

Q You know whose manuscript cover was on the original deed?

A No, I do not.

Q You know when it was dated?

A My record shows --

Q I mean do you remember?

A I remember it was subsequent to that payment. Now just what day I couldn't say.

Q You know what Notary Public took the acknowledgment?

A It was either Albert Coblentz or Walter Remsberg. They are both Notaries. I think Walter.

Q You know how many restrictions there are in the deed?

A I think something like seven or eight.

Q Can you name them without reading them off that deed?

A Oh not all of them. The building line was established. No building could be erected within a certain distance of the established line. No building could be erected within a certain distance of the dividing line between lots.

Q Those were the restrictions to be in all those deeds?

A Yes.

Q Isn't your testimony from knowledge of that fact rather than from remembering just what was in the deed?

A I prepared a lot of those deeds and they were made from all those restrictions.

Q That is what you base your statement on now, that they all contain restrictions?

A I know they wouldn't be written any other way. Those restrictions had to be included in every deed.

Q You state that that deed contained these restrictions because that was the only way you would deed those lots?

A Well that's a good reason, but I know that deed did have those restrictions.

Q Can you tell me what restriction No. 2 is in the original deed?

A I couldn't differentiate what was No. 2 or four or five and so on. They are all outlined in there.

Q I am speaking of your knowledge now of this deed that is alleged to have been lost. From your reading of that deed can you tell definitely what was in the deed?

A I feel sure that it included those same restrictions.

Q Not what you feel sure. I would like to get from your recollection of reading that original deed whether you could state this, or whether these facts are in your mind from the number of deeds executed.

A It wouldn't have been executed otherwise.

Q That is what I say, and that is the reason you say those things had to be in the deed?

A Yes, sir, and it was my belief it was.

Q And I believe you said you delivered the deed to Mr. Keller?

A Yes.

Q At the bank?

A Yes.

May 5, 1933.

PERCH H. KELLER, one of the defendants, produced in his own behalf, being first duly sworn, deposes and says:

By Mr. DeLauter:

Q Your name is Percy H. Keller?

A Percy H. Keller.

Q And you live in Washington City?