

SKAMANIA COUNTY, WASHINGTON

A. J. Witchel

Subscribed and sworn to before me this 4th day of September, 1937.

(Notarial seal affixed)

S. L. Barnett
Notary Public for Oregon
My commission expires: Nov. 5, 1940.STATE OF OREGON)
) ss.
County of Multnomah.)

I, J. C. Daries, being first duly sworn, depose and say that I am 63 years of age and that for more than 25 years last past I have been continuously employed by Spokane, Portland and Seattle Railway Company, hereinafter referred to as the Railway Company; that for many years last past I have been and now am the Right of Way Agent in charge of the right of way department of the Railway Company; that I am familiar with the history of the Railway Company's title to and possession of all of its lands and rights of way, including the lands and right of way which will be affected by the Bonneville Dam Pool in Skamania County and Klickitat County, Washington, from mile post 50.42 to mile post 102, and on the Goldendale branch of said Railway Company across the southwest quarter of the southeast quarter of Section 26, Township 3 North, Range 12 East of the Willamette Meridian (Klickitat River crossing), as shown on the tabulation consisting of eight sheets which is hereto attached as Exhibit A, which tabulation correctly lists custodian's number, meaning thereby the Railway Company's number, of all instruments under which said lands and right of way were acquired, the dates of all instruments, the names of the grantors, the first grantor only being listed where there are more than one, the character of the title and a reference to the description. Said Exhibit A is hereby referred to and made a part of my affidavit and is the same exhibit which is referred to in the affidavit of A. J. Witchel, his and my affidavits being attached one to the other. That most of said lands and right of way were acquired by deeds as a result of a purchase but in some instances titles were of necessity acquired through applicable state or federal statutes or condemnation or other court proceedings, resulting in a judgment or decree of court in favor of the Railway Company. Prior to the acquisition of the titles to said lands and right of way, competent abstracts or title papers were secured, brought to date, and examined by counsel for the Railway Company, or counsel for the Railway Company examined original county or other records, and upon the acquisition of said lands and right of way the Railway Company had the advice of its counsel that the title to all of said lands and right of way shown on Exhibit A was good and merchantable and free of encumbrances, in the Railway Company.

I further depose and say that after the acquisition of said lands and right of way shown on said Exhibit A, the same was mortgaged to secure a bond issue of the Railway Company, and in connection with said bond issue counsel for the Railway Company or for the trustee under said bond issue advised that good and merchantable title to said lands and right of way was vested in the Railway Company.

I further depose and say that during the entire history of the Railway Company it has exercised care in the examination of its titles prior to the acquisition thereof, and in that connection has had the advice and help of competent right of way men, engineers and counsel; that subsequent to the acquisition of its lands and right of way it has exercised care in protecting the same against unauthorized liens, encumbrances, or encroachments; that there are no outstanding claims hostile or adverse to the Railway Company which have come to my knowledge, with respect to the title to any of said lands and right of way shown on Exhibit A, and that since the acquisition of said lands and right of way as shown by the respective dates of instruments on said Exhibit A, the Railway Company has been and now is in the uninterrupted possession thereof.