No.9878. Equity

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5. What in your Judgment would the timber land be worth per acre taking into consideration the character of timber that there is on it?.

A. That is a little hard to get at for me; i don't really know, what it would be worth, it is so Scattered, overthe place that just to pick out the timber land; that would be worth $40,00 an acre in my estimation.

6. What in your Opinion are the buildings on this property worth independent of the land excepting the land on which they stand?.

A. $1500,00

How much land is cut off from the main body by a public road?

A. i would judge about seven acres, or eight acres.

8. What is the value of this piece so cut off?.

A. it depends on who would want it, i would judge about $250,00 would be a fair price for it.

9. Is it tillable or timber land?.

A, Part of it is tillable, about One half.

IO. is the land mentioned and described susceptible of division between the parties without loss and Injury?.

A. No.Sir.

11. Would it be to the interest,benefit and advantage of all the parties, and especially the infant, that it be sold and the proceeds divided.

A. i think it would.

Cross Examination

1x. You testified that this land is not susceptible of division.

A. No.Sir. it isn't.

2x. Would you state your reason why?

A. Well the small plot of ground Where the buildings are set, that is worth morein my estimation than any tw shares of the land would be worth, to divide it into six shares the buildings' part, that would go with the buildings that is worth more than any other two shares, and portion, Could the balance of the land be divided equally between the remaining three heirs?

3x. Suppose that the house and ten acres of land were alloted to three of them as their share and portion, could the balance of the land be divided equally between the remaining three heirs?

A. i don't see how it could be done,

4x. Now state why?

A. it is so irregular, and it has different patvhes of farming land, all over it at different places, and timber scattered through.it.

5x. And yet it might be possible, Couldnt it, that tha balance could be so equally divided so as to have equal value among three parties.

A. I could not get a share of it or out of it equally.

6x. But you wouldn't say it Couldn't be done, would you?.

A. It couldn't be done satisfactory to me, No,Sir.

7x. You have tstified that it would be to the interest and advantage of all parties to this suit for the property to be sold; what interest would it be to the heirs other than Mrs, Katie Buhrman and her daughter?

A,. Well I cant say it will be any special advantage to to those.

8x. They live there,do they not?

A. Yes. Sir.

9x. And have been living there all their lives?

A, Yes, Sir, all their lives. i understand.

Re-Direct Examination

1r. This property would have to be divided into seven parts, would it not?.

A, Yes.Sir, Six shares and one share into two parts. Yes,Sir.

2r. in other wher words there would have to be seven seperate parts of land set aside if it was to be divided, is that right.

A, Yes,Sir,

3r, Could this land be divided to give a public road to each Share?

A. No,sir.