

BOLLINGER, BRADLEY D. HALLEY AND THOMAS J. HALLEY.

THIRTEENTH: That all of the persons entitled to the residue of the Estate of the said ELLEN C. CASTLE ARE Plaintiffs hereto, except FRANK P. HALLEY, mentioned in the Last Will and Testament, aforesaid.

FOURTEENTH: That, as aforesaid, the paper writing bearing date March 4, 1927, was always within the control and subject to the authority of the said ELLEN C. CASTLE, who never regarded it as an irrevocable deed, and never intended it to take effect in her lifetime, in view of the facts hereinbefore mentioned, and because of the further fact, as the Plaintiffs are advised and so aver, that the said ELLEN C. CASTLE, recognizing that she was still the owner of the property, and that the title had never passed from her, was negotiating for the sale of the property in her lifetime, and even after the date of the paper writing, March 4, 1927.

FIFTEENTH: That the said ELLEN C. CASTLE never released dominion and control over the paper writing, of March 4, 1927 but the same was always in her private box, to which she alone had access, subject always to her disposition, and never was intended to and neither did it operate during her lifetime, so that the said paper writing is not a deed, never having been delivered in her lifetime, and never having passed out of her possession.

SIXTEENTH: That, consequently, the Plaintiffs are advised and so charge that the said paper writing, bearing date March 4, 1927, is invalid and non-effective as a deed, it being destitute of the essential element to its validity, that is to say, delivery, and is also nugatory because of the other facts and circumstances hereinbefore mentioned, and of the further evidence which will be adduced at the hearing, relevant and pertinent to this issue.

WHEREFORE, the Plaintiffs pray for the following relief:

(1) That the paper writing, bearing date March 4, 1927, and purporting to be a deed, a certified copy of which is filed herewith as Exhibit No. 2, be declared null and void.

(2) That the property be sold, and the proceeds be distributed among the parties entitled thereto, according to their respective interests.

(3) That the rights of the Plaintiffs be fully declared and enforced in the premises.

(4) That the Plaintiffs have all such further and other relief as the nature of their case may require.

And the Plaintiffs pray for the following process:

That a Writ of Subpoena be issued, in the usual form, for the purpose of summoning into Court the Defendant, ALVERTA T. MURPHY, who resides at No. 237 North Market Street, Frederick, Maryland.

And as in duty, etc.,

Leo Weinberg

Benjamin B. Rosenstock
ATTORNEY FOR PLAINTIFFS.

(Filed September 18, 1929)

EXHIBIT NO. 1

I, Ellen C. Castle, of Frederick County, State of Maryland, being of sound and disposing mind, memory and understanding, do make, ordain and publish this my last Will and testament in manner and form following, to-wit:

After payment of all my just debts and funeral expenses, I give and bequeath to my sister Mrs. Alverta T. Murphy, now residing with me, the sum of Twenty-five Hundred Dollars. The collateral inheritance tax on said bequeath to be paid from the residue of my estate.

If my sister should pre-decease me then this bequest shall become part of the residue of my estate.

I give and bequeath to my sister, Mrs. Alverta T. Murphy all my furniture, clothing and jewelry.

If my sister should pre-decease me then this bequest shall become part of the residue of my estate.