

proportion to their interests. Plaintiff failed and refused to cooperate until the Orphans' Court ordered her to do so in November, 1982. Even then Defendant paid the entire appraisal fee, taking back a note for Plaintiff's two-thirds. Despite many discussions, Counsel have been unable to agree upon price, broker, terms and conditions of sale. Plaintiff has gone beyond the order of the Orphans' Court to insist that Defendant submit to a sale of its interest at public auction if a private sale is not concluded within ninety days. Defendant's refusal to agree to submit its interest to sale at public auction led to the filing of this action.

(g) On at least four occasions since August 10, 1982 Defendant, by Counsel, requested Plaintiff to forward her share of the 1982-83 and later, the 1983-84 real estate tax, which she failed and refused to do, causing the property to be sold at tax sale in November, 1983. Defendant is advised that Plaintiff subsequently redeemed the property by paying the back taxes plus interest and costs of sale, and has reimbursed Plaintiff for Defendant's share of the taxes. Defendant is not obliged to contribute to interest and costs totally attributable to the conduct of Plaintiff.

*Matthew A. Kane*

MATTHEW A. KANE  
Attorney for Defendant  
4720 Montgomery Lane  
Bethesda, Maryland 20814  
(301) 986-8687

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Answer of Defendant was mailed, postage prepaid, this 17 day of February, 1984 to Joseph G. Harrison, Jr., Attorney for Plaintiff, 3509 Coastal Highway, Ocean City, Maryland 21842.

*Matthew A. Kane*

MATTHEW A. KANE

*Filed Feb. 21, 1984 (3)*