having acquired said real estate as the only heirs at law of John E. Carroll, the said John E. Carroll having acquired said property by deed from Florence Carroll Day, et al, dated June 1, 1943, and recorded in Liber 439, folio 12, one of the aforesaid Land Records, said deed being filed herewith and marked

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Plaintiffs' "Exhibit 3" and prayed to be taken as a part hereof.  
That Eugene A. Gray and Ida M. Gray, his wife, are the owners of the aforesaid tract of land containing 1.63 acres, more or less, which was conveyed by Norman L. Carroll, and Evelyn L. Carroll, his wife, by deed dated November 4, 1963, and recorded in Liber 692, folio 686, as aforesaid, said deed being filed herewith and marked Plaintiffs' "Exhibit 4" and prayed to be taken as a part hereof.

That a question has been raised as to whether your Complainants, Richard E. Zimmerman, Trustee, and Eugene A. Gray and Ida M. Gray, his wife, have a good and marketable title to the said parcels of land, due to the fact that Exhibit 3, being the deed from Florence Carroll Day, et al, to John E. Carroll aforesaid, contains in the "To have and to hold" clause the following language, "To have and to hold, the above released land and premises unto and to the use of the party of the second part, his heirs and assigns, forever, AND unto and to the use of and in trust for their heirs and assigns of the grantors hereof and each of them forever."; whereas, said deed in the "granting" clause states, "...have granted, released, and forever quit — claimed and do hereby grant and forever release and quit-claim unto the party of the second part...". Thus the above-quoted parts of said deed seem to be in conflict.

That your Complainants and their attorneys have made reasonable efforts to ascertain the heirs, devisees, personal representatives, descendants or successors in interest of those parties named herein as Defendants, and have been unable to discover them.

That the above matter constitutes a cloud upon the title of your Complainants, and although your Complainants claim to hold a valid fee simple title, the same cannot be established of record without the removal of the aforesaid cloud upon the title of your Complainants; that your Complainants have no adequate remedy at law.

It is thereupon this 24th day of May, 1967, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ORDERED that the Complainants, by causing a copy of this Order to be inserted in some newspaper published in said Frederick County, once a week in each of four successive weeks, the last of such publications to be made not less than thirty (30) days from the 25th day of July, 1967, give notice to the unknown heirs, devisees, personal representatives, descendants or successors of Florence Carroll Day and George T. Day, her husband; Gannie Carroll Steward and Elmer Steward, her husband; Virginia Carroll Goode and Giles G. Goode, her husband; and James D. Carroll and Mary Carroll, his wife, whether residents of non-residents, of the object and substance of this Bill, warning them to appear in this Court in person or by solicitor, on or before the 25th day of July, 1967, next, to show cause, if any they have, why a Decree ought not be passed as prayed.

PATRICK M. SCHNAUFFER  
Judge  
WALLACE E. HUTTON  
RALPH L. GASTLEY, JR.  
Solicitors for Complainants  
True Copy—Test  
Ellis C. Wachter, Clerk  
Frederick, Maryland  
Filed May 24, 1967

# CERTIFICATE OF PUBLICATION

From THE NEWS-POST

Frederick, Md. NO. 21,653 EQUITY

Frederick, Md. July 25, 1967.

This is to certify, That the annexed Notice  
was published in The Frederick Post  
a newspaper published in Frederick County, once a week for  
four (4) successive weeks, the last of such publications  
being made not less than 30 days prior to the twenty fifth  
day of July, 1967.

THE NEWS-POST

Per Geo. B. DeLaPlaine  
Geo. B. DeLaPlaine

Filed September 5, 1967