

REVIEW SHEET

FHD-15

Historic Preservation Certification Application—Significance

Property: SEARS - HARBAUGH BLDG., 38 SOUTH MARKET ST., FREDERICK, MD. Project No.: _____

Historic District: FREDERICK
10-14-87 date initial application received by State _____ date(s) additional information requested by State
10-14-87 date complete information received by State _____
_____ date of this transmittal to NPS _____
Inspection of property by State staff? no yes date(s): _____

There is adequate documentation enclosed to evaluate the historic character and integrity of this property.
 There is insufficient documentation to evaluate the property adequately. The application is missing the following items:

Reasonable efforts have been made to obtain this information. Copies of the information requests are enclosed.

NUMBER	This property involves:
1	<input type="checkbox"/> Extensive loss of historic fabric
	<input type="checkbox"/> Substantial alterations over time
	<input type="checkbox"/> Preliminary determination of listing _____ for district
	<input type="checkbox"/> _____ for individual property
	<input type="checkbox"/> Significance less than 50 years old
	<input type="checkbox"/> Obscured or covered elevation(s)
	<input type="checkbox"/> Moved property
	<input type="checkbox"/> State recommendation inconsistent with NR documentation
	<input type="checkbox"/> Recommendation different from the applicant's request

- NUMBER _____ Complete item(s) below as appropriate.
- (1) The documentation on file with the National Register cites the period(s) of significance of this historic district as 19TH CENTURY
- (2) The property contributes does not contribute to the historic significance of this registered historic district in:
 location design setting materials workmanship feeling association
 _____ Property is mentioned in the NR or State or local district documentation in Section _____, page _____.
- (3) For properties less than 50 years old:
 _____ the historical merits of the district (the periods and areas of significance) are documented in the National Register form or district documentation on file as less than 50 years old, justifying the certification of this property's contribution.
 _____ the exceptional historical or architectural significance of this property as described in the National Register form or district documentation on file justifies its certification as contributing.
 _____ there is insufficient justification to consider this property as contributing to the district for its individual exceptional architectural or historical significance or the significance of the district does not extend to the last 50 years.
- (4) For preliminary determinations:
 A. The status of the nomination for the property/historic district:
 _____ Nomination has already been submitted to State review board, and nomination will be forwarded to the NPS within _____ months. (Draft nomination is enclosed.)
 _____ Nomination was submitted to the NPS on _____.
 _____ Nomination will be submitted to the State review board within twelve months.
 _____ Nomination process likely will be completed within thirty months.
 _____ Other, explain: _____
- B. Evaluation of the property:
 _____ Property is individually eligible and meets National Register Criteria for Evaluation
 _____ Property is located within a potential registered district that meets National Register Criteria for Evaluation: A B C D
 Criteria Considerations: A B C D E F G
- (5) The property is located in a registered district, is outside the period(s) or area(s) of significance as documented in the NR form and:
 _____ appears to contribute to the expanded significance of the district. Enclosed is the revised nomination documentation.
 _____ does not appear to contribute to the period(s) or area(s) of significance of the district.

NUMBER
3

Describe and evaluate the physical characteristics of the property, its integrity, and its significance within the context of the historic district (or individually for preliminary determinations of individual listings).

BUILT SOMETIME BETWEEN 1893 AND 1897, THIS TWO STORY BRICK MASONRY COMMERCIAL BUILDING IS TYPICAL OF THE TYPE FOUND IN THE FREDERICK HISTORIC DISTRICT. DETERIORATED FEATURES INCLUDE THE STOREFRONT, THE PRESSED METAL CEILING IN THE COMMERCIAL SPACE, AS WELL AS GENERAL CONDITIONS ON THE INTERIOR OF THE SECOND FLOOR. MOST OF THE HISTORIC FABRIC (I.E. WINDOW TRIM, DOORS, DOOR SURROUNDS AND BASEBOARDS), REMAIN INTACT ON THE SECOND FLOOR APARTMENT SPACES. THE INTERIOR OF THE WAREHOUSE SPACES ARE RELATIVELY VOID OF HISTORIC DECORATIVE FEATURES.

NUMBER
4

State Official Recommendation:

- This application for the above-named property has been reviewed by MICHAEL DAY a professionally qualified architect, architectural historian, or historian on my staff.
- The property is included within the boundaries of a registered historic district, contributes to the significance of the district, and is a "certified historic structure" for the purpose of rehabilitation.
- The property is included within the boundaries of a registered historic district, contributes to the significance of the district, and is a "certified historic structure" for a charitable contribution for conservation purposes in accordance with the Tax Treatment Extension Act of 1980.
- The property does not contribute to the significance of the above-named district.
- The property appears to meet the National Register Criteria for Evaluation and will likely be nominated.
- The property does not appear to meet the National Register Criteria for Evaluation and will not be nominated.
- The property appears to contribute to the significance of a:
 - potential historic district which appears to meet the National Register Criteria for Evaluation and will likely be nominated.
 - registered historic district but is outside the period(s) or areas of significance as documented in the National Register nomination or district documentation on file with the NPS. Revised nomination or district documentation is enclosed.
- The property should be denied a preliminary determination that it could qualify as a certified historic structure.
- Insufficient documentation has been provided to evaluate the structure.

Detailed NPS review recommended Precedent-setting case Forwarded without recommendation

11-17-87
Date


State Official Signature

See attachments:

NPS Comments:

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
OMB Approved
No. 1024-0009

OCT 14 1987

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 1 — EVALUATION OF SIGNIFICANCE

MARYLAND HISTORICAL
NPS Office Use Only ST

NPS Office Use Only

NRIS No: _____

Project No: _____

Instructions: Read the instructions carefully before completing application. No certification will be made unless a completed application form has been received. Type or print clearly in black ink. If additional space is needed, use continuation sheets or attach blank sheets.

1. Name of property: Sears-Harbaugh Building
Address of property: Street 38 South Market Street
City Frederick County Frederick State Maryland Zip 21701
Name of historic district: Frederick Historic District
 National Register district certified state or local district potential historic district

2. Check nature of request:
 certification that the building contributes to the significance of the above-named historic district for the purpose of rehabilitation.
 certification that the structure or building and, where appropriate, the land area on which such a structure or building is located contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
 certification that the building does not contribute to the significance of the above-named district.
 preliminary determination for individual listing in the National Register.
 preliminary determination that a building located within a potential historic district contributes to the significance of the district.
 preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project contact:
Name Cherilyn Widell
Street 2022 Columbia Road City Washington
State District of Columbia Zip 20009 Daytime Telephone Number 202-265-8847

4. Owner:
I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above. I understand that falsification of factual representations in this application is subject to criminal sanctions of up to \$10,000 in fines or imprisonment for up to five years pursuant to 18 U.S.C. 1001.
 Name Ash Development Corporation Signature Stephanee E. [Signature] Date Sept 24, 1987
Organization _____
Social Security or Taxpayer Identification Number _____
Street 5854 Urbana Pike City Frederick
State Maryland Zip 21701 Daytime Telephone Number 301-662-3403

NPS Office Use Only

The National Park Service has reviewed the "Historic Preservation Certification Application — Part 1" for the above-named property and hereby determines that the property:

- contributes to the significance of the above-named district and is a "certified historic structure" for the purpose of rehabilitation.
- contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes in accordance with the Tax Treatment Extension Act of 1980.
- does not contribute to the significance of the above-named district.

Preliminary Determinations:

- appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
- does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
- appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
- appears to contribute to the significance of a registered historic district but is outside the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS.
- does not appear to qualify as a certified historic structure.

HISTORIC PRESERVATION
CERTIFICATION APPLICATION—
PART 1

NPS Office Use Only

Sears-Harbaugh Building
Property Name 38 South Market Street
Frederick, MD 21701

Project Number:

Property Address

5. Description of physical appearance:

The Sears-Harbaugh Building is a two-story brick masonry commercial building with rear one-and-one-half-story warehouse space. The building faces west from the east side of South Market in the Frederick Historic District.

The building and site have been the site of commercial and industrial use for at least one hundred years. The existing building is a compilation of several uses and changes of the building from the nineteenth century to the present, ranging from a tannery to an auto parts store.

The face brick facade appears to have been placed on the front of the structure in the first part of the twentieth century. It is a two-story commercial storefront, three bays wide, with a large one-story wood, tin and glass storefront. The storefront is raised from the sidewalk by two concrete steps. The storefront, which is boarded shut with plywood, has large plate glass windows which are broken, with a replaced wood apron and glass transom with multipaned vertical lights and architectrave molding. Above the transom is a dentiled wood cornice extending across the entire storefront.

(Continued)

Date of Construction: Between 1893 & 1897 Source of Date: Sanborn Maps

Date(s) of Alteration(s): c. 1911, 1922

Has building been moved? yes no. If so, when? _____

6. Statement of significance:

The front portion of the Sears-Harbaugh Building, 38 South Market Street in Frederick, Maryland, was built at least by 1887 as indicated on the Sanborn Maps.

In 1887, the building is shown as part of the Brown and McKinney Sole and Harness Tannery. The front portion of the complex is shown as a two-story building used for vats and storage and the rear portion of the building as a bark shed. Although the existing front and rear portions of the building have had changes, certainly the limestone rubble wall portion of the rear building was part of this complex and part of the bark shed in 1887.

By 1893, the property was owned by John Gomber, a machinist who built the handsome cast iron and tin building at 36 South Market Street. He demolished the front building and removed the tannery equipment.

In 1897, the building was being used as the George C. Crum Coach Factory. A new two-story building with tin ceiling had been constructed on the site (the existing building). The front building was being used for a repository, storage and painting. Woodworking took place in a small building to the rear and no use is indicated for a large one-story building in the extreme rear of the property.

By 1903, the building had become the D.C. Kemp Coach Factory and was now constructed in its present configuration. The first level is noted to have a tin ceiling and was used as a repository and for luggage. The second level was used for storage and painting. The rear of the building was used for small woodworking.

(Continued)

7. Photographs and maps.

Attach photographs and maps to application.

Continuation sheets attached: yes no

CONTINUATION/AMENDMENT SHEET

Sears-Harbaugh Building

Historic Preservation

Property Name 38 South Market Street
Frederick, MD 21701

Certification Application

Property Address

Description of physical appearance (continued):

The rear section of the building is constructed of three building materials denoting its many changes and uses over time. The south wall of the building is constructed of brick masonry in a common bond pattern, the east wall of the building is constructed of concrete block and the north wall is constructed of rubble limestone. Three clerestory windows are located along the top of the north wall but have been boarded shut. Square steel sash windows which have been boarded shut with wood lintels occupy all bays on the first level on the south side. Located in the third bay is a large freight opening with small steel I-beam over the opening and paneled garage door in poor condition which was used for delivering automobiles and carriages to the site. A large cored brick chimney rises from the northeast corner of the building. A brick chimney from an adjacent building to the north pierces the roof overhang on the north wall. The building is covered by a standing seam tin gable roof with overhang.

The interior of the building can be divided into three main areas. The first level of the building is a large open space with no partitions which was used for product display when the building was last occupied. The front portion of the second level of the building was used as an apartment, and appears to have been divided into an apartment area in the 1920s. The attic portion of the rear of the building is an unfinished attic space. The interior first level of the building, which is in poor condition, is characterized by a hardwood floor. The south wall, except for the extreme front portion of the wall, is a painted bare brick wall. The north wall has been plastered over the brick. The ceiling of the front section of the building contains pressed metal ceiling; it is in deteriorated condition from moisture damage. The rear ceiling is covered with asbestos tiles.

The second level of the building is reached by narrow enclosed stairs which rise to a stair hall with picket railing surrounding the stair. The stair hall leads into a dining room space which is characterized by painted wood paneled bookcases which separate the room from the front living room. Above the bookcases flanking the entrance are two small wood elephantine columns. To the rear of the living room is a small kitchen area, next to a small bathroom. Leading from the rear of the stair hall is a small room which connects to the sleeping porch. The attic area of the rear section of the building is reached through a small door from the sleeping porch. The apartment area is characterized by plaster partitions, walls and ceiling with simple wood baseboards, window and door surround and paneled doors with horizontal panels.

CONTINUATION/AMENDMENT SHEET

Historic Preservation
Certification Application

Sears-Harbaugh Building
Property Name 38 South Market Street
Frederick, MD 21701

Property Address

Instructions. Read the instructions carefully before completing. Type, or print clearly in black ink. Use this sheet to continue sections of the Part 1 and Part 2 application, or to amend an application already submitted. Photocopy additional sheets as needed.

This sheet: continues Part 1 continues Part 2 amends Part 1 amends Part 2 NPS Project Number: _____

Description of physical appearance (continued):

There are two entrance doors in the first bay from the north of the building which are recessed from the face of the building. Both are c. 1910 wooden doors with full glass lights and vertical multipaned transoms. The second door is set on a diagonal as part of the storefront.

The second level of the principal facade is three bays wide. Double hung, one over one windows with wood lintels occupy each bay. A dentiled pressed tin cornice extends along the roof line of the front facade. The storefront rises above the roof of the rear portion of the building in a brick parapet. The front section of the building is approximately four bays deep and two stories high. It is constructed of brick masonry in a common bond pattern. It is covered by a very shallow built-up shed roof. An asymmetrical window pattern punctuates the south side of the building. There are no windows or distinguishing features on the north side of the building as it shares a common wall with the building to the north. Two double hung 1/1 windows are located on the second level in the front of the building and one is located on the first level in the rear. Two rectangular windows which are boarded shut are located on the first and second level of the front portion of the building. A barely visible sign is painted on the south side of the building, stating, "Sears Parts Store, America's Most Complete Farm Store." A small single brick chimney rises in the rear south of the building.

A frame sleeping porch with multipaned windows (now all missing) and wood apron is located on the second level rear. This portion of the building on the second level is frame and extends to the north side of the building. This section is covered with german siding and there are two boarded windows on the second level. A rear entrance doorway in extremely deteriorated condition is located under the sleeping porch beside a series of three square steel sash windows (now completely covered) which extend to the rear section of the building on the first level.

✓ The rear section of the building is six bays deep and one-and-one-half stories high.

Name Ash Development Corporation Signature Stephane C. Ash / Pres Date 9-24-87 (Continued)
Street 5854 Urbana Pike City Frederick
State Maryland Zip 21701 Daytime Telephone Number 301-662-3403

NPS Office Use Only

- The National Park Service has determined that these project amendments meet the Secretary of the Interior's "Standards for Rehabilitation."
- The National Park Service has determined that these project amendments do not meet the Secretary of the Interior's "Standards for Rehabilitation."

Date _____ National Park Service Authorized Signature _____ National Park Service Office/Telephone No. _____

See Attachments

FHD-15

CONTINUATION/AMENDMENT SHEET

Historic Preservation Certification Application

Sears-Harbaugh Building
Property Name 38 South Market Street
Frederick, MD 21701

Property Address

Instructions. Read the instructions carefully before completing. Type, or print clearly in black ink. Use this sheet to continue sections of the Part 1 and Part 2 application, or to amend an application already submitted. Photocopy additional sheets as needed.

This sheet: continues Part 1 continues Part 2 amends Part 1 amends Part 2 NPS Project Number: _____

Statement of significance (continued):

Few changes are noted on the 1911 map except for the addition of a one-story awning over the sidewalk on the front of the building and that the rear building was used for an auto and wagon shed and had a dirt floor.

In 1922, the building was used exclusively for auto display and repair. The front portion of the building was an auto display area, the middle portion of the building was for auto repair, and the rear portion, now dramatically enlarged, was used for a garage.

By 1930, the front portion of the building was used for auto supplies by Sears and Roebuck Company, the middle portion as a junk shed, and the rear as a garage (now cut down to its present size) with a capacity for 50 cars.

The Sears-Harbaugh Building is significant to the Frederick Historic District because it is a contiguous building which is part of the South Market streetscape, matching in size, scale, materials the character of the Frederick Historic District. The building has been a significant site in the industrial history of the city, particularly of the Carroll Creek area. Of particular architectural note is the c. 1895 storefront and frame sleeping porch which have remained intact.

✓ Name Ash Development Corporation Signature Stephanie C. [Signature] / Pres. Date 9-24-87
Street 5854 Urbana Pike City Frederick
State Maryland Zip 21701 Daytime Telephone Number 301-662-3403

NPS Office Use Only

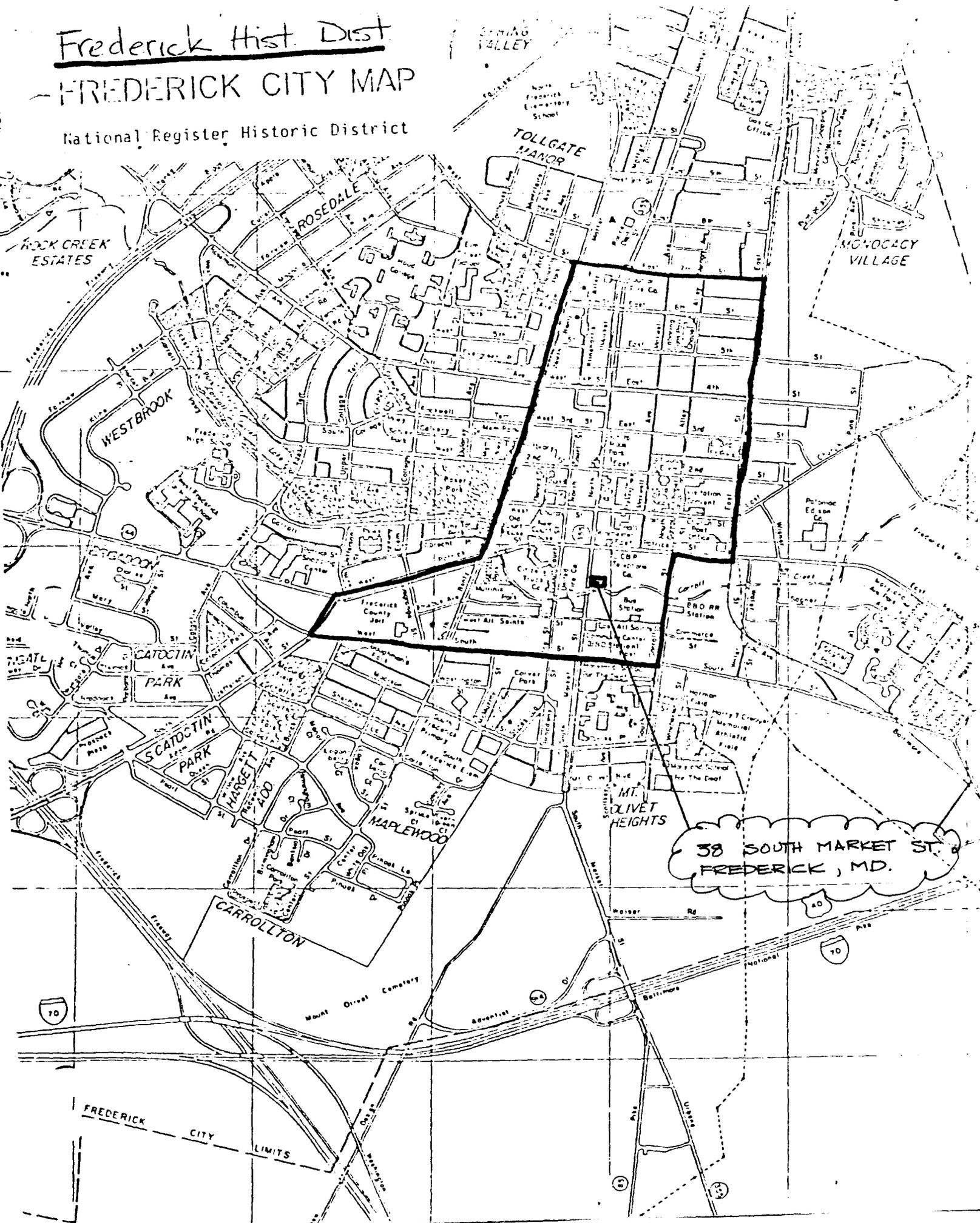
- The National Park Service has determined that these project amendments meet the Secretary of the Interior's "Standards for Rehabilitation."
- The National Park Service has determined that these project amendments do not meet the Secretary of the Interior's "Standards for Rehabilitation."

Date _____ National Park Service Authorized Signature _____ National Park Service Office/Telephone No. _____

See Attachments

Frederick Hist. Dist. - FREDERICK CITY MAP

National Register Historic District



38 SOUTH MARKET ST.
FREDERICK, MD.



LHO-15

MARYLAND HISTORICAL TRUST

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

AND/OR COMMON

2 LOCATION

STREET & NUMBER

38-1/2 S. Market Street

CITY, TOWN

Frederick

___ VICINITY OF

CONGRESSIONAL DISTRICT

STATE

Maryland

COUNTY

Frederick

3 CLASSIFICATION

CATEGORY

- DISTRICT
- BUILDING(S)
- STRUCTURE
- SITE
- OBJECT

OWNERSHIP

- PUBLIC
- PRIVATE

___ BOTH

PUBLIC ACQUISITION

- IN PROCESS
- BEING CONSIDERED

STATUS

- OCCUPIED
- UNOCCUPIED
- WORK IN PROGRESS
- ACCESSIBLE
- YES: RESTRICTED
- YES: UNRESTRICTED

PRESENT USE

- AGRICULTURE
- COMMERCIAL
- EDUCATIONAL
- ENTERTAINMENT
- GOVERNMENT
- INDUSTRIAL
- MILITARY
- MUSEUM
- PARK
- PRIVATE RESIDENCE
- RELIGIOUS
- SCIENTIFIC
- TRANSPORTATION
- OTHER:

COMMENTS: Older stone building attach NO at rear.

4 OWNER OF PROPERTY

NAME

Telephone #:

STREET & NUMBER

CITY, TOWN

___ VICINITY OF

STATE, zip code

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC.

Frederick County Courthouse

Liber #:

Folio #:

STREET & NUMBER

N. Court Street

CITY, TOWN

Frederick, Maryland

STATE

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

DATE

___ FEDERAL ___ STATE ___ COUNTY ___ LOCAL

DEPOSITORY FOR
SURVEY RECORDS

CITY, TOWN

STATE

7 DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> DETERIORATED	<input type="checkbox"/> UNALTERED	<input checked="" type="checkbox"/> ORIGINAL SITE
<input type="checkbox"/> GOOD	<input type="checkbox"/> RUINS	<input checked="" type="checkbox"/> ALTERED	<input type="checkbox"/> MOVED DATE _____
<input checked="" type="checkbox"/> FAIR	<input type="checkbox"/> UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

This appears to be a Turn of the Century, two story brick building, now detached on the right side. It is three bays wide, approximately five bays in depth and with a full width, older 1-1/2 story wing approximately six bays long. The front facade is faced with dark red pressed brick while the sides are of regular brick, all laid in common bond. The front doorways to the store and apartments above, occupy the left bay. To the right are large paned store windows. A boxed cornice trimmed by dentils runs across the facade to unify the door and window areas. The second floor front windows are of 2/1 sash with wood lintels and sills. Side windows are of 2/2 panes with wood lintels and sills on the second floor but replaced on the first floor by metal 8/4 shop type sash with wood lintels and brick header sills. The metal roof of the front section slopes slightly to the rear while the wing roof is of rather steep "A" frame construction with metal over old wood shingles. The left wall of this wing is of very old stone*construction and contains several boarded up windows with wood lintels. There is a small enclosed chimney in the right wall and a tall square one on the rear of the wing. A parapet extends the front wall above the roofline and is ornamented by a boxed cornice with square end modillions. The building rests on a low foundation.

An interesting item of the Victorian era is the embossed metal ceiling in the store area. (Now valuable again)

*This stone wall shows on maps of 1887 and possibly is the same as shown on an 1840 map.

CONTINUE ON SEPARATE SHEET IF NECESSARY

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

20th Century??

SPECIFIC DATES	BUILDER/ARCHITECT
----------------	-------------------

STATEMENT OF SIGNIFICANCE

CONTINUE ON SEPARATE SHEET IF NECESSARY

9 MAJOR BIBLIOGRAPHICAL REFERENCES

CONTINUE ON SEPARATE SHEET IF NECESSARY

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY _____

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE

COUNTY

STATE

COUNTY

11 FORM PREPARED BY

NAME / TITLE

**DOUGLAS M. GREENE
ARCHITECTURAL HISTORIAN**

ORGANIZATION

**HISTORICAL DISTRICT COMMISSION
CITY of FREDERICK, MD. 21701**

DATE

JULY 1974

STREET & NUMBER

TELEPHONE

CITY OR TOWN

STATE

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature, to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 Supplement.

The Survey and Inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

RETURN TO: Maryland Historical Trust
The Shaw House, 21 State Circle
Annapolis, Maryland 21401
(301) 267-1438