

FIFTH: Answering the Fifth Paragraph of said Bill of Complaint, your Respondents say that the said deed bearing date on the 7th day of October, in the year 1905, has been a matter of public record among the Land Records of Frederick County for more than fifty years prior to the death of the said J. Bernard Welty. Your Respondents have no knowledge of what the Complainants may or may not have known regarding the said deed; your Respondents charge that the said Complainants are charged with knowledge of the said deed whether or not they or any of them actually knew of it. Your Respondents deny that the Complainants have any interest in the said two properties as the heirs of Marie Celeste Welty.

SIXTH: Answering the Sixth Paragraph of said Bill of Complaint, your Respondents say that the said J. Bernard Welty, by his will aforesaid, duly probated in the Orphans' Court of Frederick County, did devise the aforesaid farm property to your Respondent, Tyson J. Welty, and the aforesaid town property to Ethel Welty Gelwicks. And your Respondents further say that such will is not void and of no effect. Your Respondents further say that the heirs of the said Marie Celeste Welty have no interest in the said property. Your Respondents further say that the deed of October 7, 1905 is not a nullity and is not a void attempt to create a joint estate in the said real estate as hereinabove set out. Your Respondents say that the said deed of October 7, 1905 was intended to and did constitute the said M. Celeste Welty and J. Bernard Welty, her husband, as joint tenants with right of survivorship of the property described in the said deed.

SEVENTH: Answering the Seventh Paragraph of the said Bill of Complaint, your Respondents say that the Respondent Tyson J. Welty is in possession of the farm devised to him by his uncle, J. Bernard Welty, and that Ethel Welty Gelwicks is in possession of the houses in Emmitsburg devised to her by her said uncle, and your Respondent Tyson J. Welty asserts and claims a full and undivided fee simple title to the farm, and he believes that the said Ethel Welty Gelwicks asserts a full and undivided fee simple title to the town property in Emmitsburg.