

SILAS P. RICE
CRUMMELL P. JACOBS
Complainants

*

IN THE

*

CIRCUIT COURT

vs

*

FOR FREDERICK COUNTY, MARYLAND

COLEMAN J. LIDIE, III
Respondent

*

Equity No. 29,770

* * * * *

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATE OF MARYLAND, COUNTY OF WASHINGTON, TO WIT:

I HEREBY CERTIFY that on this 19th day of December, 1979, before me, the Subscriber, a notary public of the State of Maryland, in and for the county aforesaid, duly commissioned and wualified, personally appeared JAMES W. JOHNSON, and made oath in due form of law as follows:

FIRST: That he is the son-in-law of Silas P. Rice, a Complainant in these proceedings.

SECOND: That he has personal knowledge of all the matters and facts herein set forth, all of which are true and correct to the best of his knowl- edge, information and belief, and that he is competent to be a witness.

THIRD: That for a period in excess of twenty (20) years he has gone with his father-in-law or individually to the properties of his father-in-law, described herein the Bill of Complaint, by traversing a road, approximately fifteen (15) feet wide, traversing from a point on Putman Road, one of the county roads, across the north-east corner of the Respondent's real estate to the properties of his father-in-law. That the said road runs from Putman Road to the Frederick City watershed property but does not connect with any road in the Frederick City watershed.

FOURTH: That he has used the said road in order to go to his father- in-law's properties along the road, past the Respondent's property, traversing from Putman Road for approximately twenty (20) years.

FIFTH: That he has used the said road for the purpose of hauling cut logs from the properties of his father-in-law to the public road of Putman