

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

DONNA E. THOMAS NELSON *
6306 Grenfell Court *
Bowie, Maryland 20720 *

AND *

ERIC C. ASHBY-BEY *
3915 McDonogh Road *
Randallstown, Maryland 21133 *

CASE NO.: C-10-CV-24-000668

Plaintiffs *

v. *

ELEANORE M. ASHBY *
3611 Belmont Street *
Greensboro, North Carolina 27406 *

AND *

UNKNOWN HEIRS *

Defendants *

* * * * *

PROPOSED ORDER

Upon consideration of the Plaintiffs' Complaint to Quiet Title, it is this 18th day of February, 2025, by the Circuit Court for Frederick County, hereby:

ORDERED, that Plaintiffs' Complaint to Quiet Title be and is hereby **GRANTED**. And,

IT IS FURTHER ORDERED,

- a. That the Point of Rocks Colored Cemetery 1879 (erected through signage) located in Frederick County, Maryland, listed in the Frederick County Land Records as

Book TG-10, p. 709, also known as “[a] piece or parcel of land lying and being in the County and State aforesaid, it being a part of the tract of land known as “The Mine Bank Farm,” or be it a part of any other tract whatever. Beginning for said piece or parcel of land as hereby intended to be conveyed at a stone formerly planted in the West margin of the public road leading from Trammelstown to Point of Rocks, said stone being the northeast corner of Public School Lot No. 6, Election District No. 1, and running thence on and with the north side of said school lot, north $30\frac{3}{4}$ degrees west [10.8] perches to a stone formerly planed the north west corner of said school lot, then north $59\frac{1}{2}$ degrees east [7.41] perches to a stone now planted, south $30\frac{3}{4}$ degrees east [10.8] perches to a stone now planted in the west margin of the aforesaid road and thence with the west margin thereof south $59\frac{1}{2}$ degrees west [7.41] perches to the first mentioned place of beginning, containing eighty square perches of land.” This property was purchased by William Whalen, et al., Trustees of the Point of Rocks “Colored Methodist Episcopal Church” located in Frederick County, Maryland from John H. Smoot and his wife, Julia A. Smoot. The deed to this property was drafted by the Smoots on September 25, 1878. Mr. and Mrs. Smoot granted the property in fee simple to William Whalen, et al. Mr. Whalen, et al. recorded the deed on February 3, 1879.

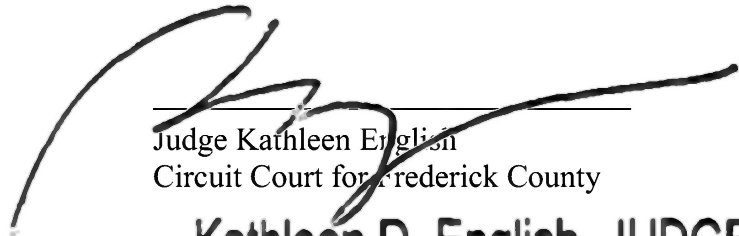
- b. That Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey, are descendants of William Whalen.

- c. That Plaintiffs' possession of the aforementioned property has been actual, open, notorious, exclusive, hostile, under claim of title, or ownership continuous and uninterrupted for over twenty (20) years.
- d. That Plaintiffs have made diligent efforts to maintain, upkeep, and make improvements upon the property, with the assistance of family members for well over twenty (20) years.
- e. That Plaintiffs have worked to preserve the property through many efforts, including but not limited to, joining the Black Cemetery Network, being a member of the Coalition to Protect Maryland Burial Sites, and participating in Phase II of the Frederick County Recovery Identity Project.
- f. That the Defendant, Eleanore M. Ashby, is a family member of the Plaintiffs and has a legal, equitable right, title, estate, lien, interest in or adverse claim to the property. Ms. Ashby cedes her legal interests in the property and agrees to transfer her legal interests to the Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey.
- g. The Plaintiffs made diligent efforts to inform family members of their intent to obtain legal ownership of the property by holding family meetings, searching for descendants of the property owners on the internet by creating a Facebook Group, and informing family members of their intentions at family reunions.
- h. That Plaintiffs are unaware of any other unknown persons that have any legal or equitable right, title, estate, lien, interest or adverse claim to the property or any cloud on the property.

- i. That Plaintiffs filed a Motion for Alternative Service and Affidavit to locate unknown Defendants on September 30, 2024. This Court granted Plaintiffs' Motion on October 6, 2024, and the Sheriff's Office posted the Complaint to Quiet Title and the accompanying exhibits at the courthouse door or on a bulletin board within its immediate vicinity on October 16, 2024. The Sheriff's Office removed the posting on December 23, 2024. No response to the Complaint to Quiet Title has been filed to date.
- j. That Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey, are granted in fee simple as joint tenants with the right of survivorship, the property known as the Point of Rocks Colored Cemetery 1879 (erected through signage) located in Frederick County, Maryland, listed in the Frederick County Land Records as Book TG-10, p. 709, also known as "[a] piece or parcel of land lying and being in the County and State aforesaid, it being a part of the tract of land known as "The Mine Bank Farm," or be it a part of any other tract whatever. Beginning for said piece or parcel of land as hereby intended to be conveyed at a stone formerly planted in the West margin of the public road leading from Trammelstown to Point of Rocks, said stone being the northeast corner of Public School Lot No. 6, Election District No. 1, and running thence on and with the north side of said school lot, north $30\frac{3}{4}$ degrees west [10.8] perches to a stone formerly planed the north west corner of said school lot, then north $59\frac{1}{2}$ degrees east [7.41] perches to a stone now planted, south $30\frac{3}{4}$ degrees east [10.8] perches to a stone now planted in the west margin of the aforesaid road and thence with the west margin

thereof south 59 ½ degrees west [7.41] perches to the first mentioned place of beginning, containing eighty square perches of land.”

IT IS SO ORDERED.



Judge Kathleen English
Circuit Court for Frederick County

Kathleen D. English, JUDGE

02/18/2025 3:30:46 PM

Entered: Clerk, Circuit Court for
Frederick County, MD
February 19, 2025