

WILLIAM J. ARMSTRONG, et al.

Complainants

vs.

MAYOR AND TOWN COUNCIL OF
NEW MARKET, et al.

Respondents

NO. 26,693 EQUITY

IN THE CIRCUIT COURT

FOR FREDERICK COUNTY,

MARYLAND

* * * * *

INTERVENORS' SUPPLEMENTAL STATEMENT
OF POINTS AND AUTHORITIES

Intervenors have previously recited their position and supporting authorities in their statement of points and authorities filed with their Motion for Summary Judgment. It is felt that respondents' memorandum of law will adequately review the law relative to the issue of ownership of public streets and in order not to duplicate efforts and belabor such matters, intervenors in this memorandum will address only the highlights involved.

Title to Lot No. 85

Complainants' bill of complaint indicated that they do not own Lot No. 85. By their failure to respond to the request for admissions of fact, they have agreed that they do not own said real property. Maryland Rule 421 (b) (2). And by Complainants' affidavit and exhibits belatedly filed in opposition to the Motion for Summary Judgment, they have established that, ^{they have} at most, only a leasehold interest in the subject property. Thus, by Complainants' own pleadings and omissions, it is established that they do not possess fee simple title to Lot No. 85. For such reasons, Complainants' ownership claim to Federal Street and North Alley incident to their fee simple ownership of Lot No. 85 must fail.

Title to Federal Street and North Alley

The documents and affidavit filed with intervenors' Motion