

G T H
C-10186
No. C 8324

ABSTRACT OF TITLE

TO

E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp. 1N. R. 1E., and
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp. 1S. R. 1E. N 6E
Hi Line Canal, Mesa County, Colorado,

Prepared by

The Mesa County Abstract Co.

Member of Colorado and American Title Associations

128 North Fifth Street

GRAND JUNCTION, MESA COUNTY, COLO.

INTERMOUNTAIN P & S CO

THE MESA COUNTY ABSTRACT CO.

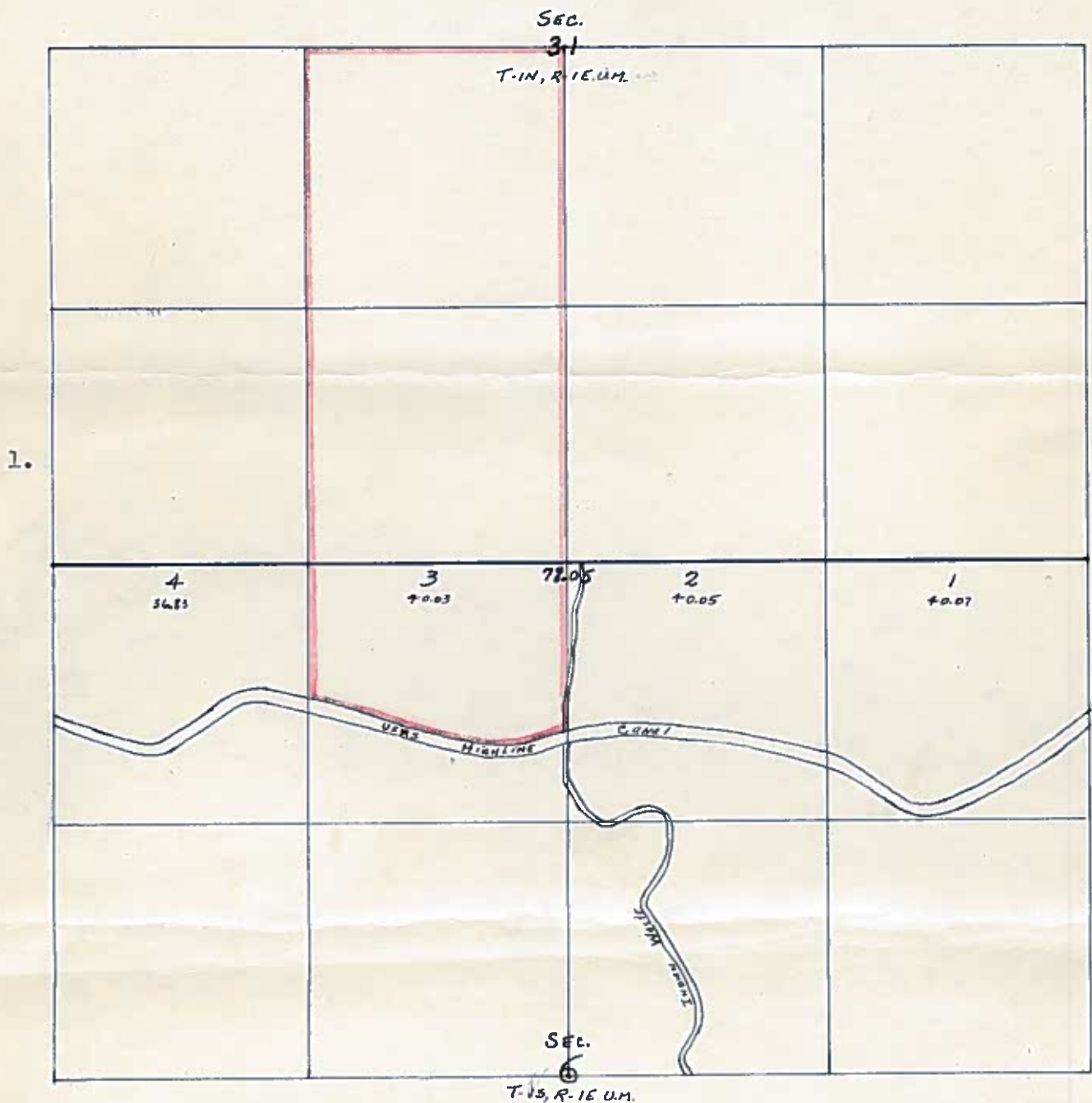
Established 1885

Grand Junction, Colo.

ABSTRACT OF TITLE TO

No. C- 8324

The East Half of the Southwest Quarter of Section Thirty-one (31) of Township One (1) North, Range One (1) East of the Ute Meridian, and that part of the Northeast Quarter of the Northwest Quarter (Lot 3) of Section Six (6), Township One (1) South, Range One (1) East of the Ute Meridian, lying North of the right of way of the United States Government High Line Canal, in Mesa County, Colorado.



The above is a Plat of the $S\frac{1}{2}$ of Section 31, Twp. 1N, R.1E. U.M. and the $N\frac{1}{2}$ of Section 6, Rwp. 1S, R.1E. U.M. in Mesa County, Colorado, showing the location of the land described in the caption hereof.

2

U. S. Receiver
to
Mike Kelleher

RECEIVER'S RECEIPT No. 499
Duplicate, Ute Series
Dated February 12, 1891
Filed February 14, 1891
At 2:25 o'clock P. M.

#11160
Book 13
Page 345

Receiver's Office, Montrose, Colorado. \$200.50 in full for the SW $\frac{1}{4}$ or known as E $\frac{1}{2}$ SW $\frac{1}{4}$ and Lots 3 and 4 SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. P. M. 160.40 acres.
H. C. Fink, Receiver.

-o----00----o

3

United States
to
Michael Kelleher

PATENT Ute Series Cert.No.499
Dated March 23, 1892
Filed April 11, 1907
At 1:00 o'clock P. M.

#60303
Book 70
Page 258

4 of SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.U. M., 160.40 acres, Colorado. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; And also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

(Signed)By the President, Benjamin Harrison, by
M. McKean, Secretary. D. P. Roberts, Recorder of the General Land Office.

(U. S. General Land
Office Seal)

-o-----00-----o-

4

Mike Kelleher
to
J. A. Milner

WARRANTY DEED \$1,000.00
Dated February 14, 1891
Filed February 14, 1891
At 4:40 o'clock P. M.

#11162
Book 33
Page 232

3 and 4 of SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. P. M. 160.40 acres, Mesa County, Colorado. Ack. February 14, 1891 before Arthur P. Cook, Clerk District Court, Mesa County, Colorado.
(Seal)

-o-----00-----o-

5

J. A. Milner
to
Peter S. Keifer

WARRANTY DEED \$1500.00
Dated March 12, 1891
Filed April 6, 1891
At 9:20 o'clock A. M.

#11454
Book 33
Page 296

3 and 4 of SW $\frac{1}{4}$) Sec. 31, Twp.1N. R.1E. U. P. M. 160.40 acres, Mesa County, Colorado. Ack. March 12, 1891 before Charles F. Dowling, Notary Public, Lake County, Colorado.
(Seal)

-o-----00-----o-

6

John H. Blood
vs
Frank W. Owers

CERTIFICATE OF LEVY
Dated
December 23, 1898
Filed December 23, 1898
At 11:45 o'clock A. M.

#28536
Book 1B
Page 301

By virtue of Execution from District Court of Arapahoe County, Colorado, in favor of John H. Blood against Frank W. Owers dated Nov. 28, 1898, I did Dec. 23, 1898 levy upon all right, title and interest of said Frank W. Owers in and to All of SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M. (and other property), Mesa County, Colorado. (Signed) Charles H. Wallis, Sheriff by L. H. Purnell, Under Sheriff.

-o-----00-----o-

7

Charles H. Wallis, Sheriff by
L. H. Purnell, Under Sheriff
to
John H. Blood

SHERIFF'S CERTIFICATE OF SALE #28703
Dated January 22, 1899 Book 1B
Filed January 24, 1899 Page 380
At 10:40 o'clock A. M.

By virtue of a writ of execution dated November 28, 1898 issued out of County Court of Mesa County, Colorado in favor of John H. Blood against Frank W. Owers to make the sum of \$4502.80 and \$2.80 costs I did on January 14, 1899 after levying upon and advertiaing for sale according to law, expose to public sale those tracts of land described as follows: All of SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M. (and other property), Mesa County, Colorado, and at said sale John H. Blood bid the sum of \$500.00 which being the highest and best bid said tracts were struck off to him. Entitled to a deed October 15, 1899. Sold subject to all prior liens and encumbrances and sales heretofore made. (Signed) Charles H. Wallis by L. H. Purnell, Under Sheriff.

-o-- -00---o-

8

Charles H. Wallis, Sheriff, By
L. H. Purnell, Under Sheriff
to
John H. Blood

CERTIFICATE OF PURCHASE \$500.00 #28767
Dated January 21, 1899 Book 1B
Filed February 7, 1899 Page 381
At 10:20 o'clock A. M.

By virtue of writ of Execution dated Nov. 28, 1898 out of District Court of Arapahoe County in favor of John H. Blood against Frank W. Owers for \$4502.80 and \$2.80 costs I did on January 14, 1899 after levying upon and advertising for sale according to law, expose to public sale tracts of land described as follows: All of SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E U. M. (and other property), and at said sale John H. Blood bid \$500.00 which being highest and best bid said ttracts were struck off to him. Entitled to deed Oct. 15, 1899. Sold subject to all prior liens encumbrances and sales heretofore had and made. (Signed) Charles H. Wallis, Sheriff by L. H. Purnell Under Sheriff.

-o-----00-----o-

9

Treasurer of Mesa County
to
Mesa County

TAX SALE \$1.70 #4266
Dated December 8, 1898 Book E Page 185
Sale of:
1/3 int in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.

-o-----00--- o-

10

Treasurer of Mesa County
to
Mesa County

TAX SALE \$1.70 #4263
Dated December 8, 1898 Book E Page 185
Sale of:
1/3 int in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.

-o-- -00---o-

11

Treasurer of Mesa County
to
Delaplain & Crosby

TAX SALE \$5.15 #4460
Dated December 26, 1899 Book H Page 11
Sale of:
Und 1/3 SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.

REDEEMED by P. S. Kiefer Oct 19, 1900

-o ---00----o-

12

Treasurer of Mesa County
to
Mesa County

TAX SALE \$5.18 #4944
Dated December 30, 1899 Book H Page 66
Sale of:
Und 1/3 SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.

-o ---00----o-



13 Treasurer of Mesa County TAX SALE \$4.92 #5019
 to Dated December 30, 1899 Book H Page 75
Mesa County Sale of:
 Und 1/3 SW $\frac{1}{4}$ Sec.31, Twp.1N. R.1E.
 REDEEMED by W. G. Boyer Mch.26, 1906

-o-----00 ---o-

14 Treasurer of Mesa County TAX SALE \$4.19 #6188
 to Dated December 31, 1901 Book I Page 36
Mesa County Sale of:
 1/3 int in SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.
 REDEEMED by W. G. Boyer Mar. 26, 1906

-o-----00-----o-

15 Treasurer of Mesa County TAX SALE \$1.71 #6286
 to Dated December 24, 1901 Book I Page 48
Mesa County Sale of:
 1/3 int in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.
 REDEEMED by W. G. Boyer Mch. 26, 1906

-o ---00-- -o

16 Treasurer of Mesa County TAX SALE \$1.95 #6288
 to Dated December 24, 1901 Book I Page 48
Mesa County Sale of:
 1/3 int in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.
 REDEEMED by W. G. Boyer Mch. 26, 1906

-o-----00-----o

17 Treasurer of Mesa County TAX SALE \$3.41 #5515
 to Dated December 20, 1900 Book H Page 139
Mesa County Sale of:
 1/3 int SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.
 REDEEMED by W. G. Boyer Mch 26, 1906

-o-----00-----o

18 Treasurer of Mesa County TAX SALE \$6.78 #7362
 to Dated November 23, 1903 Book I Page 178
M. O. Delaplain Sale of:
 1/3 int SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. 1901 tax
 REDEEMED by W. G. Boyer Mch 26, 1906

-o-- -00 - -o-

19 Treasurer of Mesa County TAX SALE \$6.77 #7358
 to Dated November 23, 1903 Book I Page 177
M. O. Delaplain Sale of:
 1/3 int in SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.1901 tax
 REDEEMED by W. G. Boyer Mch 26, 1906

-o ---00-----o-

20 Treasurer of Mesa County TAX SALE \$6.75 #8002
 to Dated December 30, 1904 Book J Page 41
Mesa County Sale of:
 1/3 int SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E
 REDEEMED by W. G. Boyer Mch 26, 1906

-o-----00 ---o-

21

Treasurer of Mesa County
to
Mesa County

TAX SALE \$8.27 #8073
Dated December 20, 1904 Book J Page 50
Sale of:
1/3 int SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.

REDEEMED by W. G. Boyer Mch 26, 1906

-o---00-----o-

22

Geo. J. D. Williams, County
Treasurer, Mesa County, Colorado
(County Treasurer's Seal)
to
W. G. Boyer

TREASURER'S DEED #59902
Dated March 26, 1906 Book 93
Filed March 27, 1906 Page 330
At 9:00 o'clock A. M.

Whereas following described real property, viz: Und 1/3 int in and to SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M. was subject to taxes for year 1898, taxes assessed upon said real estate for year aforesaid remained due and unpaid at date of sale hereinafter named; Treasurer did Dec. 30, 1899 at adjourned sale, sale begun and held Dec. 26, 1899 expose to public sale at office of Treasurer in County aforesaid in requirements of statute, real property above described for payment of taxes, interest and costs then due and unpaid. No bid was made or offered by any person at said sale for any of the land, tracts and real property offered exposed to sale and remaining unsold at said sale and particularly for said above described real property or any part of it, and Treasurer having passed such real property over for the time, did re-offer it at beginning of sale next day/and until he became satisfied that no more sale for any property and particularly the real property herein described and so offered could be effected at such sale. Whereupon Treasurer did bid off at sale for and in County of Mesa all lands, tracts and real property, remaining unsold at such sale for amount of taxes interest and costs due thereon and unpaid among which property so bid off were premises herein described which were so bid off and to make taxes, interest and costs herein stated to be due thereon, under and in pursuance of statutes provided. At time and place aforesaid there was assessed due and unpaid as taxes, interest and costs on said property for year aforesaid \$10.53 being whole amount of taxes, interest and costs then due and unpaid on said property. Whereas real property was so bid off by Treasurer of said County for sum of money as aforesaid due as taxes, interest and costs and County thereby became and was the purchaser of said real property at such sale and Certificate of purchase was issued by Treasurer to said County on such sale. Whereas W. G. Boyer of County of Mesa, Colorado, did Mch 26, 1906 pay to and deposit with County Treasurer of said County the above amount for which property was bid in by the County at said sale with interest and penalties accrued thereon from date of sale together with subsequent taxes thereon since date of sale amounting to \$45.54 together with sum of \$2.00 for making assignment of Certificate of purchase herein mentioned in accordance with provisions of Sec. 2930 of General Statute as amended by Act approved April 8, 1893 and Whereas in consideration of premises and in accordance with the provisions of Sec. 2930 of General Statutes of State of Colorado and the laws of Colorado in such cases made and provided by the County Clerk of said County of Mesa did March 26, 1906 and County Treasurer of Mesa County did also on said March 26, 1906 sell, assign and deliver unto W. J. Boyer the Certificate of purchase to property aforesaid and all right, title and interest which County of Mesa had in and to Certificate to property therein described. Whereas more than three years have elapsed since date of sale and property has not been redeemed as provided by law. The assessed valuation of said property was less than \$250. Therefore I, Geo. J. D. Williams, Treasurer of County aforesaid for consideration of sum to Treasurer paid and by virtue of statutes in such cases made and provided have sold, and by these presents do grant bargain and sell unto W. G. Boyer the real property last herein before described. Subject to all rights of redemption by minors, insane persons or idiots provided by law.

Ack. March 26, 1906 before W. S. Wallace, Notary Public, Mesa County, Colorado.

(Seal)

Commission expires December 9, 1907

-o--- 00-----o-

Geo. J. D. Williams, County
Treasurer of Mesa County, Colorado
(County Treasurer's Seal)
to
W. G. Boyer

TREASURER'S DEED

Dated March 26, 1906
Filed March 27, 1906
At 9:05 o'clock A. M.

#59903
Book 93
Page 331

Whereas following described real property
viz: Und 1/3 int in and to SW $\frac{1}{4}$ Sec. 31
Twp. 1N. R. 1E. U. M. was subject to taxes for the year 1897, taxes assessed upon
said real estate for year aforesaid remained due and unpaid at date of sale herein-
after named; Treasurer did Dec. 8, 1898 at adjourned sale, sale begun and held
Dec. 8, 1898 expose to public sale at office of Treasurer in County aforesaid in
requirements of statute, real property above described for payment of taxes,
interest and costs then due and unpaid. No bid was made or offered by any person
at said sale for any of the land, tracts and real property offered exposed to
sale and remaining unsold at said sale and particularly for said above described
real property or any part of it, and Treasurer having passed such real property
over for the time, did re-offer it at beginning of sale next day and until he
became satisfied that no more sale for any property and particularly the real prop-
erty herein described and so offered could be effected at such sale. Whereupon
Treasurer did bid off at sale for and in County of Mesa all lands, tracts and
real property, remaining unsold at such sale for amount of taxes, interest and
costs due thereon and unpaid among which property so bid off were premises herein
described which were so bid off and to make taxes, interest and costs herein
stated to be due thereon, under and in pursuance of statutes provided. At time
and place aforesaid there was assessed due and unpaid as taxes, interest and
costs on said property for year aforesaid \$23.24 being whole amount of taxes,
interest and costs then due and unpaid on said property. Whereas real property
was so bid off by Treasurer of said County for sum of money as aforesaid due as
taxes, interest and costs and County thereby became and was the purchaser of
said real property at such sale and Certificate of purchase was issued by Treasurer
to said County on such sale. Whereas W. G. Boyer of Mesa County, Colorado, did
March 26, 1906 pay to and deposit with County Treasurer of said County the above
amount for which property was bid in by the County at said sale with interest and
penalties accrued thereon from date of sale together with subsequent taxes thereon
since date of sale amounting to \$45.54 together with sum of \$2.00 for making
assignment of Certificate of purchase herein mentioned in accordance with pro-
visions of Sec. 2930 of General Statute as amended by Act approved April 8, 1893
and Whereas in consideration of premises and in accordance with the provisions
of Sec. 2930 of General Statutes of State of Colorado and the laws of Colorado in
such cases made and provided by the County Clerk of said County of Mesa did
March 26, 1906 and County Treasurer of Mesa County did also on said March 26, 1906
sell, assign and deliver unto W. J. Boyer the certificate of purchase to property
aforesaid and all right, title and interest which County of Mesa had in and to
Certificate to property therein described. Whereas more than three years have
elapsed since date of sale and property has not been redeemed as provided by law.
The assessed valuation of said property was less than \$250.00 Therefore I, Geo.
J. D. Williams, Treasurer of County aforesaid for consideration of sum to Treasurer
paid and by virtue of statutes in such cases made and provided have sold, and by
these presents do grant bargain and sell unto W. G. Boyer the real property last
hereinbefore described. Subject to all rights of redemption by minors, insane
persons or idiots provided by law.

Ack. March 26, 1906 before W. S. Wallace, Notary Public, Mesa County, Colorado.
(N. P. Seal) Commission expires December 9, 1907

-o----00-----o-

Peter S. Keifer
to
W. G. Boyer

QUITCLAIM DEED \$1.00 and other
valuable consideration
Dated March 16, 1906
Filed March 29, 1906
At 11:20 o'clock A. M.

#59961
Book 100
Page 184

Conveys: SW $\frac{1}{4}$ Sec. 31, Twp. 1N. R. 1E. U. M., Mesa County, Colorado.

Ack. March 16, 1906 before Julius Calmann, Notary Public, City and County of San
Francisco, California. (Seal) Commission expires May 29, 1909

Certificate March 16, 1906 of H. I. Mulcrery Clerk, City and County of San
Francisco and Clerk Superior Court of said State in and for said City and County
that Julius Calmann is a Notary public for State of California and residing in
in City and County of San Francisco and authorized to take acknowledgments etc.
(Seal)

-o----00-----o-

The Grand Valley Water Users' Association

ARTICLES OF INCORPORATION

#53297

Dated February 7, 1905
Filed February 23, 1905
At 9:30 o'clock A. M.

- Article I. The name of this corporation shall be and is The Grand Valley Water Users' Association.
- Article II. (Here follows the names of the Incorporators)
- Article III. The Principle place of transacting the business of the Association shall be at Grand Junction, Mesa County, Colorado.
- Article IV. Sec. 1. The purpose for which this Association is organized - - furnish, provide for and distribute to the lands of the shareholders of the Association - - water for the irrigation thereof, to own, use, sell, transfer, convey, etc., property both real and personal etc. (other objects)
- Article V. The capital stock shall be \$75,000.00, divided into 75,000 shares of par value of \$1.00 each. said stock shall be assessable etc. Term of existence shall be 20 years.
(Other articles and Sections)

Signed by the Incorporators, Lawrence M. Miller, S. P. Green, H. H. Beach, John T. Beaman, George Smith, Marion O. Delaplain, William S. Wallace, James H. Smith, Merrill W. Blakslee and James B. Hunter.

Ack. February 7, 1905 by the above incorporators before William A. Marsh, Notary Public, Mesa County, Colorado.

(N. P. Seal)

Commission expires January 7, 1909

-o----OO- - o-

The Grand Valley Water Users' Association

AMENDMENT TO ARTICLES OF INCORPORATION

#108857
Filed

Filed September 14, 1912
At 3:00 o'clock P. M.

Certificate of W. S. Wallace, President and D. W. Aupperle, Secretary of The Grand Valley Water Users' Association (Corporate Seal) dated September 14, 1912, that at a meeting of the Board of Directors of said Association on August 15, 1912, the following resolution was adopted: - - That a special meeting of the stockholders of The Grand Valley Water Users' Association be called to be held at the office of the Association September 14, 1912 at 10:00 o'clock A. M. for the purpose of voting on the question of amending Sec. 3 of Article VI of the Articles of Incorporation of said Association, so that it may read as follows: Assessments for the cost, operation, maintenance and repair of the works owned, controlled or to be maintained by the Association shall be equitably assessed against all the share holders in proportion to the number of shares held by them respectively. That said special meeting was called. That said meeting was held at the office of the Association in the City of Grand Junction, Colorado, September 14, 1912. That at said meeting votes representing two-thirds of all the stock of said Association were cast in favor of the adoption of the proposed change.

Ack. September 14, 1912 by W. S. Wallace, President and D. W. Aupperle, Secretary of The Grand Valley Water Users' Association before Marion O. Delaplain, Notary Public, Mesa County, Colorado.

(N. P. Seal)

Commission expires September 15, 1914

-o----OO-----o-

27

Walter L. Fisher, Secretary
of the Interior for and on
behalf of the United States
of America

to
The Grand Valley Water
Users' Association

CONTRACT

Dated February 13, 1913
At 11:10 o'clock A. M.
Filed August 5, 1913
At 11:00 o'clock A. M.

#115142
Book 175
Page 532

Provides: That if the Secretary of the Interior shall authorize and cause the construction of said Irrigation works, the said association will take action to secure the determination by the courts of the relative rights to the use of water for said lands- - That the Water Users' Association guarantees the payment to the United States of the cost of the irrigation works as apportioned by the Secretary of the Interior against land of its shareholders, and also cost of operation and maintenance as assessed from year to year by the Secretary of Interior etc.

-o----00----o-

28

W. G. Boyer, W. S. Wallace
to
The Grand Valley Water
Users' Association

SUBSCRIPTION OF STOCK
Dated December 13, 1907
Filed March 5, 1908
At 10:28 o'clock A. M.

73496
Book 130
Page 63

Subscribed for 80 shares of stock of
The Grand Valley Water Users' Association.

(Under the terms of the Articles of Incorporation, a copy of which is made a part of this instrument) to be inseparably appurtenant to the following real estate: E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M., 80 acres,

Mesa County, Colorado.

Ack. Dec. 13, 1907 before Jacob H. Schiesswohl, Notary Public, Mesa County,
Colorado. (N. P. Seal) Commission expires January 10, 1910

-o----00----o-

29

The Grand Valley Water
Users' Association

CERTIFICATE OF EXTENSION
Filed April 11, 1925
At 10:31 o'clock A. M.

#209483
File #1638

State of Colorado, County of Mesa, SS
Certifies that a special meeting of the stockholders of said Association duly held in the Court Room of the County Court House at Grand Junction, Mesa County, Colorado, February 17, 1925 the following resolution was adopted: "Resolved that the corporate existence of The Grand Valley Water Users' Association, a corporation be extended for a period of 20 years from the date of the expiration of the present charter and so continuing the same as if originally incorporated." That said meeting was called and due and legal notice given in manner required by law and that at such meeting a majority of the entire outstanding capital stock was represented. That the said resolution was adopted by a majority vote of the entire outstanding/capital stock of said Association.

Signed March 21, 1925 by C. E. Blumenshine, President, Attest: M. Ethel Cox, Secretary. (Corporate Seal)
Subscribed and sworn to March 28, 1925 before Delmar B. Wright, Notary Public, Mesa County, Colorado.

(N. P. Seal) Commission expires July 1, 1928

What appears to be duplicate of this instrument was filed May 24, 1938 at 11:10 o'clock A. M. File #3069. Reception No. 337413

-o----00----o-

The Grand Valley Water Users' Association

CERTIFICATE OF AMENDMENT

#254831

Filed August 8, 1930

File #1901

At 10:30 o'clock A. M.

Certificate dated June 9, 1930 of W. S. Wallace, President, Attest D. W. Aupperle, Secretary of The Grand Valley Water Users' Association (Corporate Seal) that they as President and Secretary on Jan. 14, 1913 state: That at the regular meeting of the shareholders of said Association held Jan. 14, 1913, the following proposed amendments were read; that 18,310 votes representing more than 2/3 of the shares of said Association, were polled, all cast in favor of said amendments; that said President and Secretary were authorized to file certificate necessary to carry in effect the changes adopted. Amends Art. II as to names of incorporators. Amends Art. V Sec. 2 "Only those who are owners of lands or occupants of public lands having initiated a right to acquire the same shall be qualified to own shares of this Association. That not more than one share shall be allowed for each acre of land, but fractional shares may be issued for fractional acres." Sec. 4. "If shareholder or his successor should fail to make prompt application for such water right - - he shall be liable to the United States for water right charges levied by the Secretary of the Interior and the Association - - until such charges are fully paid they shall be a lien upon such lands and shares and the said lien shall be enforced by foreclosure and sale of said lands and shares of stock." Sec. 5 (To be stricken out) Art. VI. Sec. 5. "Calls and assessments shall be made and levied - - by Board of Directors, Assessments may be levied against such shares of stock as are appurtenant to the lands for which excess charges shall be levied by the Secretary of the Interior; when all payments required for such water rights shall have been made and evidence of the perfection of such water rights has been issued his stock shall be deemed to have been fully paid up, - - Secs. 4 and 5 refer to assessments. Art. XI Sec. 1 refers to acquirement of irrigation system etc. Art XII refers to corporate indebtedness. Art. XV Sec. 2 refers to rights of way. Sec. 3 refers to damages to property.

Ack. July 10, 1930 by W. S. Wallace, who was on January 14, 1913, President of The Grand Valley Water Users' Association, before Mary Bol Ward, Notary Public, City and County of Denver, Colorado.

(N. P. Seal)

Commission expires April 9, 1934

Affidavit attached July 22, 1930 by W. S. Meek, President of The Grand Valley Water Users' Association, that he has examined the minutes of meeting above referred to and the above statements are correct.

Subscribed and sworn to July 22, 1930 before Virginia O. Wallace, Notary Public, Mesa County, Colorado.

(N. P. Seal)

Commission expires April 9, 1934

Certificate of true copy attached July 30, 1930 by Chas. M. Armstrong, Secretary of State of Colorado, by A. G. Sredaker, Deputy.

(State of Colorado Seal)

-0-----00-----0-

The Grand Valley Water Users' Association

AMENDMENT

#242293

Filed January 30, 1929

File #1925

At 3:10 o'clock P. M.

To Amend Sec. 1 of Article IV to read as follows: To purchase or acquire land by foreclosure or otherwise and to hold, own, sell, transfer or convey such land, any such sale, transfer or conveyance to be upon such terms and conditions as may be fixed by the Board of Directors of this Association. (and other objects). To amend Article V by omitting therefrom Sections 3, 4 and 12. (Amends other Articles and Sections) Amendment adopted at Annual Meeting of Stockholders held Jan. 8, 1929, by more than 2/3 vote.

Signed W. S. Meek, President, Attest: W. W. Russell, Secretary. (Corporate Seal) Subscribed and sworn to Jan. 24, 1929 by W. S. Meek, President and W. W. Russell, Secretary of the Grand Valley Water Users' Association before Charles M. Holmes, Notary Public, Mesa County, Colorado.

(N. P. Seal)

Commission expires June 20, 1931.

-0-----00-----0-

32
W. G. Boyer
to
W. S. Wallace

WARRANTY DEED \$1.00 and other #70927
valuable considerations Book 126
Dated December 14, 1906 Page 276
Filed November 13, 1907
At 9:20 o'clock A. M.
Conveys: Undivided 1/2 interest in and to
E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M., Mesa County, Colorado.
Ack. December 14, 1906 before Harriette J. Tobyne, Notary Public, Mesa County,
Colorado. (Seal) Commission expires July 30, 1909

-o----00---o-

33
W. G. Boyer
to
Olive Roberts Boyer

WARRANTY DEED \$1.00 and Love #77891
and affection Book 136
Dated August 26, 1908 Page 384
Filed August 28, 1908
At 10:10 o'clock A. M.

Conveys: An undivided 1/2 interest in add to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E.
U. M., (and other property), Mesa County, Colorado. Except taxes of 1908 which
second party assumes and agrees to pay.
Ack. August 28, 1908 before R. E. Starr, County Clerk, Mesa County, Colorado.
(Seal)

-o----00-----o

34
Olive Roberts Boyer
to
Public Trustee, Mesa County,
Colorado, for the use of
W. Guy Boyer

TRUST DEED \$1.00 #112084
Dated January 8, 1913 Book 169
Filed Febuary 20, 1913 Page 357
At 9:30 o'clock A. M.
Conveys: The undivided one half interest
in and to the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 31, in Twp.1
N. R. 1E. U. M., Mesa County, Colorado.

Subject to Subscription for 80 shares of stock of the Grand Valley Water Users
Association, and contract with said Association. IN TRUST to secure her promis-
sory note bearing even date herewith, payable to the order of W. Guy Boyer for the
principal sum of \$1000.00 with interest thereon from date until paid at 10% per
annum interest payable semi-annually. Said note being more fully described as
follows: one note of even date herewith for the principal sum of \$1000.00 with
interest thereon from the date thereof at 10% per annum and due in one year after
the date thereof.

Ack. February 9, 1913 before Charles W. Rose, Notary Public, Mesa County, Colorado
(N P. Seal) Commission expires May 24, 1915

-o---00-----o-

35
Treasurer of Mesa County
to
Mesa County

TAX SALE \$5.95 #14607
Dated March 6, 1915 Book 0 Page 46
Sale of:

1/2 Int in E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R 1E.
DEEDED May 21, 1910 to The City of Grand Junction

-o----00-----o-

36
Benton Canon, Public Trustee
(Mesa County, Colorado,
County Treasurer's Seal)
to
John J. Tobin, Receiver of The
Mesa County National Bank

PUBLIC TRUSTEE'S CERTIFICATE OF #126389
PURCHASE \$1,000.00 Book 194
Dated June 21, 1915 Page 348
Filed June 21, 1915
At 11:20 o'clock A. M.

State of Colorado, County of Mesa, SS
I, Benton Canon, Public Trustee in said
County, do hereby certify that under and
by virtue of the power and authority in me vested by a certain Deed of Trust dated
January 8, 1913, made, executed and delivered to the Public Trustee in the County
aforesaid by Olive Roberts Boyer, of Mesa County, Colorado, and duly recorded in
book 169 at page 357, of the Public Records of said County, and which said Deed
of Trust was given to secure to W. Guy Boyer the payment of the sum of \$1,000.00
besides interest thereon upon the terms and conditions and with the covenants and

continued on next sheet

No. 36 continued

agreements in said Deed of Trust contained, upon notice of election and demand for sale in writing, filed with me as such Public Trustee, I did, on June 21, 1915 at the hour of 10:00 o'clock in the forenoon of said day, after having first published a notice of sale and mailed a printed copy thereof to the grantor in said Deed of Trust and all subsequent encumbrancers, as provided by law and according to the terms and conditions of said Deed of Trust, expose to public sale a certain tract or parcel of land described as follows, to-wit: The undivided 1/2 interest in and to the E 1/2 SW 1/4 Sec. 31, Twp.1N. R.1E. U. M., Mesa County, Colorado, subject to the subscription for 80 shares of stock of the Grand Valley Water Users Association, and contract with said Association, and that at said sale John J. Tobin, Receiver of the Mesa County National Bank bid the sum of \$1000.00 for said above described premises, which being the highest and best bid received therefor, the said tract or parcel of land was struck off to him, the said John J. Tobin, Receiver of the Mesa County National Bank, and that he, the said John J. Tobin, Receiver of the Mesa County National Bank will be entitled to a deed for said premises so sold to him on March 22, 1916, unless the same be redeemed according to law.

-o--- -00- ---o-

37

Olive Roberts Boyer
to
The City of Grand Junction

QUIT CLAIM DEED \$1.00 and other #251600
valuable considerations Book 313
Dated March 7, 1930 Page 214
Filed March 20, 1930
At 11:25 o'clock A. M.

Quit Claims: An undivided 1/2 interest in the E 1/2 SW 1/4 Sec. 31, Twp.1N. R.1E. U. M. Mesa County, Colorado.

Ack. March 7, 1930 before Anna M. Wagler, Notary Public, Mesa County, Colorado.
(N. P. Seal) Commission expires Mar. 3, 1932

-o--- -00- ---o-

38

Treasurer of Mesa County
to
Mesa County

TAX SALE \$6.90 #31520
Dated December 12, 1929 Book 25 Page 23
Sale of:
1/2 Int. E 1/2 SW 1/4 Sec. 31, Twp.1N. R.1E
REDEEMED by City of Grd- Jct. 9/4/41/

o- --00- -o-

39

W. S. Meek, Treasurer, (Mesa
County, Colorado, County
Treasurer's Seal)
to
The Klein Land Company

TREASURER'S DEED #25534 #253056
Dated January 15, 1929 Book 288
Filed May 16, 1930 Page 233
At 9:40 o'clock A. M.

Whereas, the following described real property, viz: A one-half interest in E 1/2 SW 1/4 Sec. 31, Twp.1N. R.1E. U. M./was subject to taxation for year 1923, And, Whereas, the taxes assessed upon said property for the year 1923 aforesaid remained due and unpaid at the date of the sale herein after named; And, Whereas, The Treasurer of the said County did, on Dec. 12, 1924 by virtue of the authority vested in him by law, at an adjourned sale, the sale begun and publicly held on Dec. 9, 1924, expose to public sale at the office of the Treasurer, in the County aforesaid, in substantial conformith with the requirements of the statute in such case made and provided, the real property above described for the payment of the taxes, interest and costs then due and remaining unpaid on said property; And, Whereas, at the sale so held as aforesaid by the Treasurer, no bids were offered or made by any person or persons for the said property, and no person or persons having offered to pay the said taxes, interest and costs upon the said property for said year 1923, and the Treasurer having become satisfied that no sale of said property would be had, therefore the said property was, by the then Treasurer of the said County, stricken off to the said County, and a certificate of sale was duly issued therefor to the said County in accordance with the statute in such case made and provided.

continued on next sheet

No. 39 continued

And, Whereas, the said County of Mesa, acting by and through its County Treasurer, and in conformity with the order of the Board of County Commissioners of the said County, duly entered of record March 8, 1928, the said day being one of the days of a regular session of the Board of County Commissioners of the said County did duly assign unto The Klein Land Company the certificate of sale of said property, so issued as aforesaid to said County, add all its rights, title and interest in said property held by virtue of said sale.

And Whereas, the said The Klein Land Company has paid taxes and subsequent taxes to amount of \$51.34 pursuant to County Commissioners order, And Whereas, more than three years have elapsed since the date of the said sale and the said property has not been redeemed therefrom as provided by law; And, Whereas, the said property was assessed for said year 1923 at a sum of more than \$100.00; And, Whereas, All the provisions of the statutes prescribing prerequisites to obtaining tax deeds have been fully complied with, and are now of record, and filed in the office of the County Treasurer of said County, Now, Therefore, I, W. S. Meek, Treasurer of the County aforesaid, for and in consideration of the sum to the Treasurer paid as aforesaid, and by virtue of the statute in such case made and provided have granted, bargain and sold, and by these presents do grant, bargain and sell the above and foregoing described real estate unto the said The Klein Land Company, its successors and assigns, forever, subject to all the rights of redemption by minors, insane persons or idiots, provided by law.

Ack. January 15, 1929 before Virginia Wallace McKinney, Notary Public, Mesa County, Colorado. (N. P. Seal) Commission expires August 27, 1929

-o--- 00--- o-

40 Treasurer of Mesa County
to
Mesa County

TAX SALE \$27.45 #25534
Dated December 13, 1924 Book X Page 81
Sale of:
½ Int in E½ SW¼ Sec. 31, Twp.1N. R.1E.

DEEDED to Klein Land Company January 15, 1929

o--- 00--- o-

41 The Klein Land Company by
Rufus B. Klein, President
Attest: C. W. Savery, Secre-
tary (Corporate Seal)

QUIT CLAIM DEED \$10.00 and other #253057
valuable considerations Book 325
Dated May 12, 1930 Page 78
Filed May 16 1930
At 9:45 o'clock A. M.

City of Grand Junction
Quit Claims: An undivided one-half interest
in the E½ SW¼ Sec. 31, Twp.1N. R.1E. _____, Mesa County, Colorado. The above
being interest acquired through tax sale certificate #25534.

Ack. May 12, 1930 by Rufus B. Klein and R. G. Savery, respectively as president
and secretary of The Klein Land Company before Beulah Mae Ferretti, Notary Public,
City and County of Denver, Colorado.

(N. P. Seal) Commission expires May 21, 1932

-o----00- --o-

42 Arthur T. Gormley
James H. Rankin
to
The City of Grand Junction,
a municipal corporation

QUIT CLAIM DEED \$1.00 and other #253058
valuable consideration Book 313
Dated April 21, 1930 Page 235
Filed May 16, 1930
At 9:50 o'clock A. M.
Quit Claim: An undivided one half interest
in and to the E½ SW¼ Sec. 31, Twp.1N. R.1E.

U. M., containing approximately 80 acres, Mesa County, Colorado.

Ack. April 28, 1930 before Harriette J. Tobyne, Notary Public, Mesa County, Colo-
rado. (N. P. Seal) Commission expires February 21, 1931

-o----00-----o-

T. E. Thompson, et al.,
Plaintiffs
vs
The Board of County Commissioners of
Mesa County, Colorado, The Klein Land
Company, a Corporation, et al.,
Defendants

FINDINGS AND JUDGMENT

No. 326349

Dated Mar. 9, 1934

Filed Aug. 24, 1937 at 3:21 P. M.

Book 362, page 465

STATE OF COLORADO }
COUNTY OF MESA } SS

In the District Court No. 4909

In this cause, on January 31, 1933, the Court duly entered its findings, preliminary to an accounting herein, and in its order of said date found and determined that the sale of the tax-sale certificates described in the complaint herein, by the Board of County Commissioners of Mesa County, Colorado, to defendant The Klein Land Company under the resolutions of March 8th and May 3rd, 1928, was a bulk sale for a lump sum to a preferred purchaser, namely, The Klein Land Company, and, for such reasons and in accordance with such findings, the Court found and determined that said sale was void. Thereafter, and on the 2nd day of February 1933, this cause came on for further proceedings before the Court, on the application of the plaintiffs for an accounting, and the Court on said date entered its order herein, that The Klein Land Company, through its proper officers, attorneys, employees or accountants, at the time named in said order, produce in this Court all books, papers, records and documents relating to its dealings with the tax-sale certificates involved herein and the disposition thereof, and to render a just, full and true account of all moneys, treasurer's deeds and other property received by it from the County Treasurer of Mesa County and his predecessor in office and from all other persons, by reason of redemptions, sales or other dispositions of the tax-sale certificates involved herein; and said defendant was further ordered and directed to produce in this Court all of the tax-sale certificates involved in this action now in its possession or under its control. Thereafter, the matter of such accounting came on regularly to be heard before the Court, the plaintiffs appearing by Guy V. Sternberg, E. B. Adams and W. R. Hinman, their attorneys, the defendant The Board of County Commissioners appearing by Simon L. Smith, County Attorney, the defendant W. S. Meek appearing by his attorney, William F. Haywood, and the defendant The Klein Land Company appearing by its attorneys, Fred R. Wright, Clarence L. Ireland and R. H. Blackman; and evidence was presented on behalf of plaintiffs and defendant The Klein Land Company, and at the conclusion of the evidence the cause was argued orally before the Court on Sept. 8, 1933, and finally submitted on written briefs on Dec. 15, 1933. Numerous exhibits on the part of plaintiffs and said defendant were tendered and offered in evidence, and the rulings of the Court reserved thereon until the final disposition of the cause, and as to each and all of the said exhibits the Court now rules as follows: (Here follows list of exhibits.)

That the total of the above amounts, so found by the Court as having been received by said defendant, is the sum of \$71,517.47. The Court finds that the amount paid to the County of Mesa by The Klein Land Company, for and on account of said certificates involved herein, is the sum of \$34,421.99, which said defendant is entitled to have credited on the amount received as above set forth, which leaves a balance against the defendant The Klein Land Company in the sum of \$37,095.48, for which plaintiffs are entitled to judgment and for which sum judgment is hereby ordered against said defendant The Klein Land Company. The Court further finds that, as appears from the record and files herein, an order was entered on December 19, 1929, by the Hon. Francis E. Bouck, upon the written petition and request in open court of defendant W. S. Meek, County Treasurer of Mesa County, Colorado, permitting said defendant to deliver to defendant The Klein Land Company all redemption moneys then in his hands and in his possession and all redemption moneys thereafter coming into his possession on account of tax-sale certificates involved in this action, and, further, that said defendant County Treasurer might deliver to defendant The Klein Land Company Treasurer's deeds issued upon tax-sale certificates involved in this action, upon said defendant's delivering to said Treasurer a surety bond or bonds satisfactory to said Treasurer, in a sum equal to the amount of such redemption moneys and the face of the tax-sale certificates surrendered for such tax deeds, plus all subsequent taxes endorsed on said certificates, with accrued interest, penalties and costs, plus 10%; that, pursuant to said order, surety bonds were delivered to said Treasurer and said Treasurer paid over certain redemption moneys and delivered certain tax deeds to defendant The Klein Land Company, upon tax-sale certificates involved in this action, and the Court finds that plaintiffs are entitled to take such action as they may be advised with reference to such bonds in the event of their failure to collect the money judgment herein awarded to them against the defendant The Klein Land Company. The Court finds that the said defendant has deposited in Court, pursuant to the order of accounting, tax-sale certificates involved herein and not assigned or disposed of by said defendant, and that the plaintiffs are entitled to have and recover the same for the use of the County of Mesa, State of Colorado, which tax-sale certificates are numbered as follows, to-wit:

#25534 #14607

The Court finds that certain of the tax-sale certificates involved herein were delivered to the County Treasurer of Mesa County, Colorado, by the said defendant, for the issuance of Treasurer's deeds, and that Treasurer's deeds have been executed upon certain thereof, and that said tax-sale certificates and treasurer's deeds are now in the custody of this Court; that the plaintiffs are entitled to have and recover the same from said defendant for use of said County of Mesa, and that a list of such tax-sale certificates, upon which treasurer's deeds have been executed or applied for, in as follows, to-wit:

The Court finds that there have been deposited in court, pursuant to the order of accounting, certain promissory notes given by purchasers of tax-sale certificates from said defendant, representing the purchase price thereof, on which various amounts have been paid, and that plaintiffs are entitled to have and recover from said defendant said tax-sale certificates, for the use of said County of Mesa, and the Court finds that said defendant has no right or interest in said notes nor any right to collect said notes, and said notes are ordered to be canceled and held among the exhibits in this case; that a list of said promissory notes is as follows, to-wit: George Brewer, Nick Colunga, Louis Goucher, Vesta Jones, J. G. Raney, W. R. Robb, Mattie Sales, C. J. Stutler.

The Court finds that the plaintiffs are entitled to have and recover any and all money that now may be on hand in the office of the County Treasurer of said County, paid in on account of redemptions of tax-sale certificates involved in this action, except moneys received for redemptions of tax-sale certificates assigned by defendant The Klein Land Company, and plaintiffs are entitled to have and recover all other property of whatsoever kind or nature which have been deposited in court by said defendant The Klein Land Company or is now remaining in its possession and which is connected with the said tax-sale certificates or was received by the said defen-

No. 43 continued

dant in connection therewith, except the bonds of the South Palisade Heights Irrigation District. It is therefore, Ordered, Adjudged and Decreed by the Court that said plaintiffs do have and recover of and from said defendant The Klein Land Company, for the use and benefit of the County of Mesa, State of Colorado, the same to be collected and received by the County Treasurer of said County, the sum of \$37,095.48, and their costs herein laid out and expended, to be taxed. It is further ordered, adjudged and decreed by the Court that the plaintiffs do likewise have and recover from said defendant, for the use and benefit of said County of Mesa, all the tax-sale certificates, treasurer's deeds, promissory notes and other property hereinabove listed and described in the findings herein, the said promissory notes to be canceled. The Court hereby expressly saves the rights of all assignees and persons holding tax-sale certificates, by, through, under and from said defendant, except such assignees or persons who may be privies or otherwise bound by the findings and judgment herein. The Court finds, adjudges and decrees that the plaintiffs as taxpayers of the County of Mesa, State of Colorado, have prosecuted this action for the benefit of the County of Mesa, State of Colorado, and are entitled to have and to receive and to have paid to them, out of the collection of said money judgment from defendant The Klein Land Company, their attorneys' fees herein rendered and incurred in the prosecution of this action and the recovery of judgment herein, and the Court finds, adjudges and decrees that 30% of any and all collections which may be made on the said money judgment or collected in any other action or proceedings involving the collection of said money judgment from said defendant and its sureties, upon the bonds filed with defendant County Treasurer pursuant to the former order of this Court, and all moneys collected or received by the said County of Mesa on redemption or other disposition of tax-sale certificates or on other evidence of indebtedness awarded to said County pursuant to this judgment and decree, represents a fair and reasonable attorneys' fee for the services of plaintiffs' attorneys, herein rendered and to be rendered in this action, and such attorneys' fee is hereby adjudged and awarded to the attorneys representing the plaintiffs in this proceeding. The Court finds that a motion for a new trial herein would be unavailing, and it is ordered that such motion be and is hereby dispensed with. Defendant The Klein Land Company objects and excepts to the foregoing findings and judgment of the Court herein. Defendant is hereby granted sixty days in which to prepare and tender a bill of exceptions, and execution is hereby stayed as provided in the Code of Civil Procedure. Done in open Court this March 9, 1934. By the Court: Straud M. Logan.

Certificate of true copy attached March 16, 1937 by Joseph Quinn, Clerk of the District Court, Mesa County, Colorado. (District Court Seal)

44

The Klein Land Company, a Corporation.
Plaintiff in Error.

vs.

T. E. Thompson, C. J. Bradfield, John Roth, L. E. Storm, W. D. Ela, J. B. Hunter, Dr. J. E. Ford, R. J. Derry, A. T. Gormley, William Murr, John Wolf, D. W. Aupperle, F. E. Dean, William Frey and H. W. Vorbeck, Defendants in Error.

FINDINGS AND JUDGMENT

No. 326350

Dated Dec. 14, 1936

Filed Aug. 24, 1937 at 3:22 p. m.

Book 362, page 470

Klein Land Company, a corporation, and others to commissioners of Mesa County, abrogate-sales of the issuance of deeds based on said sales, compel of all money and other property involved, compel join further acts based upon the questioned resolution to dismiss was sustained and, on December Plaintiffs sued out a writ of error, and this court, maintained the cause to the District Court for further that plaintiffs had made a prima facie showing of lump sum, and to a particular purchaser, and we Board of County Commissioners of Mesa County, on November 4, 1932, the Land Company tender answer. Upon objection by plaintiffs, the court refused the case on January 25, 1933, the testimony of witnesses introduced at that trial, subject to objections, Additional evidence was introduced, and the Court sales of tax certificates, each for a lump sum and company, and that the sales were void. The Court ordered and a decree was entered. The Land Company contends that the trial court erred; (1) In refusing to permit the filing of the supplemental answer; (2) that the sales were bulk sales, each for a lump sum contends, also, (4) That there was a non-joinder it was charged erroneously with certain items; and expenditures made by it were erroneously disallowed. answer alleges, in substance, that while the suit was imately all of the property covered by the tax-sale that plaintiffs took no action to prevent such sales, affirmed the sales of certificates to the Land Company have had to set aside the sales and lost all interest certificates and in the lands covered thereby. Section 80 of the Code of Civil Procedure provides that, "when facts occurring subsequent to the commencement of an action render it proper, the same may, by leave of court, be presented by supplemental pleadings. ---" (Italics are ours). The matter was within the discretion of the Court. Denison, Code Pleading, p. 599. In the exercise of its discretion, the Court refused leave to file. We cannot say that the Court abused its discretion. 2. Admission of Evidence. It is said that the Court erred in admitting irrelevant testimony of two witnesses and in admitting irrelevant exhibits. The case being one in equity, the trial was to the Court. The presumption is that the court did not consider irrelevant evidence in arriving at its conclusions, and nothing appears in the record to rebut that presumption; hence, if such testimony and exhibits were irrelevant, as claimed, their admission was not reversible error. 3. Bulk sales. In the Thompson case, supra, we held that the plaintiffs made a prima facie case of bulk sales, each for a lump sum and to a

Mr. Justice Butler delivered the opinion of the Court T. E. Thompson and fourteen other taxpayers of Mesa County, suing for themselves and for all other taxpayers similarly situated, sued The nullify certain resolutions of the board of County tax-sale certificates to the Land Company, enjoin an accounting, hold the Land Company as trustee the transfer thereof to the county treasurer, and enjoin. At the close of plaintiffs' evidence defendants' 17, 1929, judgment was entered accordingly. on June 27, 1932, reversed the judgment and re-proceedings in harmony with the opinion. We held two bulk sales of tax-sale certificates, each for a held that the sales were void. Thompson, et al. v. et. al., 91 Colo. 214, 14 Pac. (2d) 194. Thereafter ed for filing in the District Court a supplemental refused permission to file the same. At the re-trial of witnesses given at the former trial, together with exhibits were admitted in evidence pursuant to stipulation. found and adjudged that there were two bulk to a particular purchaser, namely, the Land Company. erred an accounting, which was taken in due course, tends that the trial court erred; (1) In refusing to in admitting certain evidence; and (3) in holding and to a particular purchaser. The Land Company of necessary parties; (5) that in the accounting (6) that in the accounting certain claims for expenditures. 1. Supplemental Answer. The Supplemental first pending in this Court, the county sold approximately certificates for the taxes of 1928, 1929, and 1930, and that by reason of such sales the county affirmed, waived any right which it or the taxpayers might that the county might have had in the tax-sale certificates. The matter was within the discretion of the Court. Denison, Code Pleading, p. 599. In the exercise of its discretion, the Court refused leave to file. We cannot say that the Court abused its discretion. 2. Admission of Evidence. It is said that the Court erred in admitting irrelevant testimony of two witnesses and in admitting irrelevant exhibits. The case being one in equity, the trial was to the Court. The presumption is that the court did not consider irrelevant evidence in arriving at its conclusions, and nothing appears in the record to rebut that presumption; hence, if such testimony and exhibits were irrelevant, as claimed, their admission was not reversible error. 3. Bulk sales. In the Thompson case, supra, we held that the plaintiffs made a prima facie case of bulk sales, each for a lump sum and to a

particular purchaser. For a statement and discussion of the plaintiffs' evidence introduced at the first trial, see the Thompson case, supra. We shall not encumber this opinion by repeating what was there said. The additional evidence introduced at the second trial, taken in connection with plaintiffs' evidence introduced at the first trial, which was admitted at the second trial by stipulation, was sufficient to sustain the finding of the trial court that the two sales to the Land Company were bulk sales, each for a lump sum and to a particular purchaser. 4. Non-joinder of Parties. While the case was pending in the District Court and also while the case was pending here the first time the Land Company sold and assigned some of the certificates and also sold and quit-claimed land for which it had received treasurer's deeds based upon certificates purchased by it. It is contended by the Land Company that the purchasers of the certificates and of the land were necessary parties defendant. We cannot sustain the contention. The situation was made to appear at the accounting. The Land Company made no request that such purchasers be made parties and made no objection to their non-joinder. The objection made at this time comes too late. Moreover, purchasers during the pendency of litigation purchase at their peril. The one from whom they purchase continues the litigation as the representative of their interest. They are not necessary parties to the suit. But if such purchasers apply to be made parties, the court, in its discretion, may grant the application when necessary to protect such purchasers' rights. Howard v. Fisher, 86 Colo. 493 283 Pac. 1042. No such purchaser applied to be made a party to this suit. 5. Disallowance of claim for expenditures. The Land Company paid costs of obtaining treasurers' deeds, commissions for sales of tax-sale certificates and lands, commissions on certificates redeemed and refunded, salary to agent and attorney for services in connection with the deal, agent's traveling expenses, office expenses incurred by the Company in connection with the deal, and miscellaneous expenses. It is said that such expenditures, plus interest on moneys invested by the Company in the certificates, more than offset any profits derived from the deal, and that at the accounting the expenses incurred should have been credited to the Land Company. We do not agree with that contention. The Land Company, as we have seen, participated in bulk sales of tax-sale certificates for a lump sum and to a particular purchaser (i. e., the Land Company), and such transactions are in violation of law, as we repeatedly have decided. The Land Company is not entitled to recover moneys expended in the prosecution of that forbidden enterprise. 6. Erroneous charges in accounting. The Court found that the Land Company paid to the county for the tax-sale certificates purchased by the Company \$34,421.99, and that it received in cash as proceeds of the transaction \$71,517.47. Judgment was entered against the Land Company for the difference, \$37,095.48. Under order of court, the Land Company had deposited in court certain tax-sale certificates that had not been disposed of by the company. The Court held that the plaintiffs were entitled thereto for the use of the county. The Land Company had delivered certain tax certificates to the county treasurer for the issuance of treasurer's deeds. The certificates and the deeds came into the custody of the court. The court held that plaintiffs were entitled thereto for the use of the county. Pursuant to order of court, the Land Company had deposited in court eight promissory notes given to the Land Company by purchasers of certificates on account of the purchase price thereof, and upon which the makers had made part payments. The Court ordered the notes cancelled. (a) Included in the items charged to the Land Company are amounts paid to it as purchase price by those to whom it sold certificates and land. The Land Company objects to those charges. It says that if the sales to the Land Company were void—and that is our holding—the purchasers of certificates and land from the Land Company would have a claim against the company for a return of the money paid therefor, and that if the judgment in favor of the plaintiffs for the amounts so received by the company should stand, it would result in double liability. In their brief counsel for plaintiffs say: "It seems that a money judgment having been so rendered, the rights of the assignees of tax-sale certificates are not disturbed and the County of Mesa must necessarily recognize the position of such assignees as the holders and as entitled to the possession of the same. - - - Neither the plaintiffs nor the Board of County Commissioners nor the County Treasurer, as defendants, are asking for any relief against such assignee. The Board of County Commissioners has taken no exception to the judgment of the Court, nor asked any review of the case, and must be considered as having acquiesced to (in) the judgment and decree of the trial court." In other words, as we understand counsel's contention, it is this, that as plaintiffs and the county officers acquiesced in the money judgment against the Land Company for the proceeds of the certificates and land sold by it, the sales by the Land Company were ratified and the purchasers thereby vested with title thereto, which cannot later be disturbed; hence, the judgment in favor of plaintiffs for the use of the county against the Land Company for the purchase price money received by it from those to whom it sold the certificates and land should not be disturbed. But the void sales cannot thus be validated. The County itself cannot do indirectly what it cannot do directly, and of course, the plaintiff taxpayers cannot do so. It was an error to charge such items to the Land Company. The rights, if any, of the purchasers from the Land Company to a return of the money paid by them can be determined in litigation between them and the Land Company. It is a matter with which plaintiffs and the county have no concern, and cannot be determined in this suit. It was error to include such amounts as charges against the Land Company and render judgment therefor. (b) Another item in the account is challenged. The Land Company deposited with the county a sum of money which proved to be \$1,198.01 in excess of the purchase price of the certificates delivered to the company, and the money was refunded to the company. In the accounting that amount was charged to the company as money received by it and the amount was included in the judgment. The inclusion of that amount in the judgment against the Land Company was error. The judgment, so far as it charges to the Land Company the items discussed in paragraph 6 (a) and (b) of this opinion is reversed. In all other respects the judgment is affirmed. Mr. Chief Justice Campbell did not participate.

The Klein Land Company, a corporation,
Plaintiff in Error.

vs.

T. E. Thompson, C. J. Bradfield, John Roth, L. E. Storm, W. D. Ela, J. B. Hunter, Dr. J. E. Ford, R. J. Derry, A. T. Gormley, William Murr, John Wolf, D. W. Aupperle, F. E. Dean, William Fry and H. W. Vorbeck, Defendants in Error.

Supreme Court, State of Colorado No. 13692

Error to the District Court of Mesa County.

I, A. H. White, Clerk of the Supreme Court of the State of Colorado, hereby certify the foregoing to be a full, true and complete copy of an opinion of said Court announced in the above entitled matter of Dec. 14, 1936, as the same now remains on file in my office. In testimony thereof, I have hereunto set my hand and affixed the seal of our Supreme Court.

at my office in the City of Denver, this 13th day of March, 1937. Signed: A. H. White, Clerk, Supreme Court. (Supreme Court Seal).

W. S. Meek, Treasurer,
(Mesa County, Colorado,
County Court Seal)

to
The City of Grand Junction

TREASURER'S DEED #14607

Dated May 21, 1930

Filed May 21, 1930

At 9:15 o'clock A. M.

#253178

Book 288

Page 234

Whereas, the following described real property, viz: An undivided $\frac{1}{2}$ interest in and to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp. 1N. R. 1E. U. M., situated in Mesa County, Colorado, was subject to taxation for the year 1913, And Whereas, the taxes assessed upon said property for the year 1913 aforesaid remained due and unpaid at the date of the sale hereinafter named; And, Whereas, the Treasurer of the said County did, on Mar. 6, 1915 by virtue of the authority vested in him by law, at an adjourned sale, the sale begun and publicly held on December 19, 1914, expose to public sale at the office of the Treasurer, in the County aforesaid, in substantial conformity with the requirements of the statute in such case made and provided, the real property above described for the payment of the taxes, interest and costs then due and remaining unpaid on said property; And, Whereas, At the sale so held as aforesaid by the Treasurer, no bids were offered or made by any person or persons for the said property; and no person or persons having offered to pay the said taxes, interest and costs upon the said property for said year 1913, and the Treasurer having become satisfied that no sale of said property could be had, therefore the said property was, by the then Treasurer of the said County, stricken off to the said County, and a certificate of sale was duly issued therefor to the said County in accordance with the statute in such case made and provided; And, Whereas, the said County of Mesa, acting by and through its County Treasurer, and in conformity with the order of the Board of County Commissioners of the said County, duly entered of record Mar. 8, 1928, the said day being on the days of a regular session of the Board of County Commissioners of the said County, did duly assign unto The Klein Land Company, a corporation, the certificate of sale of said property, so issued as aforesaid to said County, and all its rights, title and interest in said property held by virtue of said sale. And, Whereas, the said The Klein Land Company did on May 14, 1930 duly assign the certificate of the sale of the property as aforesaid and all his rights, title and interest in said property to The City of Grand Junction, a municipal corporation of the County of Mesa and State of Colorado; And, Whereas, the said The City of Grand Junction, a Municipal corporation has paid taxes and subsequent taxes on said property to the amount of \$81.89 pursuant to the order of the Board of County Commissioners above referred to: And, Whereas, More than three years have elapsed since the date of the said sale and the said property has not been redeemed therefrom as provided by law; And, Whereas, The said property was assessed for said year 1913 at a sum of more than \$100.00; And, Whereas, all the provisions of the statutes prescribing prerequisites to obtaining tax deeds have been fully complied with, and are now of record, and filed in the office of the County Treasurer of said County; Now, Therefore, I, W.S Meek, Treasurer of the County aforesaid, for and in consideration of the sum to the Treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell the above and foregoing described real estate unto the said The City of Grand Junction, a municipal corporation, its successors and assigns, forever, subject to all the rights of redemption by minors insane persons or idiots provided by law.

Ack. May 21, 1930 before Virginia O. Wallace, Notary Public, Mesa County, Colorado
(N. P. Seal) Commission expires Apr. 9, 1934

-o-----00--- o

Joseph A. Gamble as Receiver
of The Mesa County National
Bank of Grand Junction

to
City of Grand Junction

QUIT CLAIM DEED \$1.00

Dated May 19, 1930

Filed June 5, 1930

At 9:25 o'clock A. M.

#253507

Book 325

Page 143

Whereas, The District Court of the 7th Judicial District of the State of Colorado did, on May 14, 1930, make an order authorizing and empowering the party of the first part to sell and convey to the party of the second part the real property hereinafter described. Now Therefore, the said Joseph A. Gamble, as Receiver of

continued on next sheet

No. 46 continued

of The Mesa County National Bank of Grand Junction, the party of the first part, pursuant to the Court Order above mentioned for and in consideration of the sum of \$1.00 release and quit claim unto the said party of the second part the following described real property in Mesa County, Colorado, to-wit: An undivided $\frac{1}{2}$ interest in and to the $E\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp. 1N. R. 1E. U. M., containing approximately 80 acres. (Granting clause recites: Joseph A. Gamble, the duly appointed, qualified and acting Receiver of The Mesa County National Bank of Grand Junction Ack. May 19, 1930 by Joseph A. Gamble, Receiver of The Mesa County National Bank of Grand Junction before Maude E. Jarvis, Notary Public, District of Columbia, United State of America.

(N. P. Seal)

Commission expires June 13, 1933

-o---00--o-

47

J. W. Pole, Comptroller
of the Currency (Seal)
to
Joseph A. Gamble

COMMISSION AS RECEIVER
Dated May 9, 1930
Filed June 5, 1930
At 9:30 o'clock A. M.

#253508
Book 325
Page 144

Washington D. C. Whereas, James M. Porter was duly appointed and commissioned Receiver of The Mesa County National Bank of Grand Junction located in the City of Grand Junction, Mesa County, Colorado, on May 2, 1921 and whereas the said James M. Porter is deceased. Now Therefore I, J. W. Pole Comptroller of the Currency, do hereby appointed Joseph A. Gamble Receiver of The Mesa County National Bank of Grand Junction to take effect on May 9, 1930 in place of the said James M. Porter with all the powers, duties and respect given to or imposed upon a Receiver under the provisions of the Revised Statutes of the United States which authorize the appointment of a Receiver. Certificate of true copy attached May 9, 1930 by E. A. Gough, Acting Comptroller of the Currency, Treasury Department (Comptroller's Seal)

-o---00---o

48

W. S. Wallace
to
Public Trustee, Mesa County,
Colorado, for the use of
J. T. Davis

TRUST DEED \$1.00
Dated September 29, 1915
Filed September 29, 1915
At 11:30 o'clock A. M.

#127703
Book 206
Page 126

Conveys: An undivided $\frac{1}{2}$ interest in the $E\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 31, Twp. 1N. R. 1E. U. M., in Mesa County, Colorado. IN TRUST to secure his note bearing even date herewith for the sum of \$1,000 payable 3 years after date with interest from date until paid at 8% per annum, according to 6 interest notes for \$40.00 each attached thereto, and representing the interest for each semi-annual period.

Ack. September 29, 1915 before Delmar B. Wright, Notary Public, Mesa County, Colorado. (Seal) Commission expires July 2, 1916

-o---00----o-

49

John G. McKinney, Public
Trustee, Mesa County, Colorado
to
W. S. Wallace

RELEASE DEED \$2.00
Dated October 31, 1922
Filed October 31, 1922
At 3:15 o'clock P. M.

#182597
Book 253
Page 238

Releases: An undivided $\frac{1}{2}$ interest in the $E\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, in Twp. 1N. R. 1E U. M. Mesa County, Colorado. From Deed of Trust dated Sept. 29, 1915 recorded Sept. 29, 1915 in Book 206 at page 126 to secure J. T. Davis the payment of his note. Note Paid.

Ack. October 31, 1922 before Virginia O. Wallace, Notary Public, Mesa County, Colorado. (N. P. Seal) Commission expires Aug. 24, 1925

-o--- 00----o-

50

W. S. Wallace
to
Public Trustee, Mesa County,
Colorado, for the use of
W. S. Wallace

TRUST DEED \$2.00 #182594
Dated October 25, 1922 Book 212
Filed October 31, 1922 Page 510
At 2:10 o'clock P. M.

Conveys: An Undivided $\frac{1}{2}$ interest in and
to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, in Twp.1N. R.1E.
U. M., Mesa County, Colorado. IN TRUST to

secure his note even date herewith payable to the order of himself 3 years after
date for the sum of \$1000.00 with interest from date at 8% per annum interest
payable semi-annually.

Ack. October 27, 1922 before Charles B. Rich, Notary Public, Mesa County, Cole-
rado. (N. P. Seal) Commission expires Jan. 13, 1925

-o----00----o-

51

A. Scott McKinney, Public
Trustee, Mesa County, Colorado
to
W. S. Wallace

RELEASE DEED \$2.00 #216679
Dated January 12, 1926 Book 290
Filed January 12, 1926 Page 198
At 12:05 o'clock P. M.

Releases: An undivided $\frac{1}{2}$ interest in and
to the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 31, in Twp.1N. R.1E.

U. M., Mesa County, Colorado. From Deed of Trust dated Oct. 25, 1922 recorded
Oct. 31, 1922 in Book 212 page 510 to secure to himself payment of his note.
Note Paid.

Ack. January 12, 1926 before Virginia Wallace McKinney, Notary Public, Mesa
County, Colorado (N. P. Seal) Commission expires August 27, 1929

-o----00----oo-

52

W. S. Wallace
to
Public Trustee, Mesa County,
Colorado, for the use of
W. S. Wallace

TRUST DEED \$600.00 #216943
Dated January 20, 1926 Book 295
Filed January 20, 1926 Page 69
At 10:35 o'clock A. M.

Conveys: An undivided $\frac{1}{2}$ interest in and
to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M.
Mesa County, Colorado. IN TRUST to secure

his 3 notes bearing even date herewith for the total sum of \$600.00 payable to
the order of himself 3 years after date with interest at 8% per annum interest
payable semi-annually being 3 notes of \$200.00 each due 3 years after date.

Ack. January 20, 1926 before Charles B. Rich, Notary Public, Mesa County, Colorado.
(N. P. Seal) Commission expires January 13, 1929

-1--00----o-

53

W. S. Meek, Public Trustee,
Mesa County, Colorado
to
W. S. Wallace

RELEASE DEED \$2.00 #242070
Dated January 21, 1929 Book 310
Filed January 21, 1929 Page 577
At 4:40 o'clock P. M.

Releases: An undivided $\frac{1}{2}$ interest in and
to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E. U. M.,

Mesa County, Colorado. From Deed of Trust dated Jan. 20, 1926, recorded Jan. 20,
1926 in Book 295 page 69 to secure W. S. Wallace payment of his 3 notes. Notes
Paid.

Ack. January 21, 1929 before Virginia Wallace McKinney, Notary Public, Mesa County,
Colorado. (N. P. Seal) Commission expires Aug. 27, 1929

-o ---00----o-

54

W. S. Wallace
to
W. M. Wood

WARRANTY DEED \$1.00 and other #241843
valuable consideration Book 315
Dated December 14, 1928 Page 28
Filed January 12, 1929

Conveys: An undivided $\frac{1}{2}$ interest in and to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R.1E U.M.
subject to unpaid taxes.

Ack. December 19, 1928 before Don C. Stratton, Notary Public, City and County of
Denver, Colorado. (N. P. Seal) Commission expires March 22, 1932

-o----00----o-

55

W. M. Wood
to
The City of Grand Junction

SPECIAL WARRANTY DEED \$1.00 and #242215
other valuable considerations Book 315
Dated January 10, 1929 Page 50
Filed January 28, 1929
At 3:40 o'clock P. M.

Conveys: An undivided one-half interest in and to the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 31, Twp.1N. R. 1E. U. M. Mesa County, Colorado. Warrants against all persons claiming under me, subject to unpaid taxes and subject to obligations of the U. S. Reclamation Service and The Grand Valley Water Users Association.
Ack. January 22, 1929 before Frank R. Hall, Notary Public, Mesa County, Colorado.
(N. P. Seal) Commission expires Sept. 17, 1930

56

U. S. Receiver
to
William Bomgardner

-o---00---o-
RECEIPT No. 244 Ute Series #3098
Dated July 22, 1885 Book 13
Filed August 19, 1885 Page 246
At 3:20 o'clock P. M.
\$199.66 in full for NW $\frac{1}{4}$ Sec. 6, Twp.1S.

R.1E. U. M., 154.21 acres at \$1.25 per acre. Fred J. Leonard, Receiver, Gunnison, Colo.

-o--00-----o-

57

United States
to
William Bomgardner

PATENT #75206
Dated June 12, 1890 Book 70
Filed April 28, 1908 Page 428
At 8:50 o'clock A. M.
Conveys: NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M.

Colorado, containing 154.21 acres, Colorado. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of court; And also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

(Signed) By the President, Benjamin Harrison, By M. McKean, Secretary. J. M. Townsend, Recorder of the General Land Office.
(U. S. General Land Office Seal)

o-- 00-- -o-

58

William Bomgardner
to
W. H. Lee

WARRANTY DEED \$400.00 #3165
Dated August 22, 1885 Book 12
Filed September 14, 1885 Page 108
At 8:30 o'clock A. M.
Conveys: E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E.

U. M., 80 acres, more or less, Mesa County, Colorado.
Ack. August 22, 1885 before Thomas B. Crawford, Notary Public, Mesa County, Colorado.
(Seal)

-o-----00-- -o

59

W. H. Lee
to
The Grand Valley Water Users Association

SUBSCRIPTION TO STOCK #73450
Dated March 16, 1905 Book 130
Filed March 4, 1908 Page 31
At 10:30 o'clock A. M.
Subscribes for 160 shares of stock of The Grand Valley water Users' Association.

(Under the terms of the Articles of Incorporation, a copy of which is made a part of this instrument) to be inseparably appurtenant to the following real estate: E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M., containing 160 acres, Mesa County, Colorado.

Ack. March 16, 1905 before W. S. Wallace, Notary Public, Mesa County, Colorado.
(Seal) Commission expires Dec. 9, 1907

-o--- 00-----o-

60

W. H. Lee
to
Frank V. McAlister, Frank R.
Davis, Howard G. Fletcher

WARRANTY DEED \$16,000.00 #75329
Dated February 15, 1908 Book 133
Filed May 2, 1908 Page 314
At 3:40 o'clock P. M.
Conveys: $E\frac{1}{2}$ SW $\frac{1}{4}$ and $E\frac{1}{2}$ NW $\frac{1}{4}$ all in Sec. 6,
Twp. 1S. R. 1E. U. M. containing 160 acres,
more or less, according to Government sur-

vey, Mesa County, Colorado.

Ack. May 1, 1908 before Sena MacBain, Notary Public, Mesa Co. Colorado.
(Seal) Commission expires April 18, 1911

-o---00---o-

61

Frank V. McAlister, Frank R.
Davis, Howard G. Fletcher
to
Public Trustee, Mesa County,
Colorado, for the use of
W. H. Lee

TRUST DEED \$1.00 #75330
Dated February 15, 1908 Book 135
Filed May 2, 1908 Page 211
At 3:45 o'clock P. M.
Conveys: $E\frac{1}{2}$ SW $\frac{1}{4}$ and $E\frac{1}{2}$ NW $\frac{1}{4}$ all in Sec. 6,
Twp. 1S. R. 1E. U. M., containing 160 acres,
according to Government survey be it more
or less, Mesa County, Colorado. IN TRUST

to secure payment of 1 note of even date for \$11,000.00 due 3 years after date
with interest at 8% per annum payable semi-annually.

Ack. April 15, 1908 before James S. Carnahan, Notary Public, Mesa County, Colo-
rado. (Seal) Commission expires Oct. 1, 1910

o-----00-----o-

62

M. M. Shores, Public Trustee
Mesa County, Colorado
to
Frank V. McAlister, Frank R.
Davis, and Howard G. Fletcher

RELEASE DEED \$2.00 #90777
Dated April 4, 1910 Book 159
Filed April 4, 1910 Page 184
At 1:30 o'clock P.M.
Releases: $E\frac{1}{2}$ SW $\frac{1}{4}$ and $E\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 6, Twp.
1S. R. 1E. U. M., Mesa County, Colorado.
From Deed of Trust dated February 15, 1908

recorded May 2, 1908 in Book 135 page 211, Mesa County records, to secure to
W. H. Lee the payment of note. Note Paid.

Ack. April 4, 1910 before John G. McKinney, Notary Public, Mesa County, Colorado.
(Seal) Commission expires April 6, 1912

-o--- 00--- o-

63

Frank V. McAlister
to
F. Barnard Welsh

WARRANTY DEED \$12,000.00 #85001
Dated August 11, 1909 Book 143
Filed August 12, 1909 Page 462
At 10:30 o'clock A. M.

Conveys: An undivided 1/3 interest in and
to the $E\frac{1}{2}$ SW $\frac{1}{4}$ and $E\frac{1}{2}$ NW $\frac{1}{4}$, all in Sec. 6, Twp. 1S. R. 1E. U. M., containing 160
acres, according to government survey, Mesa County, Colorado. Excepting Trust
Deed for \$11,000 due to W. H. Lee.

Ack. August 11, 1909 before Sena Mac Bain, Notary Public, Mesa County, Colorado
(Seal) Commission expires April 18, 1911

-o--- 00--- o-

64

Frank R. Davis, Howard G.
Fletcher, F. Barnard Welsh
to
Public Trustee, Mesa County,
Colorado, for the use of
The Logan Investment Company

TRUST DEED \$1.00 #90604
Dated March 17, 1910 Book 145
Filed March 30, 1910 Page 230
At 8:05 o'clock A. M.
Conveys: $S\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp. 1S. R. 1E.
U. M., together with the interests of the
parties of the first part in The Mesa County

Irrigation District, and the Stub ditch, Mesa County, Colorado. IN TRUST to
secure note of even date herewith for \$850, payable March 1, 1915, with interest
according to the tenor of certain interest notes of even date herewith, which
are also intended to be secured by this Trust.

Ack. March 29, 1910 before J. Ernest Leaverton, Notary Public, Mesa County, Cole-
rado. (Seal) Commission expires Dec. 27, 1913

-o-----00-----o-

65

Frank R. Davis, Howard G. Fletcher, F. Barnard Welsh to Public Trustee, Mesa County, Colorado, for the use of Thomas M. Conway

TRUST DEED \$1.00 #90793 Dated April 2, 1910 Book 150 Filed April 5, 1910 Page 562 At 8:20 o'clock A. M. Conveys: The N 3/4 NE 1/4 NW 1/4 Sec. 6, Twp. 18 R. 1E. U. M., Mesa County, Colorado. IN TRUST to secure note of even date herewith for \$1000.00, payable April 2, 1913 or

1915, with interest according to the tenor of certain interest notes, each bearing even date herewith, which are also intended to be secured by this Trust. Ack. April 2 1910 before James M. Cameron, Notary Public, Mesa County, Colorado. (seal) Commission expires May 25, 1910

o--- 00 -- o-

66

A. Scott McKinney, Public Trustee, Mesa County, Colorado to Frank R. Davis, Howard G. Fletcher and F. Barnard Welsh

RELEASE DEED \$2.00 #208950 Dated March 27, 1925 Book 282 Filed March 27, 1925 Page 337 At 9:50 o'clock A. M. Releases: The N 3/4 of the NE 1/4 NW 1/4 Sec. 6, Twp. 18. R. 1E. U. M., Mesa County,

Colorado. From Deed of Trust dated April 2, 1910 recorded April 5, 1910 in Book 150 page 562 to secure Thomas M. Conway the payment of one note. Note Paid. Ack. March 27, 1925 before Virginia O. Wallace, Notary Public, Mesa County, Colorado. (N. P. Seal) Commission expires August 24, 1925

o--- 00 -- o

67

Frank R. Davis, Howard G. Fletcher, F. Barnard Welsh to The Silver State Orchard Company, a corporation

WARRANTY DEED \$1.00 and other #92958 considerations Book 155 Dated April 4, 1910 Page 75 Filed July 19, 1910 At 1:00 o'clock P. M. Conveys: E 1/2 W 1/2 Sec. 6, Twp. 18. R. 1E. U. M., together with the interest in the McAlister

extension to the ditch of the Mesa County Irrigation District, appurtenant to said land, Mesa County, Colorado, Except incumbrances of record. Ack. April 4, 1910 before Sena Mac Bain, Notary Public, Mesa County, Colorado. (N. P. Seal) Commission expires April 18, 1911

o----00--- o

68

The Silver State Orchard Company

ARTICLES OF INCORPORATION #90121 Dated March 3, 1910 Filed Filed March 12, 1910 At 10:20 o'clock A. M.

NAME: The Silver State Orchard Company OBJECTS: To acquire by purchase or otherwise real and personal property of every kind and to sell, exchange, trade, deal in, rent, lease, pledge and dispose of the same. To mortgage, bond, encumber, pledge and hypothecate any and all the property of the company, including its capital stock. To acquire, construct and maintain irrigation works and to acquire, hold, vote and dispose of the stock in irrigation companies. To buy, receive, hold and vote the stock of other corporations. To assume and pay the indebtedness of any of its grantors when assuming the same shall be part consideration for any trade or purchase it may make. To lay out roads, streets and ditches and to condemn rights of way to and from its properties - - - - .

CAPITAL STOCK: \$100,000; 100,000 shares of \$1.00 each share, non-assessable. Undersigned to act as board of directors for first year.

PRINCIPAL OFFICE: Grand Junction, Colorado.

Board of directors have power to make prudential by-laws.

(Signed) Frank R. Davis, Howard G. Fletcher, Philip Boller, F. Barnard Welsh, Jas. M. Silcox.

Ack. March 3, 1910 before Sena Mac Bain, Notary Public, Mesa County, Colorado. (Seal) Commission expires April 18, 1911

-o---00--- o-

69

The Silver State Orchard Company

NOTICE OF DISSOLUTION
Dated December 13, 1917
Filed December 14, 1917
At 1:55 o'clock P. M.

#141357
Filed

Notice is hereby given that at meeting of the Stockholders of the Silver State Orchard Company, held at the office of the Company at Grand Junction, Colorado, on Oct. 29, 1917, all the debts of the Company having been fully paid, it was, by more than a 2/3 vote of the entire stock of said Corporation, voted that said Company be dissolved. F. R. Davis, Pres. Attest: F. B. Welsh, Sec'y. (Corporate Seal).

-o-----00-- --o-

70

The Silver State Orchard Company By F. R. Davis, President
Attest: F. B. Welsh, Secretary (Corporate Seal)
to
H. G. Fletcher

QUIT CLAIM DEED \$1.00
Dated October 29, 1917
Filed August 26, 1918
At 4:00 o'clock P. M.

#146391
Book 220
Page 460

Quit Claims: All that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S R.1E. U. M. lying N of the right of way of the Highline Canal with all ditch and water right belonging thereto, Mesa County, Colorado.
Ack. October 29, 1917 by F. R. Davis and F. B. Welsh respectively as President and Secretary of The Silver State Orchard Company before Scott W. Heckman, Notary Public, Mesa County, Colorado. (IRS 50¢)
(N. P. Seal) Commission expires August 5, 1919

-o-----00-----o

71

Treasurer of Mesa County
to
Royal A. Jenney

TAX SALE \$2478.75 #12429
Dated December 23, 1912 Book M Page 49
Sale of:
E $\frac{1}{2}$ W $\frac{1}{2}$ Sec. 6, Twp.1S. R.1E.

REDEEMED by Logan Investment Co. May 24, 1915 as to S $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ only
REDEEMED by Logan Investment Co. Dec. 23, 1915 as to NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ only (and other redemptions).
CANCELLED May 2, 1947 by provisions of Chapter 241, Session Laws 1945, as amended

-o-- -00-----o-

72

Treasurer of Mesa County
to
Mesa County

TAX SALE \$1580.60 #15156
Dated March 6, 1915 Book O Page 113
Sale of:
E $\frac{1}{2}$ W $\frac{1}{2}$ Sec. 6, Twp.1S. R.1E.

REDEEMED by H. G. Fletcher Aug. 30, 1918 as to NE $\frac{1}{4}$ NW $\frac{1}{4}$ N of Highline Canal
REDEEMED by Kate E. Biglow Sept. 26, 1916 as to NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ only.

-o ---0-- -o-

73

H. G. Fletcher
to
F. R. Davis and
F. B. Welsh

QUIT CLAIM DEED \$1.00 #208416
Dated February 26, 1925 Book 270
Filed March 10, 1925 Page 251
At 2:50 o'clock P. M.

Quit Claims: The undivided 2/3 of that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M. lying N of the Government Canal containing estimated 22 acres, more or less, Mesa County, Colorado.
Ack. March 4, 1925 before Dorothy Neeley Anderson, Notary Public, King County, Washington. (N. P. Seal) Commission expires Feb. 5, 1929

-o---- 00-----o-

74

Treasurer of Mesa County
to
Mesa County

TAX SALE \$4.35 #35822
Dated December 17, 1931 Book 27 Page 38
Sale of:
NE $\frac{1}{4}$ NW $\frac{1}{4}$ N of Canal Sec. 6, Twp.1S. R.1E.

REDEEMED by Davis- Fletcher 3/17/34

-o---- 00 ---o-

75

F. R. Davis
to
City of Grand Junction,
a municipal corporation

QUIT CLAIM DEED \$1.00 and other #282935
valuable considerations Book 337
Dated March 17, 1934 Page 254
Filed March 19, 1934
At 3:30 o'clock P. M.

Quit Claims: An undivided 1/3 interest
in and to that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M. lying North of
the High Line Canal of the Grand Valley Water Users' Association, in Mesa
County, Colorado. (IRS 50¢)
Ack. March 17, 1934 before Lucy E. Hogan, Notary Public, Mesa County, Colorado
(N. P. Seal) Commission expires January 11, 1937

-o--00---o

76

H. G. Fletcher
to
City of Grand Junction,
a municipal corporation

QUIT CLAIM DEED \$1.00 and other #282936
valuable considerations Book 337
Dated March 9, 1934 Page 255
Filed March 19, 1934
At 3:31 o'clock P. M.

Quit Claims: An undivided 1/3 interest
in and to that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M., lying North of
the High Line Canal of the Grand Valley Water Users' Association., in Mesa
County, Colorado. (IRS 50¢)
Ack. March 9, 1934 before Florence Ethington, Notary Public, King County,
Washington. (N. P. Seal) Commission expires Mar. 17, 1937

-o--00----o-

77

F. B. Welsh
to
City of Grand Junction,
a municipal corporation

QUIT CLAIM DEED \$1.00 and other #282937
valuable considerations Book 337
Dated March 10, 1934 Page 256
Filed March 19, 1934
At 3:32 o'clock P. M.

Quit Claims: An undivided 1/3 interest
in and to that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, Twp.1S. R.1E. U. M., lying North of
the High Line Canal of the Grand Valley Water Users Association, in Mesa
County, Colorado. (IRS 50¢)
Ack. March 10, 1934 before Lee A. Thompson, Notary Public, Montgomery County,
Maryland. (N. P. Seal) Commission expires May 1, 1935

-o----00----o-

STATE OF COLORADO)
) SS
COUNTY OF MESA)

THE MESA COUNTY ABSTRACT COMPANY hereby certifies that the foregoing, consisting
of Seventy-seven (77) Entries numbered from 1 to 77 both inclusive, constitutes
a true and correct Abstract of Title showing all instruments which appear of re-
cord or on file in the office of the County Clerk and Recorder of Mesa County,
Colorado, up to May 11, 1948 at 8:00 o'clock A. M. affecting the title to the
property described in the caption hereof.

Dated at Grand Junction, Colorado
May 11, 1948 at 8:00 o'clock A. M.
THE MESA COUNTY ABSTRACT COMPANY
By R. B. Williams, Manager

No. C-10106

Continuation of

A B S T R A C T O F T I T L E

to

The East Half of the Southwest Quarter of Section Thirty-one (31) of Township One (1) North, Range One (1) East of the Ute Meridian, and that part of the Northeast Quarter of the Northwest Quarter (Lot 3) of Section Six (6), Township One (1) South, Range One (1) East of the Ute Meridian, lying North of the right of way of the United States Government High Line Canal, in Mesa County, Colorado.

From May 11, 1948 at 8:00 o'clock A. M.

STATE OF COLORADO)
(SS
COUNTY OF M E S A)

THE MESA COUNTY ABSTRACT COMPANY hereby certifies that there are no instruments which appear of record or on file in the office of the County Clerk and Recorder of Mesa County, Colorado from May 11, 1948 at 8:00 o'clock A. M. up to March 2, 1949 at 8:00 o'clock A. M. affecting the title to the property described in the caption hereof.

Dated at Grand Junction, Colorado
March 2, 1949 at 8:00 o'clock A. M.

THE MESA COUNTY ABSTRACT COMPANY

By *Richard B. Williams* President

