

State of South Carolina }
 County of Greenville }

Court of Common Pleas.

D. H. Rowland, W. O. Rowland,)
 W. A. Rowland, and Ruby R.)
 Piordan, partners, trading as)
 D. H. Rowland Lumber Mills,)
 Plaintiffs,)

Affidavit

vs.

J. Henry Hays, J. Malina,)
 Rosa B. Waddell, Clement)
 and Rebecca Moore,)
 Defendants)

Personally appeared before me J. M. Wells, who, being duly sworn, states that he is an attorney at law at Greenville, South Carolina, that the above entitled proceeding was one brought for the purpose of foreclosing certain alleged mechanics liens and marshaling assets of the defendants for the purpose of paying various creditors who had furnished material for the construction of a dwelling on the property described in the complaint. That on April 14, 1931, a reference was held before Honorable E. Inman Mastin in Equity for Greenville County, and at that time deponent was appointed trustee for the following creditors, to-wit:

Rowland Lumber Mills, Piedmont Lumber Company, Moland-Draydall Corporation, D. A. Brown, J. H. Hays; all of whom had furnished materials or labor to the defendants J. H. Hays and J. Malina and as security had taken a second mortgage on the premises described in the complaint, the amount of this mortgage aggregating the total amount of the claims of the said creditors. That deponent by a decree of court dated June - 1931 was appointed trustee for the said creditors for the purpose of taking over and collecting the balance due on the said mortgage. That the said mortgage was for the original sum of Nine Hundred Twenty-four and 24/100 (\$924.24) Dollars executed by Olimon Moore and Rebecca Moore to J. Malina and J. H. Hays on June 16, 1930 and was on June 17, 1930 duly recorded in the R. M. Co. Office for Greenville County in Volume 228, at page 54. That at the reference held before the master on said date, this mortgage was according to deponent's own knowledge, introduced in evidence and filed as a part of the record and judgment roll in the case. That subsequently the entire record has been misplaced or lost and after diligent search cannot be found. That copies of the record are available but that the original mortgage which was introduced in evidence has been lost along with the original judgment roll. Deponent shows that the said mortgage was not transferred to him by a decree of the Court of Common Pleas, as above set forth, and that at no time since has any further assignment or transfer of any sort been made by deponent or any other person having authority to do so. That deponent is still the legal owner and holder of said mortgage, as trustee acting under the authority of the decree above mentioned, and when properly authorized