

And on the east side the boundaries were established in the center by Tom's Creek Road and the Grimes Road.

Q And no recorded deeds exist as/<sup>far</sup>as the Dern property?

A No deed distribution, no.

Q I would like to submit the plat prepared by Mr. Hershey as Plaintiff's Exhibit 4 and I say No. 4 because there are three other exhibits previously entered.

Court: You better offer those too. Okay.

Q They were offered before and. . . . .

Court: This is to this prior testimony. All right, mark it as Plaintiff's Exhibit 4. Do I understand you, Mr. Hershey, there is no deed conveying this acreage to the Derns that you have been able to find?

A No deed distribution.

Court: There are no deeds at all.

Q No, there are not.

Court: Just by occupancy have they maintained it.

Q This is why this has been such a problem. This was land given to Carrie Dern for life-estate by the Will of John Close who died in 1893. John Close got the lot off the property from his father, Jess Close who died approximately in the 1860's. Now, there are not deeds to the lot of Carrie Dern. There are very few recorded deeds to John Close and they didn't come up with anything like that.

Court: How about Jess Close?

Q As I say there are very few deeds. Some are not recorded and some are recorded. Of course, there was a time interval and there was no adequate distribution and this was established by the survey and deed distribution of adjoining properties.

Court: Plus the fence line.

Q And boundaries and so forth.

Court: All right, you may continue.

Q Mr. Hershey, I show you another plat and ask you if you will describe this?

A This is known as Tract 2 of the Carrie Dern estate, located in Emmitsburg District, Frederick County, Maryland. However, it is adjacent