

Confidential Facts – Alvin E. Smith and Matilda Smith

Prior to 1926, the property had been farmland until it was subdivided by a local farmer. Most of the rest of the property remained farmland, but a quarter acre piece fronting on Easy Street was sold by the farmer to Alvin and Matilda Smith, who erected a small country general store on the site. As the population around the general store increased throughout the roaring twenties, Alvin decided to sell gasoline at the property as well. So, he installed a vacuum pump and an above ground storage tank, which was replaced by a new steel 250-gallon underground tank, at the urging of Alvin's fire insurance carrier, sometime in the early 1930s. As was the custom at the time, all gasoline sold by the Smiths was leaded in order to improve octane and overall performance.

In 1955, both Alvin E. Smith and Matilda Smith passed away in a tragic car accident.

The putative heirs to the Estates of Alvin and Matilda Smith have not answered the complaint to date. The heirs of the Estates of Alvin and Matilda have spent most of the inheritance from the Estate. The heirs argue the tanks that Alvin and Matilda installed were new and there is no proof that the tanks leaked during the Smith's ownership.

The heirs reviewed old documents of Alvin and Matilda Smith and found a general liability policy for 100,000 dollars. This is policy was an occurrence policy. This is maximum that the heirs are willing to pay.