# No. 5031. Equity.

Answer.

The joint and separate answer of Samuel Frey and Sophia Frey, his wife, to the bill of complaint of Philip Kuhn Jr. and others filed against these respondents and others in the Circuit Court for Frederick County sitting as a Court of Equity.

These respondents for answer say,

1 That as to the allegations in the first paragraph of said bill these respondents say they admit that Mary Kuhn died intestate about the year 1870. but deny that she died seized and possessed of the tract of land described in said paragraph.

2. That as to the allegations in the second paragraph of said bill these respondents say they admit that Philip Kuhn Sr. the husband of said Mary Kuhn died intestate about December A.D. 1884. but deny that he died seized and possessed of the tracts of land described in said paragraph or either of them.

3. These respondents further answering say that said Mary Kuhn and said Philip Kuhn her husband by their deed bearing date the 28th day of August A.D. 1846. a copy of which is filed herewith marked Exhibit "A" conveyed all their interest in the real Estate described in Plaintiffs Exhibit No 1. known as a part of a tract of land called "Long Race" to Jonathan D. English in trust as will appear by said deed and the said Jonathan D. English for a good and valuable Consideration on the 25 day of October A.D. 1854. transferred all his interest in said real Estate to the respondent Sophia Frey who is now the equitable owner thereof as will appear by such transfer filed herewith marked Exhibit "B".

4 That said Philip Kuhn and Mary Kuhn has purchased said tract of land known as part of "Long Race" from Adam Tussing and were in possession thereof before the Execution of said deed of trust to Jonathan D. English but had not obtained a deed therefore. and after the Execution of said deed to said English, said Adam Tussing executed a Deed for said property to said Mary Kuhn, in the name of "Mary Tussing" and delivered the same to said Philip Kuhn, but the same was never considered of value by said Philip Kuhn or Mary Kuhn, and they nor either of them, never had the same recorded.

5. That after the death of said Philip Kuhn in December A.D. 1884 one of these respondents Samuel Frey, to whom said deed had been given by said Philip Kuhn in his life time. brought the same to Frederick and had it recorded in the office of the Clerk of the Circuit Court for Frederick County, and which was done without the knowledge or consent of the respondent Sophia Frey - And the Plaintiff Exhibit No. 1. is a Certified Copy of the deed which said Samuel Frey thus procured to be recorded. -

6th That said Philip Kuhn before his death became largely indebted to these respondents. by reason of their having furnished him board, Clothing and valuable services, and paid moneys for him in paying his taxes and other Expenses. and the said Philip Kuhn on the 13th day of November A.D. 1884 by his deed