TESTIMONY TAKEN BEFORE EXAMINER ALFRED E. JONES

Norman B. Clabaugh	:	No. 14268 Equity
vs.		In the Circuit Court
	:	
Clarence E. Paine and		For Frederick County
Paul M. Birmingham	:	In Equity

:

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Leave having been granted by said Court under a decree pro confesso, to take testimony in said case, I now proceed to take the following testimony in the presence of Norman B. Clabaugh, Bakerton, W. Va. this 19th day of April, ~~1941~~. 1941. (Examiner)

Norman B. Clabaugh, witness of lawful age, on behalf of the plaintiff, after having been duly sworn deposes and says as follows:

"My name is Norman B. Clabaugh. I live in Bakerton, Jefferson County, West Virginia. I am in the stone and lime business. I am the Plaintiff. I am the only child and heir of the late William F. Clabaugh, also of Bakerton, Jefferson County, West Virginia, who departed this life on or about April 13, 1935, leaving all of his property including the two adjoining parcels of land located in Frederick County, containing 18750 square feet and 7500 square feet respectively and recorded among the land records of Frederick County.

"According to the records in the office of the Clerk of the Court for Frederick County, under date of November 2, 1931, my father, the said William F. Clabaugh entered into a contract with Clarence E. Paine and Paul M. Birmingham to sell and convey to them the property in Frederick County for Twenty-seven Hundred Dollars ($2700), $120.00 of which is alleged to have been paid in cash and the balance at the rate of $120.00 every three months, beginning February 1, 1932, for a period of two years, when the unpaid balance was to have been paid in full and a deed of the property delivered.

"Whether or not any of the payments were ever made to my father, I cannot say, because he never mentioned anything about the transaction, although up to the time of his death I handled all of his business transactions."

FRANCIS PETROTT
ATTORNEY AT LAW
FREDERICK,
MARYLAND