

4th.

Answering the matters and things alleged in sub paragraph 2 of the second paragraph of said Bill of Complaint, your respondent says that he denies all of the matters and things as therein alleged and set forth as well as denies all of the other matters and things as alleged and as set forth in the balance of said second paragraph of said Bill of Complaint and demands full proof thereof.

5th.

Futher answering the matters and things alleged in said second paragraph of said Bill of Complaint, and especially the sub paragraph 2, and balance thereof, your respondent further says:

(a) That your respondent, Oliver B. Wisotzkey, and the said J. Emory Wisotzkey, his deceased brother, for many years prior to the death of the J. Emory Wisotzkey, and continuous up to the time of his death, conducted a confectionery, candy, tobacco, soda fountain and small general merchandise business in the improvements on the property situated on the corner of Main and Water Streets, in Thurmont, Frederick County, Maryland, and being the property conveyed by Frank W. Fraley and wife to the said Oliver B. Wisotzkey and the said J. Emory Wisotzkey, as tenants in common, by deed dated March 21st, 1922, and duly recorded in Liber No. 338, folio 441, one of the Land Records of Frederick County, as per certified copy of said deed filed in this cause as complainant's "Exhibit No. 2", as partners trading as WISOTZKEY BROS.

(b) That your respondent, the said Oliver B. Wisotzkey, and the said J. Emory Wisotzkey did enter into an agreement in duplicate on the 16th day of August, 1939, whereby the said John E. Wisotzkey did agree and covenant, for himself, his heirs and personal representatives, with the said Oliver B. Wisotzkey, that in the event he, the said Oliver B. Wisotzkey, survives him, the said John E. Wisotzkey, then he, the said Oliver B. Wisotzkey, your respondent, shall have the right to purchase the one-half undivided interest of the said John E. Wisotzkey in the said store property situated at the southeast corner of Main and Water Streets, in said town of Thurmont, and