

His Honor

Justice D. Herley Given that on the --- day of December, 1905, an action was commenced in the Superior Court of the State of Washington for the County of Skamania by the filing of a complaint in said Court on said date, in which action the Columbia Valley Railroad Co., a corporation now and is plaintiff and J. J. Cripe and J. S. Smith are defendants, the object of said action being to compel said defendants by decree of said Court to specifically perform a certain written contract made and entered into on the 20th day of September, 1899 by J. J. Cripe and J. S. Smith as the owners of the real estate therein described, and the plaintiff herein, by the terms and conditions of which the said J. J. Cripe and J. S. Smith promised and agreed for a valuable consideration to convey to plaintiff upon demand a strip of land 100 feet wide, to be used as a right of way upon which plaintiff was to build a railroad, the same being 50 feet on each side of the center line of said railroad as the same was surveyed and located over, through and upon, that part of lots 3 in Sec. 6 in Town 1 North, Range 6 East of the W.M., and lying between the county road leading from Cape Horn to Mandata (Cape Butlers), and the bank of the Columbia River.

The exact description of the said line of said railroad as located and surveyed over, through and across said above described tract of land being fully and particularly set out in the complaint filed in said action.

That the plaintiff has complied with the terms of said contract in so far as it was required to do in making tender of the consideration to be paid therein and in demanding a deed from said defendants J. J. Cripe and J. S. Smith as the owners of said property and parties to said contract; that said contract was duly recorded and that any claim or lien against said property is subsequent to the making and recording of said contract with the County Auditor of Skamania County, Washington.

That a decree of the Court is a decree requiring said defendants to specifically perform said contract and to execute a conveyance provided for therein to the plaintiff, and upon his failure so to do that a decree of the Court in said action stand and operate as such conveyance.

In Witness Whereof the said Columbia Valley Railroad Co. has caused these presents to be signed this 5th day of December, 1905.

Columbia Valley Railroad Co.

By E. M. Bonds, its attorney,

Filed for record by E. M. Bonds on Dec. 5, 1905 at 1-15 o'clock P.M.

As Witness  
Co. Auditor