

Petition and Court's Order served upon Alban M. Wood, Atty., on July 19, 1939 and a copy left with him.

Guy Anders,
Sheriff K

Sheriff's Fee .95

Filed July 19, 1939.

Answer of F. Loraine Simpson
To The Petition of Alban M.
Wood, Trustee.

Helen Norris Flagg and Joseph D. Flagg, her husband	"	No. 13,883 Equity
	"	In the Circuit Court
vs.	"	For Frederick County
Josie Windsor Simpson and F. Loraine Simpson, her husband, et al.	"	In Equity.
	"	

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TO THE HONORABLE JUDGES OF SAID COURT:

The Answer of F. Loraine Simpson, one of the Defendants, to the Petition of Alban M. Wood, co-trustee in the above entitled cause, filed herein July 19, 1939.

This Respondent, showing cause, says:

FIRST: That he admits the allegations of the first paragraph of said Petition.

SECOND: That he denies he destroyed a fence around the barnyard because, as he says, as a matter of fact there was no fence around the barnyard, there was part of a fence which was rotting away and which would not turn the stock and this Defendant, without any intention to depreciate the value of the property, and with no ulterior purpose, but to give the property a better appearance, removed a few panels of fence that stood remaining, and which, if left there, would have greatly detracted from the appearance of the farm.

THIRD: That this Defendant denies that any damage was done to the farm or any depreciation caused by his act, which was very far indeed from his thought, purpose or intention, since it would be against his own interest to destroy or damage the property or depreciate the value, since he owns four and one-half shares, while his wife, another one of the Defendants, owns another share, thus he has under his control five and one-half shares, so that it would greatly be to his detriment to damage the property in any way; that the removal of the part of the fence that had greatly deteriorated was, this Respondent believes and so avers, accomplished prior to April 20, 1939, the date of the decree in this cause.

FOURTH: That this Respondent is advised and so avers that even if there had been a fence of value, properly constructed, and in first-class condition around the barnyard, and even if this Defendant had destroyed it, this is no reason for delaying the sale of the farm, which should have long since been advertised, but which action was postponed without any reason or justification by said Petitioner, Alban M. Wood, one of the co-trustees.

FIFTH: That this Respondent denies the allegations contained in the third, fourth and fifth paragraphs of said Petition.

WHEREFORE, this Respondent prays that said Petition may be dismissed and the said trustees ordered to proceed with the same of the farm under the decree of this Court passed April 20, 1939, in accordance with the law in such cases made and provided.

And as in duty bound, etc.

Leo Weinberg
Attorney for Respondent.

Filed July 26, 1939.