

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

JOHN RENN, JR., ET AL

PLAINTIFFS

VS.

CASE NO. 2106 E

EWING PROPERTIES LIMITED PARTNERSHIP, ET AL

DEFENDANTS

* * * * *

ANSWER TO MOTION TO DISMISS

Now comes John Renn, Jr., et al, Plaintiffs, by Charles B. Frey and Rosenstock, Burgee & Welty, P.A., their attorneys, in Answer to the Motion to Dismiss filed by the Potomac Edison Company, Defendant, and hereby states the following:

1. That as a result of the pleadings filed in this matter, including the original Complaint and the Motion to Dismiss filed by the Defendant, the Potomac Edison Company, there appears no dispute between these parties with regard to the fee simple ownership of the thirty foot (30') strip of land described more particularly in the original Complaint.

WHEREFORE, Plaintiffs request the following relief as to the Defendant, the Potomac Edison Company:

A. That pursuant to the provisions of Rule 2-322(b), that the Defendant's Motion to Dismiss be treated as a Motion for Summary Judgment, and disposed of in accordance with Rule 2-501.

B. That the Court enter judgment or in the alternative, pass an Order, specifying that as between the Plaintiffs and the Defendant, the Potomac Edison Company, there is no dispute regarding the fact that the interests of the Defendant, the