

**FREDERICK R. DEINLEIN**

*Plaintiff*

v.

**ANDREW R. JOHNSON, et. al.,**

*Defendants*

IN THE

CIRCUIT COURT

FOR

PRINCE GEORGE'S COUNTY

CASE NO. CAE -07-28513

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**ORDER**

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Upon consideration of the Third Motion for Summary Judgment filed herein by Cross-Plaintiff Andrew R. Johnson, and after a trial on the merits in this matter, it is, this 21st day of May, 2010, by the Circuit Court for Prince George's County,

ORDERED, that the Third Motion for Summary Judgment against Cross-Defendant Andrea Burno is granted; and it is further

ORDERED, that the life estate granted to Andrea Burno in the deed dated November 10, 1983, and recorded among the Land Records of Prince George's County in Liber 5811, folio 76, from Andrew J. Burno and Mattie B. Burno to Andrea Burno, as trustee to Andrew R. Johnson, a minor, is hereby extinguished, said life estate being merged into the fee simple title granted by deed from Andrew R. Johnson to Andrea Burno dated December 20, 2001, and recorded among aforesaid Land Records in Liber 29523, folio 133; and it is further

ORDERED, that the Motion for Extraordinary Expenses filed herein by Plaintiff Frederick R. Deinlein is hereby denied; and it is further

ORDERED, that the Order Foreclosing the Rights of Redemption in Case CAE 10119, which Order is dated August 13, 2002, is hereby vacated; and it is further

ORDERED, the 1997 Tax Sale of Tax Account No. 2924397 to Plaintiff Frederick R. Deinlein is hereby set aside and declared void;

ORDERED, that the Deed dated August 12, 2004, and recorded among the Land Records of Prince George's County in Liber 20289, folio 437, from Prince George's County, Maryland to Frederick R. Deinlein is hereby declared void; and it is further

ORDERED, that the Collector of Taxes for Prince George's County shall hereafter comply with the procedure set forth in §14-838 ("Sale Declared Void") of the *Tax-Property* Article of the Annotated Code of Maryland with regard to the Plaintiff Frederick R. Deinlein and Tax Account No. 2923497; and it is further

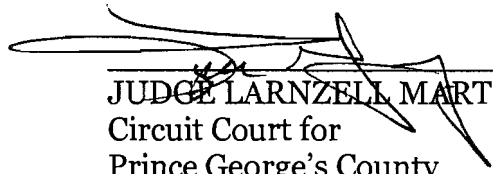
ORDERED, that Defendant Andrew R. Johnson shall file with this Court, no later than June 15, 2010, a legible and complete copy of the survey plat prepared by W. L. Meekins, Inc., admitted into evidence as Plaintiff's Exhibit No. 4, all costs of which are to be borne by Andrew R. Johnson; and, it is further

ORDERED, that the State Department of Assessments and Taxation and the Prince George's County Office of Finance shall establish new tax accounts with new tax account numbers for (1) the real property owned by Defendant Andrea Burno, that being 1.1169 acres described in the deed recorded in Liber 29523, folio 133, in the aforesaid Land Records, which is shown as Parcel "B" on the survey admitted as Plaintiff's Exhibit No. 4, (2) the real property of Defendant Andrew R. Johnson that lies adjacent to and immediately to the east of the Parcel "B" property owned by Andrea Burno as aforesaid, which is shown as Parcel "A" on Plaintiff's Exhibit 4, a metes and bounds description of which is attached hereto and adopted by reference herein, this Parcel A being a partial residue of the property described in the deed recorded in Liber 5811, folio 76, and (3) the real property of Defendant Andrew R. Johnson that lies adjacent to and immediately to the west of the Parcel "B" property owned by Andrea Burno as aforesaid, which is shown as Parcel "C" and Parcel "D" on Plaintiff's Exhibit 4, a metes and bounds description of which is attached hereto and adopted by reference herein, these Parcels C and D being the remaining portion of the property described in the deed recorded in Liber 5811, folio 76; and it is further,

ORDERED, that Andrew R. Johnson is hereby declared to be the fee simple title owner of that real property described in the Deed dated November 10, 1983, and recorded among the Land Records of Prince George's County in Liber 5811, folio 76, and also described in the Trustee Deed dated September 20, 2000, and recorded among the

Land Records of Prince George's County in Liber 14170, folio 296 from Arthur J. Horne Jr., Trustee to Andrew R. Johnson, but saving and excepting therefrom all of that Parcel "B" conveyed by Andrew R. Johnson to Andrea Burno by deed recorded in the aforesaid Land Records in Liber 29523, folio 133, free and clear of any legal or equitable claims of title of Plaintiff Frederick R. Deinlein or Cross-Defendant Andrea Burno; and, it is further

ORDERED, that the Clerk of the Court shall cause a copy of this Order to be recorded among the Land Records of Prince George's County, Maryland.

  
JUDGE LARNZELL MARTIN, JR.  
Circuit Court for  
Prince George's County

CC:

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Prince George's County  
County Administration Building, Rm. 5121  
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Andrea Burno  
6102 Floral Park Road  
Brandywine, MD 20613  
Defendant

**THIS CASE IS CLOSED  
STATISTICALLY**

Deed Description

Being part of the land of Andrew R. Johnson (Andrea Burno, Trustee) as described in a conveyance recorded among the Land Records of Prince George's County, Maryland (11th Election District) in Liber 5811, Folio 76; and being more particularly described as follows:

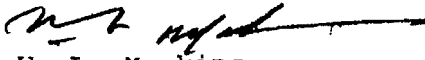
Parcel "D"

Beginning at an iron pipe on the division line between said Johnson property and B & M and King George Auto Parts, Inc. (Liber 6995, Folio 506); said pipe being N 03° 17' 30" W, 915.64 feet from the southwestern most corner of said Johnson property; and thence from the point of beginning and along the described division line N 03° 17' 30" W, 583.23 feet to an iron pipe; thence between said Johnson property and Berg Limited Partnership (Liber 8379, Folio 870) for the next four (4) courses and distances: N 62° 44' 23" E, 140.78 feet to *A POINT*; thence N 24° 27' 10" E, 69.77 feet to *A POINT*; thence N 65° 30' 58" E, 238.50 feet to an iron pipe; thence S 09° 14' 00" W, 852.78 feet to an iron pipe; thence through the Johnson property, N 80° 46' 00" W, 203.38 feet to the point of beginning; containing 201,783 square feet or 4.6323 acres of land.

Subject to and together with a 25 foot Ingress and Egress Easement being parallel and westerly to the above described S 09° 14' 00" W, 852.78 foot line, 50.00 feet from the end thereof and leading to Floral Park Road through said property and the Cassaway properties (Liber 5811, Folio 73 and Liber 5937, Folio 778).

Subject to encumbrances of record, if any.

2/09/01



W. L. Meekins  
Registered Professional Land Surveyor  
MD #2134  
W. L. Meekins, Inc.



Deed Description

Being part of the land of Andrew R. Johnson (Andrea Burno, Trustee) as described in a conveyance recorded among the Land Records of Prince George's County, Maryland (11th Election District) in Liber 5811, Folio 76; and being more particularly described as follows:

Parcel "C"

Beginning at an iron pipe on the division line between said Johnson property and B & M and King George Auto Parts, Inc. (Liber 6995, Folio 506); said pipe being N 03° 17' 30" W, 661.90 feet from the southwestern most corner of said Johnson property; and thence from the point of beginning and along the described division line N 03° 17' 30" W, 253.74 feet to an iron pipe; thence through the Johnson property S 80° 46' 00" E, 203.38 feet to an iron pipe on the division line between said Johnson property and the property of Berg Limited Partnership (Liber 8379, Folio 870); and thence along the said division line S 09° 14' 00" W, 247.70 feet to an iron pipe; thence through the Johnson property N 80° 46' 00" W, 148.35 feet to the point of beginning; containing 43,560 square feet or 1.0000 acre of land.

Subject to and together with a 25 foot Ingress and Egress Easement being parallel and westerly to the above described S 09° 14' 00" W, 247.70 foot line leading to Floral Park Road, through said Johnson property and the Gassaway properties (Liber 5811, Folio 73 and Liber 5937, Folio 778).

Subject to encumbrances of record, if any.

2/9/01



W. L. Meekins  
Registered Professional Land Surveyor  
MD #2134  
W. L. Meekins, Inc.



DEED DESCRIPTION

Being part of the land of Andrew R. Johnson (Andrea Burno, Trustee) as described in a conveyance recorded among the Land Records of Prince George's County, Maryland (11th Election District) in Liber 5811 at Folio 76, and being more particularly described as follows:

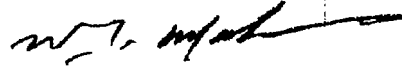
Parcel "A"

Beginning at an iron pipe, said pipe being the southwestern most corner of said Johnson property, said pipe also being the common rear corner between said Johnson property and the property of Garnett B. Cassaway (Liber 5811, Folio 73) and thence from the point of beginning and along the division line between said Johnson and B & M and King George Auto Parts, Inc. (Liber 6995, Folio 506); N 03° 17' 30" W, 269.38 feet to an iron pipe; thence through said Johnson property N 82° 44' 00" E, 146.73 feet to an iron pipe on the division line between said Johnson and Berg Limited Partnership (Liber 8379, Folio 870); and thence along the said division line, S 07° 16' 00" E, 288.32 feet to an iron pipe; thence between said Johnson and aforesaid Cassaway property, S 89° 29' 15" W, 166.55 feet to the point of beginning; containing 43,560 square feet or 1.0000 acre of land.

Subject to and together with a 25 ft. Ingress and Egress Easement being parallel and westerly to the above described S 07° 16' 00" E, 288.32 foot line leading to Floral Park Road generally following an existing gravel road through the Cassaway property (Liber 5811, Folio 73 and Liber 5937, Folio 778).

Subject to encumbrances of record, if any.

2-14-01

  
W. L. Meekins  
Registered Professional Land Surveyor  
MD #2134  
W. L. Meekins, Inc.

