

STATE OF WISCONSIN
RECEIVED BOND

STATE OF WISCONSIN: BRANCH II, COUNTY COURT: JEFFERSON COUNTY:

GERTRUDE P. BICKETT and
HELEN M. FIEGEL,
Plaintiffs,

vs.

WILBUR A. LARSON, a/k/a W. A.
Larson, and RUTH G. LARSON,
a/k/a Mrs. Wilbur A. Larson,
his wife; WATERTOWN REALTY, INC.,
and L. M. BICKETT COMPANY, a
corporation,
Defendants.

AFFIDAVIT

STATE OF WISCONSIN)
(ss.
COUNTY OF JEFFERSON)

James A. Fitzpatrick being first duly sworn, on oath deposes and says:

1. That he is the attorney for the defendant, Watertown Realty, Inc., a Wisconsin corporation, located in the City of Watertown, Jefferson County, Wisconsin.

2. That your affiant has reviewed the Summons and Complaint and the Notice of Application for Appointment of Receiver in the above entitled action and makes the following observations:

(a) That it appears upon the face of the Complaint that several causes of action have been united in one action contrary to the Statutes of the State of Wisconsin in such case made and provided.

(b) That it also appears from the face of the Complaint that the plaintiffs ask for a considerable amount of relief which is not provided by law.

(c) It appears from the Complaint that this action is founded upon a Land Contract for the sale of certain real estate in the City of Watertown, Jefferson County, Wisconsin.

(d) It also appears from the face of the Complaint that the plaintiffs are electing to petition the Court for all of the remedies available under the Land Contract law of this state many of which are inconsistent remedies.

(e) That your affiant makes this affidavit for the purposes of requesting the plaintiffs to elect the remedy upon which they seek to stand such election will have to be either strict foreclosure of the Land Contract, specific performance of the Land Contract or an action against the original vendees for the unpaid balance of the purchase price.

(f) It appears from the face of the Complaint that the plaintiffs seek a judgment of this court for a judicial sale and the entry of a deficiency judgment all of which is contrary to the law of this state.

(g) This affidavit is made for the purpose of opposing the appointment of a receiver at this time for the reason that the Cause of Action as alleged in the Complaint is not definite and certain and the plaintiffs have failed as required by law to elect their remedy and for the further reason that the plaintiffs ask for judicial relief that is not provided

(2)

for by law.

(h) That this affidavit is also made for the purpose of supporting a motion, by way of Order to Show Cause, requiring the plaintiffs to make their Complaint more definite and certain, requiring the plaintiffs to elect their remedy as provided for by law and to oppose the appointment of a receiver at this time.

JAMES A. FITZPATRICK,
ATTORNEY FOR: WATERTOWN REALTY, INC.

Subscribed and sworn to before me
this _____ day of October, 1964.

Notary Public, Jefferson County,
Wisconsin.
My Commission expires January 22nd, 1967.

32K COTTON FIBER
SOUTHWORTH CO. U.S.A.
RACERASE BOND