

IV.

THAT THE SAID HOOD LAND COMPANY, DEFENDANT HEREIN, TOOK POSSESSION OF SAID REAL PROPERTY UNDER SAID LEASE, AND OCCUPIED SAID REAL PROPERTY UNDER SAID LEASE DURING THE YEARS 1917 TO 1920, INCLUSIVE.

V.

THAT AT THE END OF THE YEAR 1920 SAID HOOD LAND COMPANY, DEFENDANT, ABANDONED SAID REAL PROPERTY, REMOVED ITS BUILDINGS AND MACHINERY, AND SINCE SAID DATE HAS CONTINUED TO ABANDON SAID PROPERTY, AND HAS FAILED, NEGLECTED AND REFUSED TO COMPLY WITH THE TERMS OF SAID LEASE, IN THAT IT AND ANY AND ALL OF ITS SUCCESSORS IN INTEREST HAVE FAILED, NEGLECTED AND REFUSED TO PAY ALL OR ANY OF THE RENTAL RESERVED IN SAID LEASE AS AFORESAID.

VI.

THAT DRANO FLUME & LUMBER COMPANY, PLAINTIFF, DURING THE YEAR 1921, BY MESNE CONVEYANCE FROM THE SAID ANNA B. HAYNES AND ALMA J. HAYNES, BECAME THE OWNER OF THE LEGAL TITLE TO SAID REAL PROPERTY DESCRIBED IN SAID LEASE, AND EVER SINCE HAS BEEN, AND NOW IS THE OWNER OF SAID REAL PROPERTY IN FEE.

VII.

THAT SUBSEQUENT TO SECURING THE LEGAL TITLE TO SAID PROPERTY THE SAID DRANO FLUME & LUMBER COMPANY, PLAINTIFF, LEASED SAID PROPERTY, TOGETHER WITH OTHER PROPERTY OWNED BY THE COMPANY TO BROUGHTON LUMBER COMPANY, TO BE USED AS A SITE FOR STORING LUMBER, AND FOR LOADING THE SAME UPON THE CARS OF THE S. P. & S. RAILROAD; THAT SINCE THE YEAR 1921 THE SAID BROUGHTON LUMBER COMPANY, AS LESSEE OF THE PLAINTIFF, HAS BEEN IN OPEN AND NOTORIOUS POSSESSION OF SAID REAL PROPERTY, AND SAID POSSESSION HAS NOT BEEN DISPUTED BY THE DEFENDANTS OR ANY OF THEM.

VIII.

THAT W. C. CRITTENDEN AND JOHN DOE SMITH, WHOSE TRUE FIRST NAME IS UNOWN TO THE PLAINTIFF, CLAIM SOME INTEREST IN SAID PROPERTY AS SUCCESSORS TO SAID HOOD LAND COMPANY, DEFENDANT HEREIN, UNDER THE TERMS OF SAID LEASE, AND NOW THREATEN TO DISTURB PEACEABLE POSSESSION OF SAID DRANO FLUME & LUMBER COMPANY, PLAINTIFF, AND BROUGHTON LUMBER COMPANY, ITS LESSEE.

WHEREFORE, PLAINTIFF PRAYS FOR A DECREE AND JUDGMENT OF THIS COURT DECLARING THE LEASE OF SAID HOOD LAND COMPANY TO BE NULL AND VOID, BY REASON OF THE ABANDONMENT OF SAID PROPERTY, AND SAID LEASE BY SAID DEFENDANT, AND FOR ITS COSTS AND DISBURSEMENTS.

SAM'L H. PIERCE.
ATTORNEY FOR PLAINTIFF.

STATE OF OREGON, ()
COUNTY OF MULTNOMAH.) ss.

I, SAM'L H. PIERCE BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM THE SECRETARY OF THE DRANO FLUME & LUMBER CO., PLAINTIFF IN THE ABOVE ENTITLED ACTION; AND THAT THE FOREGOING COMPLAINT IS TRUE AS I VERILY BELIEVE.

SAM'L H. PIERCE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9TH DAY OF DECEMBER, A.D. 1924.

(NOTARIAL)
(SEAL)

B. AKIN
NOTARY PUBLIC FOR THE STATE OF OREGON.
MY COMMISSION EXPIRES MAY 22, 1925

FILED FOR RECORD DECEMBER 10, 1924, AT 9-3 A.M. BY H. J. BROUGHTON

By Wm. A. Emmell
COUNTY AUDITOR
Edy P. Emmell DEPUTY