

22 MAR 1967

the purported ratification of said sale made by the said Court on the 20th day of March, 1963, to refuse to ratify the said sale, and to order the said Executors to return the deposit of One Thousand Dollars (\$1,000.00) as mentioned in the agreement of sale, less the portion of expenses of the said survey to be charged to your Petitioners. That the said Petition has not been finally acted upon by the said Orphans' Court of Frederick County pending an effort by the Executors to establish the northern line of the property contracted to be conveyed.

FIFTH: Answering the Fifth Paragraph of said Petition, your Respondents admit that a survey, a copy of which marked Exhibit B, and title search was had and made, and that complaint was immediately made to the Petitioners through their attorney that the house on the premises extended into the bed of U. S. Route No. 40-A. And your Respondents say that on the said Exhibit B the surveyor has called attention to the Maryland State Roads Commission Plats Nos. 8937 and 8938 as affecting this property.

SIXTH: Answering the Sixth Paragraph of said Petition, your Respondents say that they have no knowledge as to the reason the Maryland State Roads Commission recorded Plats Nos. 8937 and 8938, photostatic copies of which are herewith filed and marked Defendants' Exhibit No. 8937 and No. 8938, which said plats contain more information than shown on said Exhibit B. Your Respondents are not advised that any plans of the said Commission were abandoned. Your Respondents believe that Grace R. B. Summers never deeded, and the State Roads Commission never condemned any part of the property shown on the said plats. And your Respondents say that the said plats plainly show the "right-of-way line and existing right-of-way line" on the south side of the said road. And your Respondents say that the said plats are still of record in the Land Records of Frederick County and constitute a claim by the State Roads Commission of Maryland that the existing right-of-way line passes through the said dwelling on the property contracted to be conveyed, and that the Petitioners do not have a good and marketable title thereto.

SEVENTH: Your Respondents admit the allegations of the Seventh Paragraph of the said Petition.