

suggestion of the said John D. Leatherman, the case was removed to the Circuit Court for Howard County for trial before a jury. That at the trial of this case on December 3, 1969, the said Mary K. Long contended that the said second will, dated June 10, 1967, was not the genuine last will and testament of Orestes F. Leatherman and the jury returned a verdict in her favor, all as will more fully appear in the aforesaid Orphans' Court proceedings. That at no time during the trial of the Orphans' Court proceedings did the said John D. Leatherman assert ownership of the "Levi-Leatherman" farm under the deed dated March 17, 1947, and recorded on January 30, 1968, in Liber 779, folio 50, in the Land Records of Frederick County, Maryland. That thereafter, the said last will and testament of the said Orestes F. Leatherman, dated August 12, 1964 (Exhibit C) was duly admitted for probate in the Orphans' Court for Frederick County, Maryland.

11. That in these proceedings (No. 22,121 Equity) the said John D. Leatherman contended that he acquired title to the said "Levi-Leatherman" farm by a deed from Orestes F. Leatherman and Norma Leatherman, dated March 17, 1947. That the crux of his case is more clearly set forth in his brief filed in the Court of Appeals of Maryland in Statement of The Facts, where it stated at page 7 as follows:

"Thus, in the spring of 1947 John Daniel returned to live at the Levi Leatherman farm, and on his birthday, March 17, 1947, his mother, in the presence of Orestes, handed him a signed deed purporting to convey the Levi Leatherman farm to him. The deed appeared to have been signed genuinely and he believed it to have been so signed, by his mother and father as grantors (E.68-69). Relying on the deed, and acting in accordance with the agreement with his parents, John Daniel farmed and lived at the Levi Leatherman farm, helped at his father's farm and generally treated the Levi Leatherman farm as his own until the present controversy arose. Through those years John Daniel paid no rent on the Levi farm (E.110), paid all the taxes on the farm (E-110-113 and Def. Ex. 1A-10J), made and paid for all repairs and capital improvements on the