

to the Tract 1. This is located up in the - what amounts to the northwestern portion of Emmitsburg District. Up near the or what is described as the Emmitsburg Water Co. Reservoir.

Q This in the mountains?

A Yes, mountain land. It contains 8.2733 acres. There were no deeds recorded on this and no deed distribution. This was established in that I was able to get the deed of Mr. William Wivell who is the adjoining property owner, plus assistance given by Samuel Hays who had in his possession a pencil-type drawing made by Mr. Edward Rowe in 1918. It was merely graphic and did not show any course or distances. I used that and with the Wivell deed and another independent survey I did establish ownership there on the Wivell deed which I accepted and then generally following scaled distances from the Edward Rowe drawing this was then established. These particular boundaries are exceptions. There was somebody other than Wivell had established the corners here and here.

Court: Where are you pointing?

A This was established by somebody else and this was established.

Court: You are testifying for the record.

Describe it on the plat.

A Yes. Up on the or what amounts to the eastern end of the plot there was a hub established by other and I accepted that. Up on the southeastern end of the plot where a stone, a marked stone established by others, I accepted that. Plus the stone on the northeastern corner which I accepted.

Q I move for this to be admitted as Plaintiff's Exhibit 5.

Court: Now, is this tract also thought to be part of the Jesse-John Close property?

Q I believe it would come from the Close property. Part of the property. And Mr. Hays will testify as to the ownership in Carrie Dern. Here again there were no deeds to this property.

Court: All right.

Q Mr. Hershey, I show you a piece of paper and ask you if you can identify this for us?

A This is a deed description written around the draft of Tract 1.

Q Is this a large farm property?

A Yes.

Court: Metes and bound descriptions of Exhibit 4?