

barbed wire fences but the significance of these locations is, at best, ambiguous. (See case cited.)

It has been said that in order to establish adverse possession of unenclosed timberland, evidence of the cutting and hauling of timber therefrom is not of itself sufficient, because such acts might be nothing more than successive trespasses. (See cases cited.)

The same is true as to evidence of digging and selling sand. (See case cited.) It was there said that

'To work an ouster, the acts must be such as indicate to the world a claim of right to the land -- acts of exclusive and continuous possession, open and notorious . . . ' [Id. at 19]. In Goen v. Sansbury, 219 Md. 289 [297, 149 A.2d 17, 22 (1959)]; the law was quoted that 'the holder of the older and better title has constructive possession of all of his land; and the holder of the junior and inferior title that overlaps it must, if he is to acquire good title, enter upon and actually hold adversely and continuously for the requisite period the actual boundary claimed by the older and better title . . . ' '[O]ne who enters upon the land of another, though under color of title, gives no notice to that other of any claim, except to the extent of his actual occupancy.' [Id. at 294, 149 A.2d at 20]. (Underscoring supplied.) Furthermore, a mere statement of ownership, absent actual physical possession, is inadequate to constitute adverse possession. (See case cited.) (Emphasis supplied.)

The defendants' case for adverse possession in the instant case fails to meet the standard specified in Horning and therefore must fail.

  
PEYTON PAUL PHILLIPS  
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CERTIFICATION OF SERVICE

I HEREBY CERTIFY, that on this 26st day of September, 1977, a copy of the foregoing motion for summary judgment, notice to defendant and statement of points and authorities was mailed, postage prepaid, to Murray H. Fout, Esquire, 20 North Court Street, Frederick, Maryland, 21701 and W. Milnor Roberts, Esquire, 15 North Court Street, Frederick, Maryland, 21701.

  
PEYTON PAUL PHILLIPS

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