

CERTIFICATE OF PUBLICATION

From THE NEWS-POST

Frederick, Md.

90-2 8, 850 E

Frederick, Md. April 20, 1979.

This is to certify that the annexed Notice
..... was published in Post.

a newspaper published in Frederick County on the following
dates: Mar. 23, 30, April 6, 13, 20.....

THE NEWS-POST

Filed
April 23, 1979

Per *J. Hylan*
J. Hylan

PUBLIC NOTICES

ence W. Shankle and Daisy S. Shankle, his wife, by deed dated March 17, 1943 and recorded in Liber 438, folio 166.

That Lots 138 and part of Lot 137 adjoin Lot 139 and that all of said parcels form one parcel of land claimed by the said Clarence W. Shankle and his successors in title, as more particularly delineated on the plat of Lewistown recorded in Land Record Book J. S. 1 at folio 524.

That record title to Lots 138 and part of 137 described above has been published prior to the deed from Shankle to Bowers in Liber 454, folio 525, except that record title to Lot 138 was held by a Susan C. Schaeffer, by virtue of a deed dated September 10, 1888 and recorded in Liber W. I. P. 6, folio 679.

That the said Susan C. Schaeffer did not divest herself by deed of the said Lot 138, nor has there been any record found of her devise of same, nor her death intestate holding same, nor any other record indicating her divestiture of same.

That no record has been found of the death of one Eugene B. Holt, predecessor in title to Clarence W. Shankle and Daisy S. Shankle, who reserved a life estate in subject premises, although your Plaintiffs believe and aver that said Eugene B. Holt is long deceased.

That by virtue of the foregoing, a question has been raised as to whether Plaintiffs have a good and marketable title to the property described in Paragraph First, by virtue of the fact that there appears to be (a) no existing record title for the part of Lot 137 mentioned after its subdivision by Daniel Fundenberg in 1815; (b) a gap in record title for Lot 138 between the title of Susan C. Schaeffer and the title of Clarence W. Shankle, et ux.; (c) a possible outstanding life estate interest of Eugene B. Holt, for whom no record of death has been found.

That Plaintiffs and their predecessors in interest have been in actual, exclusive, adverse and peaceable possession of the tracts of land which are the subject of this proceeding, namely, the property described in Paragraph First, continuously under claim of right and color of title more than twenty (20) years prior to the filing of the Bill of Complaint.

That Plaintiffs believe and therefore aver that there is a cloud upon the title to their property and that title thereto cannot be established of record without removal of the aforesaid cloud; and further, that your Plaintiffs have no remedy at law.

The relief prayed in the Bill of Complaint is substantial as follows.

That the Honorable Court may take jurisdiction of the premises and enter a Decree quieting title to the real estate mentioned and described in the Bill of Complaint and remove the cloud from the title thereof.

That the Court shall declare that Plaintiffs have a good and marketable fee simple title to the property mentioned in the Bill of Complaint and may sell, convey or otherwise dispose of said property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants or successors in interest of the persons mentioned in this Bill of Complaint.

It is thereupon this 19th day of March, 1979, by the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity, and by the authority thereof.

ORDERED, that the Plaintiffs cause a copy of this Order to be inserted in some newspaper published in Frederick County once a week in each of

wife, Route 1, Box 77, Power Road, Thurmont, Maryland 21788

Plaintiffs

vs.

DANIEL FUNDENBERG, address unknown

and

SUSAN C. SCHAEFFER, address unknown

and

EUGENE B. HOLT, address unknown

their and each of their unknown heirs, devisees, personal representatives, descendants or successors in interest addresses unknown

Defendants

ORDER OF PUBLICATION

This is to give notice that on the 19th day of March, 1979, a Bill of Complaint to Quiet Title was filed in the Circuit Court for Frederick County, Maryland, by the Plaintiffs against the Defendants.

The Bill of Complaint alleges in substance that Plaintiffs are the owners in fee simple of those parcels of land designated as Lots 139, 138, and the Eastern ten-foot strip of the Eastern portion of Lot No. 137, making the frontage on the North side of the public road leading from the Town of Lewistown to Mountindale, 130 feet more or less; and Lots 140 and 141 and a twenty-one foot strip of land on the Eastern side of Lot 142, making the frontage on the Southern side of the aforesaid public road 141 feet, more or less, as shown on a plan of Lewistown, recorded among the Land Records of Frederick County, Maryland in Liber J. S. 1 at folio 524, further being all and the same property conveyed to John Robert Bowers and Dorothy Bowers by Keefer D. Bowers by deed dated April 12, 1967 and recorded in Liber 764, folio 82, among the Land Records of Frederick County, Maryland.

That said parcels of land are the same property conveyed by Holden S. Felton, Assignee of Mortgage, et al. to Keefer D. Bowers, dated April 3, 1964 and recorded in Liber 701, folio 395.

That said parcels of land are the same property conveyed by Wilbert L. Bowers, widower, et al., to John Richard Bowers, John Robert Bowers and Dorothy Bowers, his wife, in a deed dated September 22, 1961 and recorded in Liber 659, folio 11.

That said parcels of land are the same property conveyed by Clarence W. Shankle and Daisy S. Shankle, his wife, to Wilbert L. Bowers, Sherman P. Bowers, Keefer D. Bowers and Earle W. Bowers, by deed dated May 29, 1946 and recorded in Liber 454, folio 525.

That Lots 139, 140, 141 and part of 142 as described hereinabove were conveyed by Eugene B. Holt, widower, to Clarence W. Shankle and Daisy S. Shankle, his wife, by deed dated March 17, 1943 and recorded in Liber 438, folio 166.

cribed in Paragraph First, continuously under claim of right and color of title more than twenty (20) years prior to the filing of the Bill of Complaint.

That Plaintiffs believe and therefore aver that there is a cloud upon the title to their property and that title thereto cannot be established of record without removal of the aforesaid cloud; and further, that your Plaintiffs have no remedy at law.

The relief prayed in the Bill of Complaint is substantial as follows.

That the Honorable Court may take jurisdiction of the premises and enter a Decree quieting title to the real estate mentioned and described in the Bill of Complaint and remove the cloud from the title thereof.

That the Court shall declare that Plaintiffs have a good and marketable fee simple title to the property mentioned in the Bill of Complaint and may sell, convey or otherwise dispose of said property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants or successors in interest of the persons mentioned in this Bill of Complaint.

It is thereupon this 19th day of March, 1979, by the Circuit Court for Frederick County, Maryland, sitting as a Court of Equity, and by the authority thereof.

ORDERED, that the Plaintiffs cause a copy of this Order to be inserted in some newspaper published in Frederick County once a week in each of four (4) successive weeks, the last of such publications to be made not less than thirty (30) days before the 23rd day of May, 1979, giving notice to Daniel Fundenberg, Susan C. Schaeffer and Eugene B. Holt, or their unknown heirs, devisees, personal representatives, descendants or successors in interest whether residents or non-residents, of the object and substance of the Bill of Complaint, and warning them to appear in the Court, in person or by attorney, on or before the 23rd day of May, 1979, next to show cause, if any there be, why a Decree ought not be passed as prayed.

/s/Samuel W. Barrick
JUDGE, Circuit Court
for Frederick County,
Maryland

ELIZABETH M. TRIPP
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Mount Airy, Maryland 21771
301-831-5808
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Filed March 19, 1979
TRUE COPY TEST:
Charles C. Keller
Clerk
March 23, 30
April 6, 13, 20

Equity No. 28,850
IN THE
CIRCUIT COURT FOR
FREDERICK COUNTY,
MARYLAND

JOHN ROBERT BOWERS,
Route 1, Box 77, Power Road,
Thurmont, Maryland 21788

and
DOROTHY BOWERS, his
wife, Route 1, Box 77, Power
Road, Thurmont, Maryland
21788

Plaintiffs

vs.

DANIEL FUNDENBERG, address unknown

and

SUSAN C. SCHAEFFER, address unknown

and

EUGENE B. HOLT, address unknown
their and each of their unknown heirs, devisees, personal representatives, descendants or successors in interest addresses unknown

Defendants

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