

6. That during the continuance of the infirmity of the said Oratrix, and during her imbecility and incapacity as aforesaid, she was induced through fraud, deceit and misrepresentation to change said interest bearing deposit in the name of said Mary L. Stem to the joint credit of the said Mary L. Stem and Edgar H. Harbaugh, now held by the said The Thurmont Bank since April 6, 1931, to the credit of the said Mary L. Stem and Edgar H. Harbaugh, jointly.

7. That the aforesaid Mary L. Stem, being illiterate and feeble of mind, unable to read and write, it was necessary for her to make her signature by her mark on said deed with a witness thereto, while the said Harvey O. Stem, being illiterate and feeble of mind, and lacking in understanding, also unable to read, was able to sign his name to the aforesaid deed, and that all transactions had in connection with said interest bearing deposit was in like manner made by mark on the part of the aforesaid Mary L. Stem.

8. That a great fraud, wrong and injury and financial damage has been practiced upon the aforesaid Mary L. Stem and Harvey O. Stem, because of their bodily ailments and mental infirmity, and further because that neither of the aforesaid plaintiffs had any one to protect or advise them as to the meaning of the signing of the aforesaid deed and the changing of said interest bearing deposit.

9. That the said pretended deed, unless set aside and annulled by a Court of Equity, and said interest bearing deposit of money be changed to its original position in said The Thurmont Bank, will deprive your Oratrix and Orator of all of their rights and interests, of every sort, to which they are entitled under and by virtue of said pretended deed and said interest bearing deposit, said accumulation of \$700.00 having been gathered together covering a long period of years to be used in the case of the death of either of said parties as a fund to pay doctor bills and funeral expenses and provide a decent burial.

10. That the said pretended deed is wholly without legal consideration, is fraudulent and void and should be set aside by a Court of Equity, and that said said pretended deposit of money was changed through fraud and misrepresentation, and is null and void and should be changed as herein set forth.

TO THE END, THEREFORE,

1. That the said pretended deed or instrument of writing purporting to have been made and executed on the 6th day of April, 1931, by the said Mary L. Stem and Harvey O. Stem to the said Edgar H. Harbaugh and Henson W. Harbaugh, may be annulled and set aside by the decree of this Court.

2. That the said pretended deposit of interest bearing money deposited in The Thurmont Bank in the names of the said Mary L. Stem and Edgar H. Harbaugh, jointly, be changed and set aside and placed in its original condition in the name of the said Mary L. Stem, as aforesaid, by the decree of this Court.

3. That your Orator and Oratrix may have such other and further relief as their case may require.

MAY IT PLEASE YOUR HONORS to grant unto your Oratrix and Orator a writ of subpoena directed to the said aforesaid Edgar H. Harbaugh and Henson W. Harbaugh, adults, residing near Sabillasville, Frederick County, Maryland, directing them and each of them to be and appear in this Court on some certain day to be named therein and answer the premises and abide by and perform such orders and decrees as may be passed therein.

And as in duty bound, etc.

Reno S. Harp
Solicitor for Plaintiffs.

(Filed August 25, 1931)

EXHIBIT "A"

At the request of Edgar H. Harbaugh et al., the following Deed is received for record and recorded May 11, 1931 at 2:10 o'clock P.M.

Test: Eli G. Haugh, Clerk.