

Coblentz, That the said John D. Keller stated unto your Complainant that he had had the deed made in his favor for the reason that at that time he owed certain sums to the Valley Savings Bank of Middletown, Frederick County, Maryland, and the Central Trust Company of Maryland, in Frederick, as evidenced by notes given to said financial institutions signed by himself and his wife, Mollie B. Keller; that it was his wish and desire that your Complainant, Emory L. Coblentz, should hold title to the property which the said John D. Keller had acquired from the Middletown Improvement Association, and upon which he had built his home largely from money borrowed from the above institutions, upon the express trust that in the event he, the said John D. Keller paid and liquidated the obligations to the Valley Savings Bank, and the Central Trust Company of Maryland which he then owed, or which he might subsequently incur on obligations executed by himself and wife, as well as notes given to either of the above institutions which might be personally endorsed for him by your said Complainant, then the said property was to be conveyed to the said John D. Keller, or his nominee, by your Complainant. The said John D. Keller further stated that in the event the obligations above referred to were not paid by him by the time of his death, the property hereinbefore mentioned was to be sold by your Complainant and the proceeds therefrom applied to the payment of obligations hereinbefore enumerated. That at the time of the death of the said John D. Keller there were due, owing and unpaid certain obligations contemplated by said trust, as set out in the declaration of trust which is duly executed by your Complainant, and filed herewith, marked Exhibit A.

5. That at the request of the said John D. Keller, your Complainant placed said deed, unrecorded, in his safe deposit box, and having no occasion to refer to said deed from the date of its delivery, said deed remained undisturbed in said safe deposit box according to the knowledge, information and belief of your Complainant.

6. That shortly after the death of the said John D. Keller, which occurred on or about September 1, 1931, as aforesaid, your Complainant had occasion to make a search for said deed in order that the same be used in connection with settling the affairs of the said John D. Keller. That although a diligent and careful search was made in the safe deposit box of your Petitioner for said deed, your Complainant was unable to discover or locate said paper, and, therefore, your Complainant avers and charges that said deed has become lost or mislaid.

7. That your Petitioner reported the facts and circumstances surrounding the loss of the deed hereinbefore referred to, to the officers of the Middletown Improvement Association of Frederick County, Maryland, who were cognizant of the circumstances surrounding the execution of the original deed, and at the request of your Complainant the said Middletown Improvement Association of Frederick County, Maryland, have executed, acknowledged, and delivered unto your said Complainant a duplicate of the original deed hereinbefore referred to.

8. That the deed hereinbefore referred to has been duly recorded among the Land Records of Frederick County, in Liber , Folio , a certified copy of which is filed herewith and marked Exhibit "B".

9. That your Complainant is advised, believes and so charges that under the circumstances and conditions hereinbefore set forth, the said John D. Keller created an express trust as is evidenced by the deed hereinbefore referred to, a certified copy of which is filed herewith and marked Exhibit "B", and the declaration of the trust filed herein, marked Exhibit "A", and that while the said John D. Keller departed this life as aforesaid, being indebted to other individuals and institutions, including obligations to your Complainant personally in the amount of \$1,100.00, it was the express understanding and condition of said trust that the real estate mentioned and described in Exhibit "B" should be held for the benefit