DELLA LIDAY
Thurmont, Maryland
&
CHARLES D. WALTER, JR.
Thurmont, Maryland
COMPLAINTANTS
vs.
DR. W. ZENTZ, MARY V. ZENTZ, HIS WIFE, AND THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, DESCENDANTS OR SUCCESSORS IN INTEREST OF DR. W. ZENTZ & MARY V. ZENTZ, HIS WIFE.
No. 22,166 Equity
In The Circuit Court for Frederick Countu, Maryland

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 Dr. W. Zentz and Mary V. Zentz, his wife, and the unknown heirs, devisees, personal representatives, descendants or successors in interest of Dr. W. Zentz and Mary V. Zentz, his wife.

The Bill recites that the Complainants are the owners, in fee simple, of two tracts or parcels of real estate, situate, lying, and being in the town of Thurmont, Frederick County, Maryland, said tracts or parcels of land being part of the following described real estate — Parcel I: all that parcel of land situate, lying, and being on the south side of East Main Street, Thurmont, Maryland, beginning at a stone planted at the end of the first line of Lot #30 and running thence south 71½° East 60' to a stone planted thence with a straight line to the beginning; Parcel 2: all that lot or parcel of land situate, lying, and being on the south side of Main Street, Thurmont, Maryland, being contiguous to Parcel 1 and more particularly described as beginning at a corner of an alley that divides the lots of Joseph Kuhn and Henry Rouzer and running thence with said alley south 86½° west 165' thence north 4° east 33' thence north 14° east 56.1' thence south 70° east 166.6' to the same alley thence with it to the place of beginning which was conveyed by a deed from Joseph W. Sefton and Hattie L. Sefton, his wife, unto Dr. W. Zentz, dated February 21, 1898, and recorded in Liber DHH 1, folio 304, one of the Land Records of Frederick County, Maryland; that the above described Parcels 1 and 2 were conveyed by a deed from Dr. W. Zentz and Mary V. Zentz, his wife, unto Elmer E. Black dated March 29, 1905, and recorded in Liber 280, folio 365, one of the aforesaid Land Records; that the above described Parcels 1 and 2 were reconveyed by a deed from Elmer E. Black unto Dr. W. Zentz and Mary V. Zentz, his wife, dated March 29, 1905, and recorded in Liber 280, folio 366, one of the aforesaid Land Records; that part of the above described Parcel 2 being more particularly described as follows — beginning at a corner described in a deed from Dr. W. Zentz and Mary V. Zentz, his wife, to Charles D. Walter, Sr., said corner being on the south side of said lot running thence north 20° east 43' thence south 70° east 47.6' thence south 20° west 22.6' thence south 86½° west 51' to the place of beginning — was conveyed by a deed from Dr. W. Zentz and Mary V. Zentz, his wife, to Ella C. Martin, dated March 31, 1909, and recorded in Liber 287, folio 294, one of the afore said Land Records; that Charles D. Walter, Sr., in his Last Will and Testatment recorded in Liber SDT 2, folio 81, in one of the Will Records of Frederick County, Maryland, did devise and bequeath to his wife, Della Walter, all his real estate and personal property; that the above described Parcel 1 and part of Parcel 2 were conveyed by a deed from Della Liday, formerly Della Walter, wife of Charles D. Walter, Sr., unto Charles D. Walter, Jr., dated August 6, 1960, and recorded in Liber 641, folio 169, one of the aforesaid Land Records, reserving unto herself the right to convey, sell, mortgage, lease or otherwise dispose of the said property; the said deed makes reference to the unrecorded deed from Dr. W. Zentz and wife, to Charles D. Walter, Sr.; that the above described real estate was assessed, according to the Assessments records of Frederick County, Maryland from 1898 to 1910 to Dr. W. Zentz, from 1910 to 1918 to Charles D. Walter, Sr., from 1918 to 1960 to Mrs. Charles D. Walter, and from 1960 to date to Charles D. Walter, Jr.; that the aforesaid real estate has been claimed by Charles D. Walter, Sr., Della Liday, formerly Della Walter, and Charles D. Walter, Jr., actually, openly, hostiley, notoriously, exclusively, under claim of title and ownership without fragment of rent, continuously and uninterruptedly for the last 48 years and they have paid taxes for the same 48 years on the same; that a question has arisen as to whether the Complainants have a good and marketable title to said premises by reason of the fact of the unrecorded deed conveyed unto Charles D. Walter, Sr.; that the Complainants have made a diligent effort to ascertain the status of said property and have also made a diligent effort to determine who the proper parties of interest are in this action to quiet title to the above-described premises, but they have been unable to ascertain any such information, or to discover any formal conveyance of said property through this period of time; that the absence of formal instruments of conveyance or devise in the chain of title to this property constitutes a cloud upon the title of the Complainant, and although the Complainant claims 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 the Complainant.

It is thereupon this 26th day of September, 1968, by the Circuit Court for Frederick County, Maryland, 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 days before the 3rd day of December, 1968, give notice to Dr. W. Zentz and Mary V. Zentz, his wife, and the unknown heirs, devisees, personal representatives, descendants or successors of Dr. W. Zentz and Mary V. Zentz, his wife, whether resident or 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 3rd day of December, 1968, next, to show cause, if any they have, why a Decree ought not to be passed as prayed.

Robert E. Clapp, Jr., Judge
William R. Leckemby, Jr.
Solicitor
Frederick, Maryland
Filed September 26, 1968
TRUE COPY TEST:
Ellis C. Wachter, Clerk

10-4-5t-(1)

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No. 22,166 Equity
Exhibit

The Valley Register Office

Middletown, Md. November 1, 1968

I hereby certify that the annexed Order Of Publication

Della Liday &Walter Vs.Dr.&Mary Zentz. was published in The Valley Register, a newspaper published in Frederick County, Md., for 4 successive weeks, 5 times, months prior to the 30 Days ~~day of~~ Before the 3rd of December.

THE VALLEY REGISTER

Filed December 4, 1968

Per [illegible]
[illegible]