there anything said in the letter about the bank account. While he is not a direct beneficiary under the deed, he was evidently acting in the interest of the beneficiaries. His marked activity in bringing about the execution of these instruments, in the absence of any opportunity being afforded these aged people for independent advice, his uncontradicted declarations to Lester Birely, that he had turned the bank book over to some one and was not going to have anythingmore to do with it and that he was going to wash his hands clear of the whole transaction, are to be condiered in connection with all the other circumstances attending the transactions, such as, the mental and physical condition of the donors, their age and situation at the time they executed the instruments, as facts relevant to the inquiry as to whether their acts were induced by fraud and undue influence.

Tracey vs. Tracey, 160 Md. 306.

Applying to the evidence in this case the well defined principles of equity as laid down in a long list of cases in this State, from the Colgate D. Owens case, 1 Bland, 392, to the Tracey case in 160 Md. just cited, I must find that the plaintiffs are entitled to the relief prayed in this case.

It is thereupon this 14 day of July, in the year 1932, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the deed in the proceedings mentioned, purporting to have been made and executed on the 6th day of April, in the year 1931, by Mary L. Stem and Harvey H. Stem, to Edgar H. Harbaugh and Henson W. Harbaugh, recorded in Liber 378, folios 419, etc., one of the land records of Frederick County, and the record thereof, be and they are hereby set aside and declared to be utterly null and void to all intents and purposes whatsoever; and it is further adjudged, ordered and decreed that the order mentioned in these proceedings signed by Mary L. Stem on the 6th day of April, 1931, by virtue of which said order, interest account No. 196 in the name of Mary L. Stem in the Thurmont National Bank, of Thurmont, Maryland, was changed on May 12, 1931, to the joint ownership of herself and Edgar H. Harbaugh, payable to the order of either or the survivor, be, and it is, hereby set aside and declared null and void to all intents and purposes whatsoever; and it is further ordered that the defendants pay the costs of this suit.

Arthur D. Willard

(Filed July 14, 1932)

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Ex

PETITION AND REPORT OF SALES.

EDWARD S. DELAPLAINE, ASSIGNEE OF EDGAR C. WARRENFELTZ, MORTGAGEE OF JOHN M. KINNAMAN AND SARAH E, KINNAMAN, HIS WIFE,	:	NO. 12050 EQUITY.
	:	In the Circuit Court for
	:	Frederick County,
On	:	
	:	Sitting in Equity.
Petition.	:	

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TO THE HONORABLE THE JUDGES OF SAID COURT:

The Petition and Report of Sales of Edward S. Delaplaine, Assignee of Edgar C. Warrenfeltz, Mortgagee, respectfully represents unto your Honorable Court:

FIRST:

That on the fourth day of April, in the year 1925, John M. Kinnaman and Sarah E. Kinnaman, his wife, executed their deed of mortgage conveying certain real estate therein described, and situated in Frederick County, Maryland, unto Edgar C. Warrenfeltz, of said County and State, to secure the payment of a promissory note for the sum of Four Hundred ($400.00) Dollars, of even date therewith, and payable to the order of the said Edgar C. Warrenfeltz, six months after date, with interest from date, a certified copy of the said