No. 21,221 Equity
In The Circuit Court
for
Frederick County, Maryland
In Equity

Bessie C Remsberg and
Ira S. Remsberg, her husband,
R.D , Jefferson, Maryland,
Renice L Brubaker, divorced,
116 West 4th Street, Frederick,
Maryland;
Harold I Brubaker, unmarried,
Jefferson, Maryland,
Harold I Brubaker, Trustee of
Viola Nancy Louise Brubaker,
Incompetent;

COMPLAINANTS

v

WESTERN MARYLAND
TRUST COMPANY,
Frederick, Maryland

Substitute Committee of Myrtle
A. Brown, Incompetent, Life
Tenant,
Robert G Wright, widower,
Jefferson, Maryland,
John H Wright and Reba J. Wright,
his wife,
Jefferson, Maryland;
Russell G Wright, unmarried,
Jefferson, Maryland,
Walter R Wright, unmarried,
Jefferson, Maryland,
Annabelle C Burgee and James
C Burgee, her husband,
Jefferson, Maryland,
Myrtle W Clary and Jesse M
Clary, her husband,
Jefferson, Maryland,
June A Ott and Paul A Ott,
her husband, R D , Thurmont,
Maryland,
Ella M Brown, widow,
R D , Jefferson, Maryland
Mary B Buckner and Harold L
Buckner, her husband,
Jefferson, Maryland;
Doris M Fogle and Clarence M
Fogle, her husband, Linden Ave ,
Frederick, Maryland,
Lewis W Brown, Jr., divorced,
Jefferson, Maryland,
Althea M Remsberg and Louis
Harry Remsberg, her husband,
Buckeystown, Maryland,
Evelyn R Brown, widow,
Jefferson, Maryland,
Willard L Brown and Doris E
Brown, his wife,
Jefferson, Maryland,
Constance B Smith and Edward
V Smith, her husband,
Jefferson, Maryland,
Floyd J Brown, Sr., and
Dorothy C Brown, his wife,
Rolling Road,
Catonsville 28, Maryland;
Gladys L Lakin and Henry D
Lakin, her husband,
R D , Jefferson, Maryland,
Henry D. Lakin, R.D Jefferson,
Maryland Surviving Executor of
the last Will and Testament of
Samuel W Brown, deceased,
John E Adkins and Dollie Adkins,
his wife, R.D , Jefferson, Maryland,
Tenants,
ANY AND ALL UNKNOWN HEIR
OR HEIRS OF LENA WRIGHT,
DECEASED,
ANY AND ALL UNKNOWN HEIR
OR HEIRS OF LEWIS W BROWN,
DECEASED;
ANY AND ALL UNKNOWN HEIR
OR HEIRS OF VIOLA BRUBAKER,
DECEASED;
ANY AND ALL UNKNOWN HEIR
OR HEIRS OF CHESTER W
BROWN, DECEASED;
ANY AND ALL UNKNOWN HEIR
OR HEIRS OF SAMUEL W BROWN,
DECEASED. John E. Adkins and
Dollie Adkins, his wife, Tenants,
respondents, R.D , Jefferson, Md

Order of Publication

This is to give notice that on the 15th day of February, 1966, a Bill of Complaint For The Sale of Real Estate, was filed in the Circuit Court for Frederick County, Maryland, by the Complainants against the Respondents, that your Complainants are unable to designate by name all persons having an interest in the hereinafter described property by reason of the indefinite nature of same, and your Complainants accordingly makes parties to this proceeding Any and All Unknown Heir or Heirs of Lena Wright, deceased; Any and All Unknown Heir or Heirs of Lewis W Brown, deceased; Any and All Unknown Heir or Heirs of Viola Brubaker, deceased, Any and All Unknown Heir or Heirs of Chester W Brown, deceased; Any and All Unknown Heir or Heirs of Samuel W Brown, deceased, to the end that all of their right, title and interest of whatever extent or character may be divested of them and vested in one Clifford B. Lull, Jr , or his designee, Contract Purchaser The Bill of Complaint alleges in substance as follows:

That Samuel W. Brown, departed this life, testate, on or about the 22nd day of July, 1937, survived by Myrtle A. Brown, Lena E. Wright, Lewis W. Brown, Viola Brubaker, Altha Ramsburg (Althea M. Remsberg), Chester W. Brown, Floyd J. Brown, Bessie Ramsburg (Bessie C. Remsberg) and Gladys L. Lakin, that at the time of his death, he was seized and possessed of a farm, situate, lying and being in Jefferson District, Frederick County, State of Maryland, containing 167 acres of land, more or less, conveyed from Lewis O Whipp, unto Samuel W Brown, et ux, by deed dated the 3rd day of January, 1911, and recorded in Liber H.W.B No 294, Folio 356, one of the Land Records of Frederick County, Maryland

That Samuel W Brown, by his last Will and Testament, conveyed unto his daughter, Myrtle A Brown, a Life Estate, in the hereinbefore mentioned and described farm, and, after the death of the Life Tenant, the farm was to be sold and the proceeds to be distributed to his following named children, Lena Wright, Lewis W Brown, Viola Brubaker, Altha Ramsburg, Chester W. Brown, Floyd Brown, Bessie Ramsburg and Gladys Lakin

That Myrtle A Brown, Life Tenant, was, by a Decree of the Circuit Court for Frederick County, Maryland, dated the 10th day of November, 1937, declared an Incompetent, and Lewis W Brown, was appointed Trustee to manage her property, Lewis W Brown, departed this life on or about the 22nd day of March, 1964, and by ORDER dated the 23rd of June, 1964, Western Maryland Trust Company, a body corporate was designated Substitute Committee of the person of Myrtle A. Brown.

That Lena W Wright, by Decree of the Circuit Court for Frederick County, Maryland, dated the 9th day of January, 1961, was declared an Incompetent, and Robert G Wright, was appointed Trustee, to manage her property; that Lena E. Wright, departed this life, intestate, on or about the 21st day of April, 1964, survived by the said Robert G Wright, John H. Wright and Reba J. Wright, his wife; Russell G. Wright, Walter R Wright, Annabelle C Burgee and James C Burgee, her husband, Myrtle W Clary and Jesse M Clary, her husband, June A Ott and Paul A Ott, her husband.

That Lewis W Brown, departed this life, testate, on or about the 22nd day of March, 1964, survived by Ella M. Brown, his widow, Mary B. Buckner, and Harold L. Buckner, her husband, Doris M Fogle and Clarence M. Fogle, her husband, Lewis W. Brown, Jr., divorced, and, by the terms of his last Will and Testament, gave, devised and bequeathed all of his property unto his wife, Ella Brown

That Viola Brubaker, departed this life, intestate, on or about the 6th day of February, 1959, survived by Luther Russell Brubaker, her husband, Harold Isaac Brubaker, unmarried, Renice L Brubaker, divorced and Viola Nancy Louise Brubaker, unmarried

That Luther Russell Brubaker, departed this life testate, on or about the 4th day of May, 1965, survived by Harold Issac Brubaker, Renice L Brubaker and Viola Nancy Louise Brubaker, and, by the terms of the last Will and Testament, gave, devised and bequeathed the rest and residue of his estate to the three above named children.

That Viola Nancy Louise Brubaker, by a Decree of the Circuit Court for Frederick County, Maryland, dated the 8th day of December, 1960 was declared an incompetent, and Harold I. Brubaker appointed Trustee to manage her property.

That Chester W Brown, departed this life, intestate, on or about the 22nd day of September, 1961, survived by Evelyn R Brown, widow, Willard L. Brown, and Doris E. Brown, his wife, Constance B. Smith and Edward V. Smith, her husband

That the STATE ROADS COMMISSION OF MARYLAND, ACTING FOR AND ON BEHALF OF THE STATE OF MARYLAND, filed its suit in Condemnation, on the 3rd day of March, 1965, for a portion of the farm hereinbefore mentioned and described, against WESTERN MARYLAND TRUST COMPANY, Substitute Committee of Myrtle A. Brown, Life Tenant, et. al.

That the Complainants herein, and a majority of the Respondents herein executed a Contract of Sale, bearing date July 14th, 1965, with one Clifford B Lull, Jr, or his designee, purportedly for the sale of the "Samuel W Brown farm."

That there is no power of sale, in the surviving executor, under the last Will and Testament of Samuel W Brown, until the termination of the Life Estate, that the surviving executor, Henry D. Lakin, did not join in said Contract of Sale, as such executor, nor did he petition any Court for authority to join therein

That Western Maryland Trust Company, Substitute Committee of Myrtle A Brown, did not join in said Contract of Sale, nor did it Petition any Court for authority to join therein; that Harold I. Brubaker, Trustee of Viola Nancy Louise Brubaker, did in fact join therein, however, his action is deemed defective, in that he was without sanction and authority of the Circuit Court for Frederick County, Maryland; that Robert G Wright, joined individually therein, not as Trustee of Lena E Wright, whose trusteeship has not been terminated by an order of the Circuit Court for Frederick County, Maryland

That John E. Adkins and Dollie Adkins, his wife, are Lessees of the herein-before mentioned and described farm, paying a cash rental therefor, from April 1st to March 31st of each year

That State and County taxes for the year July 1, 1965 - June 30, 1966, remain, with other outstanding indebtedness unpaid, that the income from the farm is insufficient for the care and maintenance of the Life Tenant, and, the repair and maintenance of the Trust Property.

That all of the parties are of full age, and that the sale of the property will be of benefit, advantage and interest of all of the parties hereto, being all of the parties hereto in being and in interest.

The relief prayed in the Bill of Complaint is substantially as follows:

That the Court will ratify and confirm the Contract of Sale.

That a Trustee or Trustees be appointed to convey the property, subject to the Condemnation of the State Roads Commission of Maryland, taking a Purchase Money Mortgage in the sum of Sixty Thousand ($60,000 00) Dollars, for a portion of the Purchase Money. Further, subject to the rights of the Tenants-Lessees

That the Trustee or Trustees deposit the balance of the Purchase Money, in the amount of Fifteen Thousand ($15,000 00) Dollars, with Western Maryland Trust Company, Substitute Committee, for the purpose of re-investment, for the benefit of the Life Tenant, and all parties in interest

And for such other and further relief as the nature of the cause may require

Whereupon, it is ordered by the Circuit Court for Frederick County, Maryland, this 15th day of February, 1966, that the Complainants cause a copy of this order to be inserted in a newspaper published in Frederick County, Maryland, once a week in each of four successive weeks, before the 26th day of March, 1966, giving notice to Any and All Unknown Heir or Heirs of Lena Wright, deceased; Lewis W. Brown, deceased; Viola Brubaker, deceased; Chester W Brown, deceased; and Samuel W Brown, deceased, of the object and substance of the Bill of Complaint and warning them to show cause if any there may be, on or before the 26th day of April, 1966, why a decree should not be passed as prayed.

Ellis C Wachter
Clerk of the Circuit Court
for Frederick County

Stewart Hobbs Brown
Solicitor
Frederick, Maryland
Filed February 15, 1966
TRUE COPY TEST —
Ellis C. Wachter, Clerk
2-25-5t-(1)

"CERTIFICATE OF PUBLICATION Equity No. 21221

The Valley Register Office

Liber 25 Page 154

Middletown, Md. March 25, 1966

I hereby certify that the annexed Equity No. 21,221

Samuel Walter Brown Farm was published in

The Valley Register, a newspaper published in Frederick County, Md ,

for 4 successive weeks, 5 times, ... months

prior to the 26th day of March, 1966

THE VALLEY REGISTER

Per Mary Summers
Mary Summers

Filed april 29, 1966