"The property has been in my possession since my father died and up to the time I offered it for sale I had no knowledge that such a contract was in existence. Since having made the discovery, I have diligently and thoroughly investigated with a view of finding out about the transaction and locating the parties involved, but to date have failed to find anyone who has any knowledge of either the parties or the transaction.

"It is my honest belief, and the belief of all the parties I have talked with that the two gentlemen involved were strangers who came here with the idea of opening up a chain of gasolene stations, and when they found competetion too keen they absconded for parts unknown, and have not been seen or heard from since.

"No improvements were made as provided for in the agreement and the presumption is that after they made the down payment of $120.00, they decided to abandon the idea of establishing a business on the premises. There was nothing among the papers my father left at his death which might indicate or infer that any monies were paid or that an agreement was ever entered into to sell the premises.

"I made an investigation at the court house to see who the lessees of the gasolene station were before my father died and the records show my father took out a license on May 1, 1931. He transferred it to C. W. Hoffman in 1932. Hoffman renewed the license in 1932 - 1933 and sold it to W. Rose in 1934, who in turn sold the lease to N. Speak on August 8, 1934. Speak went out of business and Jesse Schell secured a license in August 1936 and has had it ever since.

"There is nothing in the record which shows that either Clarence E. Paine or Paul M. Birmingham applied for license at time of the agreement or any time thereafter.

"My reason for wanting the contract revoked is to clear the title to the land so as to consumate its sale. The prospective purchaser will not deal if this cloud on the title to the land is not removed," and I offer the paid contract in evidence as Exhibit A."

FORMAL QUESTION

Answer: No.

Norman B. Clabaugh

- Norman B. Clabaugh -

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