

Jesse P. Schell, witness of lawful age, on behalf of the plaintiff, after having been duly sworn deposes and says as follows:

"I became interested in the Clabaugh property early in 1936. In April of that year, after having made an investigation, I leased the property with an option to buy. At the present time it is my desire to exercise my rights under the option and find, that there is a cloud on the title in the form of an agreement entered into between Will F. Clabaugh, deceased father of present owner and former owner of the legal title, and two strange gentlemen by the names of Clarence E. Paine and Paul M. Birmingham, of whom I have never heard.

"At the time I entered into a lease with an option to buy the premises, I investigated the records in the Clerk's office and found that Will F. Clabaugh applied for a license to sell gasoline on May 1, 1931. Mr. Clabaugh transferred his license to C. W. Hoffman in 1932. Mr. Hoffman renewed the license in 1932 and 1933 and transferred it to W. Rose in 1934, who on August 8, 1934 sold out to N. Speak. Mr. Speak went out of business during the latter part of 1934, and I have had the business since the spring of 1936.

" I did not see either the names of Clarence E. Paine or Paul M. Birmingham on the tax books at the courthouse. I never saw them or heard of them and I don't know of anyone that has ever seen or heard of them or has any knowledge of the transaction or their whereabouts."

FORMAL QUESTION

Ans: No


Jesse P. Schell

Ada E. Schell, witness of lawful age, on behalf of the plaintiff, after having been duly sworn deposes and says as follows:

"My husband and myself became interested in this property early in 1936 after Mr. Speaks left the place. We got a lease with an option to buy the property from Mr. Norman Clabaugh, who I understand inherited the property from his father, Will F. Clabaugh, who died in 1935. When we decided to buy the property, sometime last December, we found that the title was not clear because of an agreement recorded at the court house between Mr. Clabaugh's

FRANCIS PETROTT
ATTORNEY AT LAW
FREDERICK,
MARYLAND