

BILL OF COMPLAINT FOR RELEASE OF MORTGAGES

TO THE HONORABLE COURT:

Letitia B. Staley, Complainant herein, by Ian Rubinstein, says:

1. That by deed dated January 21, 1901, and recorded in Liber D H H 7, Folio 641 among the Land Records of Frederick County, Maryland, Sarah Ann Culler, executrix of John Jacob Culler, did convey in fee simple to Joshua E. B. Zimmerman, Complainant's predecessor in title, all that piece or parcel of land situate, lying and being about five miles southwest of Frederick, Maryland, in the Ballenger Election District, Frederick County, Maryland containing 121 acres of land more or less.

2. By Mortgage dated April 27, 1904, and recorded in Liber 266, Folio 598 among the aforesaid Land Records, the aforesaid Joshua E. B. Zimmerman and Maggie R. Zimmerman, his wife, did grant and convey a mortgage on the aforesaid parcel of land to Peter H. Bussard. The aforesaid Mortgage is attached hereto as Exhibit 1 and by this reference is incorporated herein.

a. The aforesaid mortgage secured an indebtedness of Sixteen Hundred and Twenty Five Dollars (\$1625), upon a note dated February 1, 1904, and payable to Peter H. Bussard 12 months after date.

b. By virtue of an Order of the Orphan's Court for Frederick County the Executors of Peter H. Bussard did transfer and assign the foregoing mortgage to Daniel L. Bussard, by assignment dated December 12, 1905, appearing in the Land Records at the end of the aforesaid mortgage.

c. The indebtedness secured by the aforesaid mortgage was paid, but record of payment has been lost through the years and the mortgage has not been released of record in the aforesaid Land Records.

d. Under § 14-108 of the Real Property Article of the Maryland Annotated Code, Complainant has the right to remove the aforesaid cloud upon her title to the aforesaid parcel of land by bringing a suit in Equity.

e. Under § 7-106 (c)(i) of the aforementioned Real Property Article, Complainant is entitled to the presumption that this unreleased mortgage has been paid because more than 20 years have elapsed since the last payment date called for in the instrument.

3. By virtue of a decree of the Circuit Court for Frederick County, passed in the case of Margaret R. Zimmerman, et al. vs. Howard D. Zimmerman, et al. being No. 13072 on the Equity Docket of said Court, H. Kieffer Delauter, William M. Storm, Holder S. Felton and Samuel A. Lewis, as court appointed trustees, did sell and convey the foregoing parcel of land, by deed dated January 7, 1936 and recorded in Liber 401, folio 199 among the aforesaid Land Records, to Maude M. Fraley and Harry P. Fraley, her husband.