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CERTIFICATE OF PUBLICATION

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Frederick, Md. May 24, 1973.

This is to certify, That the annexed Order of Publication 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 fourth day of May, 1973.

THE NEWS-POST

Per Geo. B. Delaplaine
Geo B. Delaplaine

Filed January [illegible], 1975

NOTICES

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND
NO 24,272 EQUITY

LACE, INC., a Maryland Corporation, 26323 Ridge Road, Damascus, Maryland 20750, Plaintiff vs the unknown heirs, devisees, personal representatives, descendants or successors in interest of George W. Cutsail, deceased, Sarah Cutsail, deceased, Catherine Watkins, deceased, and Antonia C. Housen, deceased, addresses unknown, Defendants.

ORDER OF PUBLICATION

This is to give notice that on the 18th day of April, 1973, a Bill of Complaint was filed in the Circuit Court for Frederick County, Maryland, by the Plaintiff against the Defendants.

The Bill of Complaint alleges in substance that as of December 10, 1969, the Petitioner was the owner in fee simple of all those two (2) pieces or parcels of land situate, lying and being in the New Market Election District, Frederick County, Maryland, and being more particularly described as follows.

PARCEL NO. 1: All that piece or parcel of land situate, lying and being in the New Market Election District, Frederick County, Maryland, and being more particularly described as follows. BEGINNING for the same at the end of 86 perches on the seventeenth line of a tract of land called the "Range" and running with said line, correcting the bearing to N. 35° E. 35 perches to the end of said line, thence N. 82° E. 24½ perches to the end of 60 perches on the 1st line of "Nonsuch," then with said land S. 39° E. 58 perches to a stone, N. 50° E. 60 perches to a stone at the end of the last line in a deed from Mary Sane to John Ross, then by and with the closing line thereof, then S. 23° W. 80 perches, then by a straight line to the place of beginning, containing thirty-one (31) acres of land, more or less, BEING part of the real estate described by corrected metes and bounds description in a Confirmatory Deed from John C. Stup and L. Olive Stup, his wife, to Lace, Inc., dated December 10, 1969 and recorded in Liber 823, folio 741, one of the Land Records of Frederick County, Maryland, said real estate containing 117.601 acres of land, more or less, as surveyed by John D. Menes, Registered Land Surveyor, Frederick County, Maryland.

PARCEL NO. 2: All that piece or parcel of land situate, lying and being in the New Market Election District, Frederick County, Maryland, and being more particularly described as follows. BEGINNING at the end of the 4th line of a deed from John E. Grimes and Sarah J. Grimes, his wife, to George W. Cutsail, and running South twenty-four deg West thirty perches, North Seventy and a half deg West, One Hundred and three perches, to James H Lawson line then with said Lawson's line North twenty five deg east, thirty five and a quarter perches to the end of the 2nd line in said Cutsail's deed, thence with the lines of said deed, South sixty two and a half deg east twenty three perches, South fifty eight deg East eighty and one half perches to the beginning, containing twenty one (21) acres of ground, more or less, BEING part of the real estate described in the aforesaid Confirmatory Deed from John C. Stup and L. Olive Stup, his wife.

The subsequent to December 10, 1969, the Petitioner has subdivided the 117.601 acres, more or less, tract of land and has conveyed title to various tracts within said subdivision, all of which said conveyances are a matter of public record, that it is not necessary in this proceeding to join the subsequent grantees of the Petitioner of subdivided tracts of land within the tract described herein, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Mattie M. Jameson and John C. Jameson, her husband, unto John C. Stup and L. Olive Stup, his wife, dated April 18, 1942, and recorded in Liber 436, folio 14, one of the aforesaid Land Records, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Fannie C. Burdette and Ira Lonsdale Burdette, her husband, unto Mattie M. Jameson, dated August 16, 1941, and recorded in Liber 430, folio 207, one of the aforesaid Land Records, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Virginia B. Brandenburg and Arnold Brandenburg, her husband, unto Fannie C. Burdette and Ira Lonsdale Burdette, her husband, dated April 18, 1941, and recorded in Liber 430, folio 206, one of the aforesaid Land Records, said Deed reciting that Fannie C. Burdette and Virginia B. Brandenburg are the only surviving heirs (daughters) of one Etta Cutsail, who died intestate seized and possessed of the above described real estate, the Inventory of Real Estate of the said Etta Cutsail being recorded in Liber R.L.L. 1, folio 18, one of the record books in the office of the Register of Wills for Frederick County, Maryland, that Parcel 1 is all and the same real estate described in a Deed from Alvie Cochell Cutsail and Wilda Myrtle Cutsail, his wife, Lucy May Davidson and Edwin Marcellous Davidson, her husband, and Edith Virginia Schoppert and Leon Herbert Schoppert, her husband, unto George H. Cutsail and Etta M. Cutsail, dated August 12, 1911, and recorded in Liber 350, folio 53, one of the aforesaid Land Records, said Deed reciting a grant of "three shares in, or three-fifths of a tract of land containing thirty-one acres of ground, more or less' . . . "The three shares hereby conveyed containing 18 acres, 2 roods and 16 square perches of land, more or less", and further reciting that "This thirty-one acres of land being the same piece or parcel of ground conveyed to Sarah Cutsail by John F. Burke in a deed of conveyance dated August 9, 1881, and recorded in Liber A.F. No. 4, folio 494" one of the aforesaid Land Records, that Parcel 1 is apparently a part of the real estate described in the Will of George W. Cutsail of Montgomery County, Maryland, who passed away on December 4, 1910, his Last Will and Testament dated April 8, 1904, being recorded in Liber A.M.P. 1, folio 461, one of the record books in the office of the Register of Wills for Frederick County, Maryland, said Will reciting the heirs of George W. Cutsail to be Sarah Elizabeth Cutsail (wife) George H. Cutsail (son), Edith V. Cutsail (daughter), and Fannie C. Cutsail (granddaughter, daughter of son, George H. Cutsail), and stating in pertinent part as follows:

"2. I give, devise and bequeath to my beloved wife, SARAH ELIZABETH CUTSAIL and her heirs, in lieu of her dower, if she should so elect, my two houses and lots situated in Browningsville Montgomery County, Maryland, and known as lots number 2 and 3. Also all my household goods, beds and bedding, furniture, etc. which shall at my death be in or about my house.

3. I give and devise to my son, GEORGE H. CUTSAIL, during his natural life, my twenty acres of land situated in Frederick County, Maryland, and adjoining the farm on which I now reside. It is my will that should my said son find it profitable to him at any time, to sell the said twenty acres of land and reinvest the proceeds in real property elsewhere, he is at liberty to do so. I make the following charge upon this property this twenty acres of land, to pay my funeral expenses, whatever it may be. At the death of my said son, all property hereby devised to him I give unto his daughter, FANNIE C. CUTSAIL, and her heirs. Should she not be living at that time, I direct that this property be divided among his other children equally.

4. It is my will, and I hereby so express it that my said son, ALVIA C. CUTSAIL and my daughter EDITH V. CUTSAIL be each excluded from a share in my estate.

5. I direct my executor to sell all the remainder of my personal and real estate wherever situated which I may possess at the time of my death not herein before effectually disposed of, and pay the proceeds of such sale together with all money and securities for money which shall be in my possession at the time of my death, to my said wife," that Parcel 1 is believed to be all and the same real estate described in a Deed from John F. Burke to Sarah Cutsail, wife of George W. Cutsail, dated August 9, 1881; and recorded in Liber A.F. 4, folio 494, one of the Land Records of Frederick County, Maryland, said Deed describing the tract of land conveyed as being parts of tracts of land known as "Henry and Elizabeth Enlarged" and "New Purchase", and describing same by metes and bounds as containing 31 acres of land, more or less, that Parcel 1 may be all and the same real estate devised by Will of one Sarah E. Cutsail of Browningsville, Montgomery County, Maryland, who passed away on May 24, 1927, said Will being dated June 16, 1926, and recorded in Liber P.E.W. 9, folio 333, one of the Will Records of Montgomery County, Maryland, said Will devising all real estate unto Catherine M. Watkins, sister of Sarah E. Cutsail, that by virtue of the foregoing, a question has been raised as to whether the Petitioner has a good and marketable title to said Parcel 1, by reason of the fact that there appears to be: (a) a gap between the fee simple owner of Parcel 1 in 1881 (Sarah Cutsail), and the fee simple owners in 1911, as reflected in the Deed from Alvie C. Cutsail, et ux., Lucy May Davidson, et vir, and Edith Virginia Schoppert, et vir, conveying a 3/5 interest in Parcel 1 to George H. Cutsail and Etta M. Cutsail, (b) a possible duplicate conveyance of the same tract by the Grantors (Alvie C. Cutsail, et al.) and the 1927 Will of Sarah E. Cutsail devising all realty unto Catherine M. Watkins, and (c) an outstanding 1/5 interest in Parcel 1 by virtue of the Alvie Cochell Cutsail Deed which conveys only a 3/5 interest to George H. Cutsail, who was theoretically entitled to at least 1/5 by virtue of the Will of his father, George W. Cutsail, leaving outstanding and unaccounted for a 1/5 interest, that Parcel 2 is a part of the real estate described and conveyed in a Deed from Mollie W. Gladhill, widow, to John C. Stup and L. Olive Stup, his wife, dated March 4, 1946, and recorded in Liber 452, folio 351, one of the Land Records of Frederick County, Maryland, said Deed reciting as conveying, inter alia, the real estate conveyed in a Deed "from George Housen and wife", dated March 25, 1940, and recorded in Liber 423, folio 268, one of the aforesaid Land Records, that Parcel 2 is all and the same real estate described and conveyed in a Deed from George Housen and Florence Housen, his sister, dated March 25, 1940, and recorded in Liber 423, folio 268, one of the aforesaid Land Records, said Deed reciting that the Grantors inherited one-half interest in said land from their brother, Charles L. Housen, who died in April, 1931; that Parcel 2 is all and the same real estate described and conveyed in a Deed from Carl Purdum and Virgie Purdum, his wife, unto Mollie W. Gladhill, dated February 12, 1941, and recorded in Liber 428, folio 378, one of the aforesaid Land Records; that Parcel 2 is all and the same real estate described and conveyed in a Deed from William Watkins and Helen Watkins, his wife, unto Mollie W. Gladhill, dated February 8, 1941, and recorded in Liber 428, folio 375, one of the aforesaid Land Records, that Parcel 2 is all and the same real estate described and conveyed in a Deed from Laura D. Day, widow, et al., unto Franklin S. Gladhill and Mollie Gladhill, his wife, dated February 26, 1940, and recorded in Liber 428, folio 369, one of the aforesaid Land Records, said Deed reciting that Charles L. Housen died intestate on April 11, 1931, leaving surviving him his widow, Antonia C. Housen, a brother, George Housen, and a sister, Florence Housen, as his heirs at law, further, that it was the intention of the conveyance to grant unto the grantees all of the "undivided right, title, interest and estate, both at law and in Equity" of the heirs of the said Antonia C. Housen, who died on February 22, 1940, seized and possessed of a one-half undivided interest in Parcel 2, and further, that said Deed was signed by 102 apparent heirs, that Parcel 2 is all and the same real estate described and conveyed in a Deed from John E. Grimes and Sarah J. Grimes, his wife, unto Charles L. Housen, dated August 9, 1898, and recorded in Liber W.I.P. 6, folio 748, one of the aforesaid Land Records, that by virtue of the foregoing, a question has been raised as to whether the Petitioner has a good and marketable title to said Parcel 2, by reason of the fact that the land and court records do not disclose any administration of the Estate of Antonia C. Housen, further, the Deed from Carl Purdum and Virgie Purdum, his wife, and the Deed from William Watkins and Helen Watkins, his wife, are made apparently because they are additional heirs of Antonia C. Housen not set forth on the Laura D. Day, widow, et al., Deed, even though this Deed purports to convey the interest of "the heirs at law of the said Antonia C. Housen", thus, no definitive conclusion may be drawn that all interested parties conveyed their interest in said Parcel 2 to Franklin S. Gladhill and Mollie Gladhill, his wife, in the Laura D. Day, widow, et al., Deed, that the Petitioner and its predecessors in interest have been in actual, exclusive, adverse and peaceable possession of the tracts of land which are the subject matter of this proceeding, namely, Parcel 1 and Parcel 2, continuously under claim of right and color of title more than 20 years prior to the filing of the Bill of Complaint, that the Petitioner believes and therefore avers that there is a cloud upon the title to its property and that the same can not be established of record without removal of the aforesaid clouds, and further, that the Petitioner has no adequate remedy at law.

The relief prayed in the Bill of Complaint is substantially as follows:

That this Honorable Court may take jurisdiction of the premises and enter a Decree quieting title to the real estate mentioned and described in the Bill of Complaint and remove the cloud from the title thereof, and that this Court shall declare that the Petitioner has a good and marketable fee simple title to the property mentioned in the Bill of Complaint and may sell, convey or otherwise deal with said property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants or successors in interest of the persons mentioned in this Bill of Complaint.

It is thereupon this 18th day of April, 1973, by the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity, and by the authority thereof, ORDERED, that the Petitioner cause a copy of this Order to be inserted in some newspaper published in Frederick County once a week in each of four (4) successive weeks, the last of such publications to be made not less than thirty (30) days before the 24th day of May, 1973, giving notice to the unknown heirs, devisees, personal representatives, descendants or successors in interest of George W. Cutsail, deceased, Sarah Cutsail, deceased, Catherine Watkins, deceased, and Antonia D Housen, deceased, whether residents or non residents of the object and substance of this Bill of Complaint and warning them to appear in this Court, in person or by Solicitor, on or before the 25th day of June, 1973, next, to show cause, if any there may be, why a Decree ought not be passed as prayed.

Robert E. Clapp, Jr.
JUDGE

W. JEROME OFFUTT and SIDNEY L. BLOOM
Solicitors for Complainant
22 West Second Street
Frederick, Maryland 21701
301-662-4248

Filed April 18, 1973
TRUE COPY TEST
ELLIS C. WACHTER
CLERK