

WILLIAM J. ARMSTRONG, et al.	*	NO. 26,693 EQUITY
PLAINTIFFS	*	IN THE CIRCUIT COURT
v.	*	FOR FREDERICK COUNTY
MAYOR AND TOWN COUNCIL OF NEW MARKET, et al.	*	MARYLAND
DEFENDANTS	*	

* * * * *

MOTION FOR SUMMARY JUDGMENT

Intervenors move for summary judgment on the ground that there is no genuine dispute between the parties as to any material fact, and that the intervenors are entitled to judgment as a matter of law.


 PEYTON PAUL PHILLIPS,
 Attorney for Intervenors

Take notice that this motion may be heard by the Court any time after January 15, 1977, in accordance with Maryland Rule 610.

STATEMENT OF POINTS AND AUTHORITIES

I

Title to Lot No. 85

In the instant case, the plaintiffs allege, in essence, that they own Lot No. 85 in the Town of New Market and that because such lot abuts Federal Street and North Alley, they own to the center of said streets. Plaintiffs seek such auxiliary ownership of the street beds because the building on Lot No. 85 encroaches upon the rights of way of Federal Street and North Alley. The basis upon which the ownership of the street beds is claimed is the common law and Art. 21, Sec. 107 of the Annotated Code of Maryland, which plaintiffs assert grants ownership of street beds

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