

His Petition

Notice to Hershey Green, that on the 5th 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 within the Columbia Valley Railroad Co., a corporation was and is plaintiff and W. J. Greer and Rose Greer, his wife and the Columbia River Navigation Company, a corporation 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 10th day of August, 1879 by W. J. Greer and Rose Greer his wife as the owners of the real estate therein described, and the plaintiff herein, by the terms and conditions of which the said W. J. Greer and Rose Greer, his wife, 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 Lot 1 in Section 32, and the South-West $\frac{1}{4}$ of the South-West $\frac{1}{4}$ of Section 29 in Town 3 North, Range 9 East of the W.M.

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 deed from said defendants, W. J. Greer and Rose Greer, his wife, as the present owners of said property, that said contract was duly recorded in the office of the County Auditor of Skamania County, Washington on the 24th day of October 1879 and that defendant, the Columbia River Navigation Company's interest in said above described premises was acquired subsequent to the making and recording of said property; that whatever interest said defendant took in said property it took subject to the rights of the plaintiff under the terms and conditions of said contract.

That a decree of the Court is asked requiring said defendants, W. J. Greer and Rose Greer, his wife, to specifically perform said contract and to execute a conveyance as provided for therein to plaintiff, and upon their 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 by its duly authorized attorney this 5th day of December, 1905.

Columbia Valley Railroad Co.

By E. M. Randa, Its Attorney.

Filed for record by E. M. Randa on Dec. 5, 1905 at 1-150'clock P.M.

A. Phibbs

C. S. Connelley