

MR. STORM:

Q. Mr. Rothenhoefer, I show you hwere plat marked Defendant's Exhibit 8937 which is a photo copy of a State Roads Commission plat.

A. This is a good plat but Grace Summers never signed for this plat in any right of way over at the court house. She did sign for 8936 which comes to this point here.

Q. That is on the left hand side of the plat.

A. The Frederick side of the plat.

Q. This is the Frederick side of the plat.

A. Yes, this is Miss Mary Summers house and/<sup>she</sup>signed for a right of way on this plat.

Q. You are now referring to the house on the left of this particular map.

A. On the Frederick side and the north side of the highway.

Q. Mr. Rothenhoefer, referring to the house on the right hand side of this plat or on the Braddock side which is the Summers house. You will note there appears to be a line going through the front porch of the house and marked right of way line. Do you know way -

A. That says existing right of way line.

Q. Yes. Do you know of any way of determining the accuracy of that particular line going through there.

MR. NEWMAN:

I object. The line on the plat speaks for itself.

A. There is no way to get a legal description on that road. There are no courses and distances at the court house. The Enabling Act says from the center of the present road. It has been chained a hundred times since then.

MR. NEWMAN:

Q. Mr. Rothenhoefer, you have just testified that there goes through this dwelling house on this plat a line marked right of way line and existing right of way line. Is that correct?

A. That's right.

Q. You have also testified you know of no way to find out whether this line is correct or not.

A. That's right.

Q. You have searched the land records at various times and have been unable to locate this line with definiteness.

A. Right.

Q. And you cannot say whether or not this existing right of way line is the true shoulder of the road or not?