

materials and a statement for labor. I was there every two weeks but there would be some excuse for the payment of the money due but partial payments were made by Mrs. Caldwell or her brother, Marion Johnson.

Q. What, if any payments were made by the members of the family residing in Pittsburgh?

A. On July 20th of 1954, I recall receiving the sum of \$150.00 from Emanuel Webster Johnson and he had me to issue three receipts, each for \$50.00 and one was to him and the other two were to some of the brothers or sisters in Pittsburgh.

Q. Have you fulfilled all of your part of the agreement.

A. Yes, I completed it the latter part of August, 1954.

Q. When was the last payment due you?

A. When the work was completed.

Q. What, if any credits were given the property owners?

A. I have allowed and given credits for certain materials which were delivered there.

Q. What was the total amount of the work done and materials furnished?

A. \$2356.61.

Q. What amount did you credit the total costs for materials not used?

A. \$146.41, leaving a balance of \$2210.20.

Q. What amounts were paid on the account by cash?

A. On June 22, 1954, \$110.00, July 6, 1954, \$85.00, July 11, 1954, \$60.00, July 26, 1954, \$150.00 and September 7, 1954, \$48.00, or a total of \$453.00, leaving a balance of \$1757.20 after I allowed for the materials returned. Then after I proceeded to file a Mechanic's Lien additional payments were made totalling \$200.20 which reduces the balance to \$1557.00.

(Amended Mechanic's Lien recorded on December 17, 1954 among the records of Frederick County, offered into evidence as "Exhibit A.")

Q. Has any part of the amount due of \$1557.00 been paid to you?

A. No.

Q. What was the value of the building located as aforementioned before you proceeded to do the work?

A. At the time I went to view the premises I found that it was a two story log constructed house with weatherboard on the exterior. It had been built for many years and was in a very poor state of repair. Downstairs there were four small rooms and upstairs three small bedrooms. The plastering inside was in a very bad condition and of the old sand and hoghair mixture. I would say that its value would not exceed \$500.00