

Q Were there any other conversations with Mr. Coblentz when the deed was mentioned, that is, the nature of the deed?

A Any other conversation?

Q Any later conversation?

A After my father's death.

Q I mean after your father's death?

A Naturally.

Q Looking towards the sale or cleaning up?

A Yes.

Q That is about all you know about it?

A That's all I know.

NO CROSS EXAMINATION.

(It is admitted by and between Counsel for the respective parties that Percy Keller paid the taxes and the insurance on the property in question, and that the insurance was in his father, John D. Keller's, name.)

(Filed June 30, 1933)

OPINION AND DECREE.

Emory L. Coblentz	:	No. 12,587 Equity.
	:	
vs.	:	In the Circuit Court for Frederick
	:	
Mollie B. Keller, widow, et al.	:	County, In Equity.

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This case coming on to be heard testimony was taken orally before the Court, and argument of Counsel for the respective parties having been heard, the case was submitted to and considered by the Court. The evidence discloses that the deed, a certified copy of which is marked Exhibit B and filed in this cause, purports to be a copy, excepting the dates, of a lost unrecorded deed made by the same grantor to the same grantee, the original deed having been made to the grantee at the request of John D. Keller, the purchaser of the property described therein and the one entitled to have the property deeded to him as the absolute owner thereof, but who, according to the testimony of the officers of the grantor, requested that the deed be made to Emory L. Coblentz, which was done and the deed delivered to Keller. Keller later delivered the deed to Coblentz who lost it. A number of years later and on the 15th day of August, 1932, twelve days after the date of the deed Exhibit B, the grantee signed a written declaration of trust, filed in this cause, setting out the alleged terms and conditions upon which the original deed was delivered to and held by him as stated by Keller.

I am of the opinion that the declaration of trust by Emory L. Coblentz, the alleged trustee, dated August 15, 1932, and filed with the petition in this cause, is a sufficient compliance with the statute of frauds.

Maccubbin vs. Cromwell's Executors, 7 G. & J. 112;

Golding vs. Gaither, 113 Md. 187.

I am further of the opinion that the other creditors of John D. Keller who are not mentioned in said declaration, as well as the heirs of John D. Keller, should have an opportunity to assert any rights they might have in and to said property.

It is thereupon this 2nd day of August, 1933, by the Circuit Court for Frederick County, in Equity, ordered that this Court does hereby assume jurisdiction of the trust set out in said declaration of trust dated August 15, 1932 and filed in these proceedings, reserving, however, unto all the creditors of John D. Keller, whether mentioned in said declaration of trust or not so mentioned, and also to the heirs of John D. Keller, the same