

A. The bank didn't understand the deed of Andrew Himes, I think, on account of the dimensions of the western portion of the Lot, and procured my mother's name on the mortgage in order to have the entire be covered by the entire property, because there was some construction

there they didn't understand, and my mother was willing to give the mortgage for us to get the money to improve the property. The brick house is on the eastern half of the lot, but less than half the lot. It is only eighteen feet.

Q. What did you do with the proceeds of that mortgage?

A. Improved the two-story brick house, made apartments and built garages in the rear.

Q. Who has been receiving the money from the apartments? Has your mother received--

A. My mother has been receiving it, and me.

Q. Are you and your brother taking care of it?

A. Yes. In other words, my mother has been receiving part, or we have been giving her part the revenue from the house.

Q. But you and your brother have been claiming the rents as your own or treating them as your own?

A. Yes, sir, we have been claiming the rents and treating them as our own.

Q. You and your brother intended to pay the mortgage?

A. Yes, sir, we considered that our part, and we feel it was our mortgage. The fact is we didn't know that the bank was going to include mother in the mortgage because we thought the brick house would be sufficient, but they deemed it necessary on account of the construction of the--

Q. As a matter of fact the brick house was not on the western half?

A. It was on the eastern portion of the lot, not on the eastern half of the lot.

Q. What use is made of the western part of the lot on which that house stood?

A. Mostly to get into the rear end of the lot.

Q. But in using that as a driveway, in addition to improving this brick dwelling house or converting it into apartments, did you build some garages?

A. Built some garages, I mentioned that.

Q. You use the western half as a driveway into the garages?

A. Use it as a driveway into the garages, yes.

Q. Without the western half the garages would be useless?

A. Would be useless.

Q. And you have been getting revenues from the garages?

A. Yes, sir.

Q. Who has been getting that rental?

A. My brother and I.

Q. The garages are in the rear of the brick house?

A. Yes, on the eastern side.

Q. Of Lot No. 28?

A. Of lot No. 28.

Q. As I understand, the feeling of your brother and yourself, your desire is that your mother--

A. Should have an interest in the western part of the lot or the lot on which stood the log house. That is your belief and desire.

Q. As I understand, you want to purchase this property?

A. Yes.

Q. And of course you want to give to your mother her interest?

A. That's right.

Q. (Court) In 1893, at the time your grandmother made a will, when this log weatherboarded house was still standing, for what purpose was it used, if any?

A. It was used as a dwelling house and I believe a storeroom was conducted at that time.

Q. It was rented?

A. It was rented, and my grandmother was receiving revenue from the house at that time. It was part of her maintenance at that time.

Q. At the rear of the house was there any fence dividing the eastern portion of this lot from the western portion?

A. No, sir.