

ORDINANCE NO. 3657

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING TO MARY CAROL SHIMMINGER AND JAMES ALLAN HAINZEY CERTAIN SURPLUS PROPERTY LOCATED AT 408 COLUMBIA STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 408 Columbia Street, in the City of Cumberland, Allegany County, Maryland;

WHEREAS, Mary Carol Shimminger and James Allan Hainzey desire to purchase the said property for the sum of \$2,000.00; and

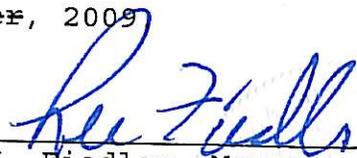
WHEREAS, the Mayor and City Council of Cumberland deem it to be in the interest of the City to grant the said conveyance.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Clerk, be and they are hereby authorized to execute a deed in the form attached hereto as Exhibit A or in a similar form conveying the real property and the improvements thereon located at 408 Columbia Street, Cumberland, Maryland 21502 to Mary Carol Shimminger and James Allan Hainzey in consideration of their payment of \$2,000.00 as consideration for the said conveyance; and

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

November
Passed this 10th day of ~~October~~, 2009



Lee N. Fiedler, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1st Reading: October 27, 2009
2nd Reading: November 10, 2009
3rd Reading: November 10, 2009

Effective: November 10, 2009

NO TITLE SEARCH PERFORMED

THIS QUITCLAIM DEED, made this 13th day of October, 2009, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, party of the first part, and **MARY CAROL SCHIMMINGER and JAMES ALLAN HAINZEY**, parties of the second part.

WITNESSETH:

That for and in consideration of the sum of Two Thousand Dollars (\$2,000.00) and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby quitclaim to the parties of the second part, their personal representatives, heirs and assigns all of its right, title, interest and estate in and to that certain ground lying and being in Election District No. 5, in Cumberland, Allegany County, State of Maryland, and being one-half of Lot No. 31 of Gephart's Second Addition to Cumberland, which said property is more particularly described as follows, to wit:

BEGINNING for the same at a stake on the south side of Columbia Street at a distance of 25 feet from the end of the first line of Lot No. 31 of said addition, and running; thence, with said Columbia Street, North 60 3/4° West 25 feet to a stake at the corner of Lot 32 in said addition; thence, South 29 1/4° West 140 feet to Bond Street (formerly known as German Street); thence, with said street, South 60 3/4° East 25 feet to a stake standing at a distance 25 feet from the corner of Lot No. 30; thence, North 29 1/4° East 140 feet to the place of beginning.

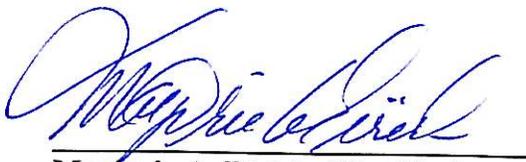
BEING the same property conveyed from Prospector Holdings, LLC to Mayor and City Counsel of Cumberland, Maryland [sic] dated April 1, 2009 and recorded among the Land Records of Allegany County, Maryland in Book 1622, Page 368.

TOGETHER with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

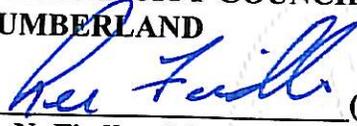
TO HAVE AND TO HOLD the above-described property unto the parties of the second part, their personal representatives, heir and assigns, in fee simple forever as joint tenants with rights of survivorship and not as tenants in common.

IN WITNESS WHEREOF, Mayor and City Council of Cumberland has caused these presents to be executed in its name and under its seal and duly attested all on the day and date first above written.

WITNESS/ATTEST:



Marjorie A. Eirich, City Clerk

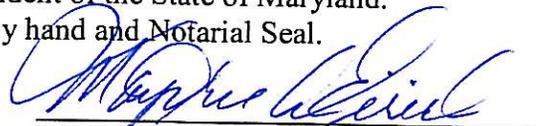
**MAYOR AND CITY COUNCIL
OF CUMBERLAND**
By:  (SEAL)

Lee N. Fiedler, Mayor

**STATE OF MARYLAND,
ALLEGANY COUNTY, TO WIT:**

I HEREBY CERTIFY, that on this 10 day of November, 2009, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Lee N. Fiedler**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of the City of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$2,000.00 and that the total payment made to the grantor was \$2,000.00 and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident of the State of Maryland.

WITNESS my hand and Notarial Seal.



NOTARY PUBLIC

My Commission Expires: 6/10/2012

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that no title search was performed in connection with its preparation.

MICHAEL SCOTT COHEN

...Surplus Property Transactions/Shimminger - Deed