

1 Q. If you don't know, that's fine, because --

2 A. I don't know the people who own it now.

3 Q. Well, whoever owned it before when Bob was in
4 there.

5 A. Cross their name was.

6 Q. But was there a road in here at all that was --

7 A. Sure.

8 Q. Was this road changed over the years?

9 A. What road is this?

10 Q. I'm not sure if that's Tamarack or --

11 A. If that's Tamarack Road, right up here Crosses
12 lived. And Lillibridges (ph.) lived down here, and
13 Blackmers lived down the road a little farther. And brick
14 house down there. Agners lived there where the brick house
15 is.

16 Q. Now, just to help me, I believe you said that in
17 1971 you went into the real estate business?

18 A. Um-hum.

19 Q. But up until that time you worked generally in
20 the countryside on various farming operations.

21 A. Sure. Sure.

22 Q. Operating machines.

23 A. (Witness nods head affirmatively.)

24 Q. And there was a cooperative situation?

25 A. A neighborhood cooperative venture, yes. Owned a

thrasher machine and silo filler.

Q. How did this work? Did farmers pitch in and buy equipment and share it?

A. Yes. They would hire somebody with a tractor to run the thrash machine or the silo filler if they didn't own one. At that time there was a lot of people that didn't have a tractor. They did their farming on horses.

Q. Is that how you were hired at that time when you didn't have your own operation?

A. We wasn't hired. We worked -- It was a cooperative venture. Each one helped the other fellow.

Q. Oh, I see. All right. So you didn't work for wages.

A. No.

Q. Those were the days.

A. It's too bad that isn't that way today.

Q. That's right. But nonetheless, in this area, again, outlining immediately south of the intersection, you yourself operated equipment and took off crops or harvested crops.

A. Yes.

Q. And do you remember when that was in -- when you last did it? Or when did you last see crops come off there?

A. Gosh, I can't tell you.

Q. You know, not when you were working, but when did

1 you last notice if that was being farmed?

2 A. Well, it was pasture land --

3 Q. Yes.

4 A. -- the last -- before Bob got it and cleared it
5 up.

6 Q. And then since then?

7 A. It's been farmed. Made it look like somebody
8 owned it.

9 MR. WARD: I don't have any further
10 questions.

11 THE WITNESS: Huh?

12 MR. WARD: I don't have any further
13 questions.

14 MR. DANA: I have some.

15 (Discussion held off the record.)

16
17 CROSS-EXAMINATION

18
19 BY MR. DANA:

20
21 Q. Mr. Sharpe, I'm just going to ask a couple of
22 questions to try to clarify things you said. First, how
23 long have you known Robert Brace?

24 A. All his life.

25 Q. And are you friends with him?

1 A. Huh?

2 Q. Are you friends with the Braces?

3 A. Oh, sure. Way back through his grandparents.

4 Q. So you were friends with his parents as well as
5 and his grandparents?

6 A. Yeah, sure.

7 Q. Now, I'd like you to take a look at what's been
8 marked Exhibit A for the Defendants in this deposition. And
9 to the area that was circled by Mr. Ward. Do you see where
10 I'm pointing?

11 A. Yeah. (Witness indicates.)

12 Q. And which Mr. Ward has referred to as "the area"
13 when he was talking to you.

14 A. Sure.

15 Q. Now, you said that at some point -- is it
16 right -- you took off crops from someplace in here?

17 A. Yes.

18 Q. Do you know where exactly you took off crops?

19 A. Where does Greenlee Road come down here? Right
20 there (indicating). That's Greenlee Road (indicating).
21 Sure. All off of this area right here (indicating) years
22 ago.

23 Q. So near where it says the gravel pit?

24 A. Yes.

25 Q. Did you take off crops in this whole area that is

1 marked with a circle?

2 A. Most all of it, yes. There might have been a
3 little bit, but most of that ground was worked.

4 Q. So the whole area that was marked by a circle was
5 worked and crops were taken off?

6 A. Yeah.

7 Q. When was that?

8 A. Oh, gosh, that was quite awhile ago.

9 Q. Was it 1950?

10 A. Well, that was in that range.

11 Q. Was it 1960? Or had it stopped by then?

12 A. Oh, gee. No, I don't think it had stopped then,
13 1960.

14 Q. 1965?

15 A. Somewhere along there.

16 Q. So by 1965, you think there weren't crops being
17 taken off here?

18 A. No, it was pasture land then.

19 Q. When you say pasture land, what do you mean?

20 A. Refer to the cattle that would go in the
21 summertime. They'd turn them out there to eat the grass and
22 the vegetation.

23 Q. Were the cattle in this whole area that's been
24 marked in the circle, do you know?

25 A. Most of it, yes.

1 Q. Do you remember what parts might not have had
2 cattle on it?

3 A. Well, parts here (indicating) didn't have any in.

4 Q. You're pointing to sort of around the gravel pit
5 and also near it?

6 A. Yeah.

7 Q. Any other parts?

8 A. Well, of course, across the road, Greenlee Road
9 was all work land.

10 Q. But in the area marked with the circle, were
11 there other areas where it wasn't cattle?

12 A. Not for a few years. There was a few years in
13 there where it was pasture land. There was a fence around
14 it.

15 Q. But was there a fence around this whole area
16 that's been marked with a circle?

17 A. About that, yes. Approximately.

18 Q. And there was cattle in it and there was a fence
19 around it?

20 A. (Witness nods head affirmatively.)

21 Q. Do you remember when that was?

22 A. Gosh, no.

23 Q. But there came a time when the fence was taken
24 down?

25 A. Yes.

1 Q. And the cattle -- there weren't any cattle
2 anymore?

3 A. No.

4 Q. Have you seen cattle there recently?

5 A. No.

6 Q. Have you seen cattle there in the last ten years?

7 A. Huh?

8 Q. Have you seen cattle there in the last ten years?

9 A. No.

10 Q. How about the last twenty years?

11 A. Might have twenty years ago.

12 Q. So maybe twenty years ago.

13 A. But not in ten years.

14 Q. Closer to twenty than ten?

15 A. Yes.

16 Q. Do you know who took down the fence?

17 A. Huh?

18 Q. Do you know who took down the fence?

19 A. Oh, I think he did (indicating).

20 MR. DANA: Let the record show that Mr.

21 Sharpe is pointing to Mr. Brace.

22 Q. Now, you said that there came a time when the
23 fence was taken down. And then I think you testified that
24 you saw Mr. Brace or his son clearing the land that would
25 have been marked as a circle in the area.

1 A. Yeah, working the land. I didn't notice him
2 particularly when he was clearing the land. I did once or
3 twice see when they was clearing it, but afterwards I saw
4 they was working it.

5 Q. When you say working it, what do you mean?

6 A. Plowing it, planting crops on it, harvesting
7 them.

8 Q. You saw Mr. Brace harvesting crops in the area?

9 A. Sure.

10 Q. This the whole area marked by the circle?

11 A. Sure.

12 Q. When was that?

13 A. The last time I guess was last summer.

14 Q. How about the summer before?

15 A. Yes.

16 Q. How about the summer before?

17 A. Yes.

18 Q. How about the summer before?

19 MR. WARD: Can we get back into terms of
20 years?

21 Q. How about 1987? Did you see crops in the area
22 that we've marked --

23 A. Yeah, I would say he got a good start in there
24 then.

25 Q. By '87?

1 A. Yes.

2 Q. Are you sure?

3 A. Pretty sure.

4 Q. How about '86?

5 A. You're getting back where I haven't got a good
6 memory of the time, but I know it's been several years..
7 This is '92.

8 Q. Right. So it's been several years since he's had
9 crops taken off this area.

10 A. Yeah, he's taken crops off of there.

11 Q. Do you know if he had them taken off in '86?

12 A. I don't know. I can't tell you.

13 Q. How about before '86?

14 A. No. I think it was pasture land then. Was not
15 used.

16 Q. It wasn't used?

17 A. No. Just for pasture. I don't know what year
18 the fence was taken down. I can't tell you.

19 Q. That's okay. That's all right. I just want you
20 to tell me what you remember. You don't have to --

21 A. Sure.

22 Q. You said before -- Now, was there a time after
23 the cows disappeared but before the crops were taken off?

24 A. Yes, there was.

25 Q. Was that a couple years?

1 A. Oh, gosh, I don't know.

2 Q. So you don't know how many years that was?

3 A. No.

4 Q. I think you said -- And, again, I'm just trying
5 to summarize, so if I'm not right, you tell me right away.
6 You said that, again, in this whole area marked with a
7 circle, that there came a time that beaver caused it to get
8 wetter than what it was before.

9 A. Yeah. The beaver dam was right here
10 (indicating).

11 Q. And you're pointing to what, sir?

12 A. Sibleyville Corners.

13 Q. Sibleyville Corners there was a beaver dam.

14 A. It was right beside the road.

15 Q. How did that affect the area that we've marked
16 with a circle?

17 A. It backed the water up there.

18 Q. When did that happen?

19 A. Oh, God, don't ask me. It's been a long time
20 ago.

21 Q. Thirty years ago?

22 A. Thirty years is quite awhile. It was close to
23 it. Twenty-five.

24 Q. And that made the area wetter? What we've called
25 the area here?