

- A. I found no complete description of the final three and a fraction acres which is covered by the contract. The property was originally described as twenty and a half acres until the Summers family began ceding off parcels, many of which were on the north side of the road and I think the only south side of the road deed out is to John Arthur Summers, who is the other Executor and son.
- Q. What is that deed - can you give me the reference to that deed?
- A. It is recorded in Liber 510, Folio 8 on November 26, 1952.
- Q. Where did they place the north line of the land sold to Mr. John Arthur Summers?
- A. I think that was just along the road, too.
- Q. So then you can find in the land records of Frederick County no description of the north line of this tract of land which you are selling to Dr. White?
- A. No, I could not.
- Q. You couldn't find it.
- A. Twenty and a half acres extended on both sides of the road and went on up and included part of the new road to Hagerstown which was deeded by the Summers family to the State Roads Commission.
- Q. Do you have your bill and the exhibits you filed. The Contract - Exhibit A, filed with the bill contains the language "if a survey be considered desirable by the parties", etc. etc. Did the buyers inform you that they considered a survey advisable?
- A. They did through their distinguished attorney.
- Q. And as a result of that Mr. Sutcliffe and Associates made a survey which was filed as Exhibit B with your bill.
- A. That is correct.
- Q. And the survey which Mr. Sutcliffe made shows the right of way of the road running through the house?
- A. That's correct. Mr. Sutcliffe's survey shows the State Roads Commission plat as they filed it among the land records at the last time of the widening of the Braddock Road and it should be noted in that connection Mrs. Summers has on record no deed to the State Roads Commission granting anything to them as shown on these plats and the State Roads Commission in an effort to be cooperative has given to us and it is filed as an exhibit to the bill a deed quit claiming any rights which they might have in any land which they sought to acquire as evidenced by those plats.