
ABSTRACT OF TITLE

TO

By 374 Sec. 21, T. 18, R. 18, U. P.M.

M-C-C-, contain- 80 a-a more-, accord-
to the Govern- Survey thereof.

Member of Colorado and American
Title Association

PREPARED BY
THE INDEPENDENT ABSTRACT CO.
BONDED and LICENSED

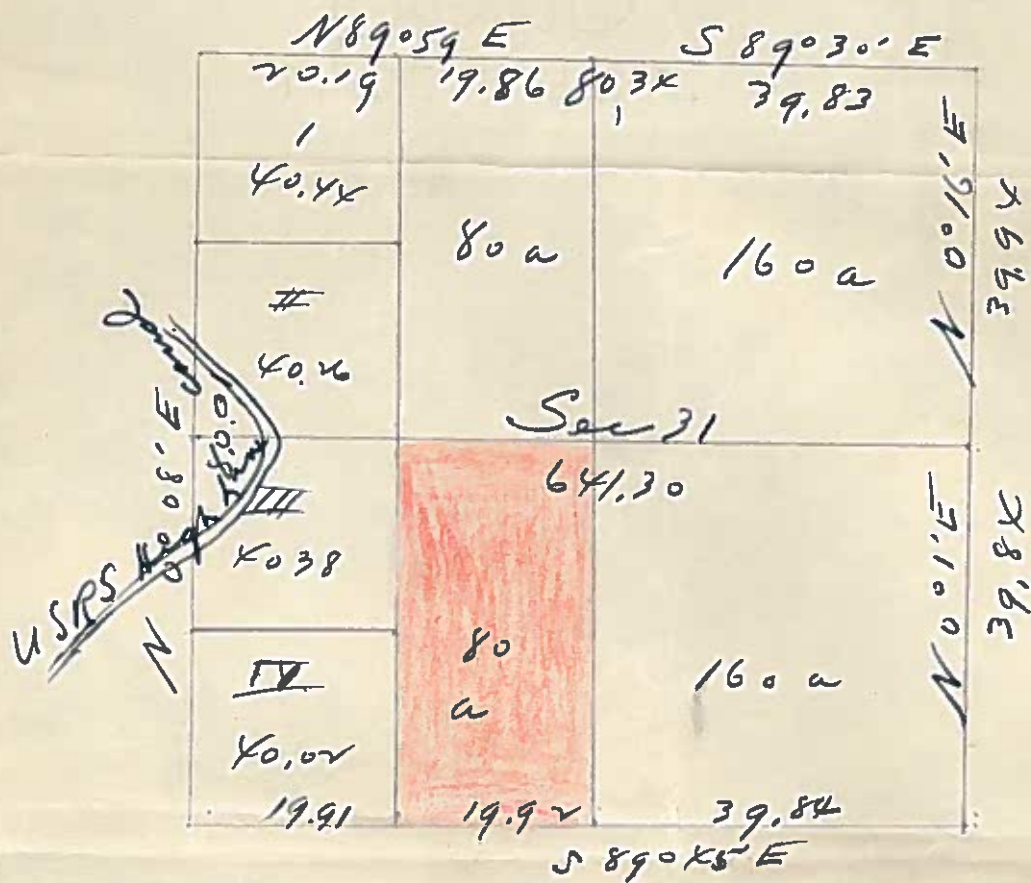
120 North Sixth Street
GRAND JUNCTION, COLORADO

ABSTRACT OF TITLE
TO

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION THIRTY-ONE
IN TOWNSHIP ONE NORTH, RANGE ONE EAST OF THE UTE P.M. . IN
MESA COUNTY, COLORADO, CONTAINING 80 ACRES, MORE OR LESS,
ACCORDING TO THE GOVERNMENT SURVEY THEREOF.

oo

GOVERNMENT PLAT.



Book "I"
Page 48

Treasurer Mesa County
To
Mesa County.

TAX SALE NO.6286.Dec.24,1901.\$1.71
Sold:- 1/3 interest in the NE 1/4 SW 1/4
of Sec.31,Twp.1N,R 1E,REDEEMED
March 26,1906,by W.G.Boyer.

(14)

Book "I"
Page 48

Treasurer Mesa County
To
Mesa County

TAX SALE NO.6288.Dec.24,1901.\$1.95
Sold:- 1/3 interest in the SE 1/4 SW 1/4
of Sec.31,Twp.1N,R 1E,REDEEMED
March 26,1906,by W.G.Boyer.

(15)

Book "I"
Page 177

Treasurer Mesa County
To
M. O. Delaplain.
(1901 Tax)

TAX SALE NO.7358.Nov.23,1903.\$6.77
Sold:- 1/3 interest in the SW 1/4 of
Sec.31,Twp.1N,R 1E,REDEEMED March
26,1906,by W.G.Boyer.

(16)

Book "I"
Page 178

Treasurer Mesa County
To
M. O. Delaplain.

TAX SALE NO.7362.Nov.23,1903.\$6.78
Sold:- 1/3 interest in the SW 1/4 of
Sec.31,Twp.1N,R 1E,(1901 Tax).
REDEEMED March 26,1906,by W.G.Boyer

(17)

Book "J"
Page 41

Treasurer Mesa County
To
Mesa County

TAX SALE NO.8002.Dec.20,1904.\$6.74
Sold:- 2/3 interest in the SW 1/4 of
Sec.31,Twp.1N,R 1E,REDEEMED March
26,1906,by W.G.Boyer.

(18)

Book "J"
Page 50

Treasurer Mesa County
To
Mesa County

TAX SALE NO.8073.Dec.20,1904.\$8.27
Sold:- 1/3 interest in the SW 1/4 of
Sec.31,Twp.1N,R 1E,REDEEMED March
26,1906,by W.G.Boyer.

(19)

59902
Book 93
Page 330
March 27,1906
9:00 A.M.

Geo.J.D.Williams,County
Treasurer of Mesa County
Colorado,(Treas.Seal).
To
W. G. Boyer.

TREASURER'S DEED, March 26, 1906.
WHEREAS, the following described real
estate, viz:- an undivided 1/3 in-
terest in and to the SW 1/4 of Sec. 31,
Twp. 1N, R 1E, Ute P.M. was subject to
taxes for the year 1898: taxes assess-
ed upon said real estate for the year

(20)

aforesaid remained due and unpaid at date of sale hereinafter
named: Treasurer did on Dec. 30, 1899, at an adjourned sale begun
and held on Dec. 26, 1899, expose to public sale at the office of
the Treasurer in the County aforesaid in accordance with the
statute in such cases made, the real estate above described for
the payment of the 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 for 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 the next day 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 the County of Mesa
all lands, tracts and real property remaining unsold at such
sale for the amount of taxes, interest and costs thereon due and
unpaid, among which property so bid off were the 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
the year aforesaid, \$10.53 being the whole amount of taxes, in-
terest and costs then due and unpaid on said property. (OVER)

#53297
Filed
Feb 28.1905
9.30 A.M.

THE GRAND VALLEY WATER
USERS ASSOCIATION.

INCORPORATION. Feby 7th, 1905.
Incorporators:- Lawrence M Miller,
S.P. Green, H.H. Black, John T
Beaman, George Smith, Marion O Delaplain, William S Wallace
James H Smith, Merrill W Blakslee, and James B Hunter.
Capital Stock \$ 75.000, 75000 shares at \$ 1.00 each.

(25)

Principal place of business Grand Junction Mesa County, Colorado, to
exist for 20 years. Provides for 11 directors.

Objects:- to acquire, furnish, provide for and distribute to the lands
of the shareholders and adequate supply of water for irrigation thereof.
To direct, store, levelepe, pump, carry and distribute water for irriga-
tion and other beneficial uses. To construct, purchase, lease, condemn
or acquire in any manner and to own, use, sell, transfer, convey, control
maintain and operate and irrigation works, structures, telephone system,
Electric or other power plants and transmission lines and property both
real and personal. To generate, create, transmit, use, sell, power and
electrical energy. To act as Trustee, agent, or attorney for the sale,
disposal and transfer of lands. To incur indebtedness and secure the same
by pledge of property. Acknowledged by the above incorporators Feby 7th
1905 before William A Marsh N.P. Mesa Co, Colo (seal) Comm expires
Jany 7th, 1909.

~~THE GRAND VALLEY WATER USERS ASSOCIATION~~

73496
Book 130
Page 63
March 5, 1908
10:28 A.M.

W. G. Boyer and
W. S. Wallace
To
The Grand Valley Water
Users Association.

SUBSCRIPTION OF STOCK. Dec. 13, 1907.
Subscribes for and agrees to
take 80 shares of stock
of The Grand Valley Water Users
Association. The said shares
of stock and all right and
interests represented thereby

or existing or accruing by reason thereof or incident thereto are to be
inseparably appurtenant to the following described real estate, to-wit:-
**The E¹ of the SW¹ of Sec. 31, Twp. 1N, R 1E, Ute Meridian, containing 80 acres.
In Mesa County, Colorado.**

in Mesa County, Colorado, of which first party is the owner. Also
Subscribes to the Articles of incorporation of said Association, in
which, among others, are the following provisions:- First party or his
transferee shall promptly make application for water rights for lands
represented by shares as soon as water is available therefor; failing
he shall forfeit his shares to said Association. The ownership of each
share shall have right to have water delivered by Association for lands
to which such share is appurtenant proportionate to all water available
for distribution and shares outstanding. Every transfer of lands to
which shares are appurtenant shall operate to also transfer the right
to the use of water for said land whether so stated in the deed or con-
veyance or not. No tranfer of shares shall be valid unless a siml tan-
eous transfer of the land to which they are appurtenant shall be made.
Assessments for maintenance, operation, etc made by the board of direc-
tors shall be a lien on the lands of Stockholders appurtenant thereto
until paid. First party grants to the Association, or the United States
as the case may be, right of way over lands described herein, as may be
necessary for construction of canals, tunnels etc for the use and benefit
of shareholders. Acknowledged December 13, 1907, by W.G. Boyer and W.S. Wal-
lace before Jacob H. Schiesswohl, Notary Public, Mesa County, Colorado.
Commission expires January 10, 1910. (N.P. Seal).

#108857
FILED
Sept. 14, 1912
3:00 P. M.

The Grand Valley Water
Users' Association.

AMENDMENTS TO ARTICLES OF
INCORPORATION. Sept. 14, 1912.

Know all men by these
presents, that we, W. S.
Wallace, President and D.W.

(27)

Aupperle, Secretary of The Grand Valley Water Users' Association, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, in that case made and provided, do hereby make this our Certificate in triplicate and in accordance with said laws of the State of Colorado, we make the following statements:

That at a meeting of the Board of Directors of said Association, in the City of Grand Junction, County of Mesa, and State of Colorado, on the 15th day of August, 1912, the following resolution was read and adopted: That a special meeting of the stockholders of The Grand Valley Water Users Association be duly called under Section 3 of Article III of the By-Laws of said Association to be held at the office of the Association Sept. 14, 1912 at Ten O'clock A. M. for the purpose of voting on the question of amending Section 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 by delivering personally or depositing in the Post Office at least thirty days before the time fixed for said meeting, a notice properly addressed to each stockholder, stating the time and object of said meeting and the place of holding the same, which said notice was signed by the President of said Association. That said special meeting of the Stockholders of said Association thus duly called was held at the office of the Association in the City of Grand Junction, Colorado, on the 14th day of September, 1912. That at the said special meeting of the Stockholders of said Association votes representing $\frac{2}{3}$ of all the stock of said Association were cast in favor of the adoption of the proposed change. Signed. W. S. Wallace President. D. W. Aupperle Secretary. Acknowledged Sept. 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 Sept. 15, 1914.

THE UNITED STATES GOVERNMENT
and
THE GRAND VALLEY WATER
USER'S ASSOCIATION.

(28)

Grand Valley Water Users' Association, a corporation duly organized and existing under the laws of the State of Colorado, party of the second part, their successors and assigns, witnesseth:

That, whereas The Grand Valley Water Users' Association is a corporation organized and existing under the laws of the State of Colorado for the purposes mentioned in its articles of incorporation and by-laws, copies of which are appended to this agreement and are, for every purpose of the interpretation, construction and consideration of this agreement and of the rights of the parties hereunder, to be deemed, held, read and considered, as if fully written out or printed herein, and deemed a part hereof; and

Whereas the lands embraced within the area proposed to be irrigated as described in said articles of incorporation or by-laws are naturally desert and arid and incapable of proper cultivation without irrigation, and will to a greater or less extent remain unreclaimed, unfit for habitation, and uncultivated, in which condition they, or a great part thereof, now are, unless the waters of the Grand River in Colorado and its tributaries be impounded and the flow thereof otherwise regulated and controlled; and

Whereas the Secretary of the Interior contemplates the construction of certain irrigation works under the provisions of an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands", approved June 17, 1902, for the irrigation and reclamation of the lands described in the said articles or by-laws; and

Whereas the incorporators and shareholders of said Grand Valley Water Users' Association are, and under the provision of its articles of incorporation and by-laws must be, owners and occupants of lands in said area, and in some cases are appropriators of water for the irrigation thereof, and in addition thereto such incorporators and shareholders and their successors or assigns must initiate rights to the use of water from the said proposed irrigation works, to be constructed by the Secretary of the Interior as soon as such rights may be initiated, and thereafter complete the acquisition thereof in the manner and upon the terms and conditions to be prescribed therefor by the Secretary of the Interior, which rights shall be, and thereafter continue to be, forever appurtenant to designated lands owned by such shareholders; and

Whereas neither the relative priority nor the extent of the individual appropriations of such water heretofore made by said incorporators and shareholders for the lands described in said articles or by-laws, and which are now vested rights, have been ascertained or determined, but said incorporators and shareholders have agreed among themselves, by the terms and provisions of said articles of incorporation and by-laws, upon the rules and principles by and upon which the relative priority and the extent of their several appropriations and vested rights to the use of such waters shall be determined:

NOW, THEREFORE, IT IS AGREED AND UNDERSTOOD by and between the parties hereto—

1. That if the Secretary of the Interior shall authorize and cause the construction of said irrigation works, the said association will take prompt action to secure the determination by the courts of the relative rights to the use of water for said lands, and that in the determination of such rights to the use of water acquired under said act of Congress the rules and principles set out in said articles of incorporation and by-laws, for such determination, shall be deemed the established rules and principle for that purpose.

2. That only those who are or who may become members of said association, under the provisions of its articles of incorporation and by-laws, shall be accepted as applicants for rights to the use of water available by means of said proposed irrigation works.

3. That the aggregate amount of such rights to be issued shall, in no event, exceed the number of acres of land capable of irrigation by the total amount of water available for the purpose, being (1) the amount now appropriated for use in the irrigation of said lands, and (2) the amount to be delivered from all sources in excess of the water now appropriated; and that the Secretary of the Interior shall determine the number of acres so capable of such irrigation as aforesaid; his determination to be made upon due and expert consideration of all available data, and to be based upon and measured and limited by the beneficial use of water.

4. That the payments for the water rights to be issued to the shareholders of said Association under the provision of said act of Congress shall be payable in such number of years, as may be fixed by the Secretary of the Interior; the first installment thereof shall be payable when the water is first delivered from said works or within a reasonable time thereafter as determined by the Secretary of the Interior and after due notice thereof by the Secretary to the Association.

5. That the said Water Users' Association hereby guarantees the payment to the United States of the cost of the irrigation works as equitably apportioned by the Secretary of the Interior against the lands of its shareholders, and also of the cost of operation and maintenance as assessed from year to year by the Secretary of Interior, and will promptly levy calls or assessments therefor and collect or require prompt payment thereof in such manner as the Secretary of Interior may direct; That it will promptly pay the sums collected by it to the receiver of the local land office for the district in which said lands are situated; that it will promptly employ the means provided and authorized by the said articles of incorporation and by-laws for the enforcement of such collections, and will not change, alter, or amend its articles of incorporation or by-laws in any manner whereby such means of collection or the lien given to it by the shareholders to secure the payment thereof, or of any assessments contemplated or authorized thereby, shall be impaired, diminished, or rendered less effective, without the consent of the Secretary of the Interior. The Association does not, however, guarantee the collection of charges levied against lands which have been entered under Federal Law, but the title to which has not passed out of the United States.

6. That the United States shall in no manner be responsible for the sums collected by said Association until they have been paid into the hands of the receiver of the local land office, as provided by the law and in accordance with such regulations as may be prescribed by the Secretary of the Interior.

7. That for the purpose of enforcing said collections, the Association will adopt and enforce proper by-laws, subject to the approval of the Secretary of the Interior, and not change them so as to in any wise impair their efficiency for said purpose, and will otherwise, do any and all things it is authorized and empowered to do in the premises.

8. That the Association will adopt and enforce such rules and regulations as it is authorized by its articles of incorporation and by-laws to adopt and enforce concerning the use of water by its shareholders, and concerning the administration of the affairs of the Association, to effectually carry out and promote the purposes of its organization within the provisions of said articles of incorporation and by-laws which rules and regulations shall be subject to the approval of the Secretary of the Interior, and that if the Association fail to make and adopt such rules and regulations, then the Secretary of the Interior may prescribe them; but in such event the Secretary of the Interior shall impose no rule or regulation interfering with any vested right of the shareholders of the association, as defined or modified by said articles of incorporation and by-laws.

9. That persons who are not now members of the Association but who may be the owners or occupants of land to be irrigated, as described in its articles of incorporation or by-laws, or of added lands as therein provided for and to whom rights to the use of water from the proposed irrigation works may be issued by the United States, may, at the designation of the Secretary of the Interior, become members of the association upon subscribing to the stock thereof, and upon compliance with the other conditions prescribed for such membership.

10. That in all the relations between the United States and this Association and the members of this association, the rights of the members of the association to the use of water where the same have vested, are to be defined, determined and enjoyed in accordance with the provisions of the said act of Congress and of other acts of Congress on the subject of the acquisition and enjoyment of the rights to use water; and also by the laws of Colorado, where not inconsistent therewith, modified, if modified at all, by the provisions of the articles of incorporation and by-laws of said association.

11. That nothing contained in this agreement, or to be implied from the fact of its execution, shall be construed, held, or deemed to be an approval by the Secretary of the Interior, nor an adoption by him of the articles of incorporation or by-laws of said association in all their details as the form of organization of water users contemplated and authorized by Section 6 of the said act of Congress of June 17, 1902; but such approval and adoption is expressly reserved until the conditions prescribed in said act authorizing such approval and adoption shall have arisen; and that when the Secretary of the Interior shall make, approve and promulgate rules and regulations for the administration of the water to be supplied from said proposed irrigation works, such rules and regulations and such modifications thereof as the Secretary may, from time to time, approve and promulgate, shall be deemed and held to be obligatory upon this association as fully and completely and to every intent and purpose as if they were now made, approved, promulgated, and written out in full in this agreement, and the same are to be so read and construed.

IN WITNESS WHEREOF, The undersigned have hereunto subscribed their names and affixed their seals the day and year first herein written.

Walter L. Fisher,
Secretary of the Interior, M.B.

(Department Seal) For and on behalf of the United States of America; C.F.
Party of the first part.

THE GRAND VALLEY WATER USERS' ASSOCIATION,
By W. S. Wallace, President,
Party of the second part.

Attest:
D. W. Aupperle,
Secretary.

D. W. Aupperle, Secretary.

(Grand Valley Water Users' Association, Incorporated) (1905, Colorado. SEAL)

Instrument No. 115142.
Book 175. Page 532.
Aug. 5, 1913, 11:00 A. M.

Book #0
Page 46
(29) Endorsed R70-94 Taxes for 1915 to 1927 inclusive assigned March 8 1928 to the Klein Fund Company
127703
Book 206
Page 126
Sep. 29, 1915
11:30 A.M.
Treasurer Mesa County
To
Mesa County
W. S. Wallace
To
The Public Trustee of
Mesa County, Colorado,
For use of
J. T. Davis.

TAX SALE NO. 14607 March 6, 1915. \$5.95
Sold:- 1/2 interest in and to the E 1/2 of the SW 1/4 of Sec. 31, Twp. 1N, R 1E, - - -
TRUST DEED, September 29, 1915. \$1.00
Conveys:- an undivided 1/2 interest in and to the E 1/2 of the SW 1/4 of Sec. 31, Twp. 1N, R 1E, of the Ute Meridian. In Mesa County, Colorado. **IN TRUST**, To secure his note bearing even date herewith, for the principal sum of \$1,000.00 payable 3 years after date, with interest thereon from the date thereof, until paid at 8% per annum, according to 6 certain interest notes for \$40.00 each, attached thereto, and representing the interest for each semi-annual period. Acknowledged September 29, 1915, by W.S. Wallace, before Delmar B. Wright, Notary Public, Mesa County, Colorado. Commission expires July 2, 1916. (N.P. Seal).

Rel 31

(30)

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(31)

JOHN G. MCKINNEY, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, - TO - W. S. WALLACE.

) RELEASE DEED, DATED OCT. 31, 1922, FILED OCT. 31, 1922, 3.15 P.M. \$2.00

RELEASES: AN UNDIVIDED ONE-HALF INTEREST IN THE E 1/4 OF SW 1/4 OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO. FROM TRUST DEED DATED SEPT. 29, 1915, RECORDED SEPT. 29, 1915 IN BOOK 206 AT PAGE 126. GIVEN TO SECURE TO J. T. DAVIS PAYMENT OF HIS NOTE. NOTE PAID. ACK. OCT. 31, 1922 BY JOHN G. MCKINNEY, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES AUG. 24, 1925. BOOK 253, PAGE 238.

oo

(32)

W. S. WALLACE, - TO - THE PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, FOR USE OF W. S. WALLACE.

) TRUST DEED. DATED OCT. 25, 1922, FILED OCT. 31, 1922, 2.10PM. \$2.00

CONVEYS: AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE E 1/4 OF SW 1/4 OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO. GIVEN TO SECURE HIS NOTE BEARING EVEN DATE HEREWITH, PAYABLE TO THE ORDER OF HIMSELF THREE YEARS AFTER DATE THEREOF FOR THE SUM OF \$1000.00, WITH INTEREST FROM DATE UNTIL PAID AT 8% PER ANNUM, INTEREST PAYABLE SEMI-ANNUALLY. ACK. OCT. 27, 1922 BY W. S. WALLACE, BEFORE CHARLES B. RICH, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES JAN. 13, 1925. BOOK 212, PAGE 510.

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(33)

A. SCOTT MCKINNEY, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, - TO - W. S. WALLACE.

) RELEASE DEED, DATED JAN. 12, 1926, FILED JAN. 12, 1926, 12.05 P.M. \$2.00

RELEASES: AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE E 1/4 OF SW 1/4 OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO. FROM TRUST DEED DATED OCT. 25, 1922, RECORDED OCT. 31, 1922 IN BOOK 212 AT PAGE 510, GIVEN TO SECURE NOTE PAYABLE TO HIMSELF. NOTE PAID. ACK. JAN. 12, 1926 BY A. SCOTT MCKINNEY, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, BEFORE VIRGINIA WALLACE MCKINNEY, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES AUG. 27, 1929. BOOK 290, PAGE 198.

oo

(34)

W. S. WALLACE, - TO - THE PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, FOR USE OF HIMSELF.

) TRUST DEED. DATED JAN. 20, 1926, FILED JAN. 20, 1926, 10.35 AM. CONSIDERATION OF THE PREMISES.

CONVEYS: AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE E 1/4 OF SW 1/4 OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO. GIVEN TO SECURE HIS THREE NOTES BEARING EVEN DATE HEREWITH FOR THE TOTAL SUM OF \$600.00, PAYABLE THREE YEARS AFTER DATE WITH INTEREST AT 8% PER ANNUM, PAYABLE SEMI-ANNUALLY, BEING 3 NOTES OF \$200, EACH, DUE 3 YEARS AFTER DATE. ACK. JAN. 20, 1926 BY W. S. WALLACE, BEFORE CHARLES B. RICH, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES JAN. 13, 1929. BOOK 295, PAGE 69.

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(35))
 TREASURER OF MESA COUNTY,) TAX SALE, No. 25534.
 - TO -) DATED DEC. 12, 1924.
 MESA COUNTY.) \$27.45
 SOLD: ONE-HALF INTEREST IN THE E $\frac{1}{2}$ OF SW $\frac{1}{4}$ OF SEC. 31, TWP.)
 N. R. 1 E. 40 ACRES.)
 ENDORSED \$23.89, TAXES 1924 TO 1927 INCL. ASSIGNED MARCH 8,)
 1928 TO THE KLEIN LAND COMPANY.) BOOK X, PAGE 81.

(36))
 W. G. BOYER,) WARRANTY DEED.
 - TO -) DATED AUG. 28, 1908.
 OLIVE ROBERTS BOYER.) FILED AUG. 28, 1908, 10.10 AM
 \$1.00 AND LOVE AND AFFECTION)
 CONVEYS: THE UNDIVIDED ONE-HALF INTEREST IN AND TO THE)
 E $\frac{1}{2}$ OF SW $\frac{1}{4}$ OF SEC. 31, TWP. 1 N. R. 1 E. U.M. (AND OTHER)
 LAND) IN MESA COUNTY, COLORADO.)
 EXCEPT TAXES OF 1908 WHICH SECOND PARTY ASSUMES AND)
 AGREES TO PAY.)
 ACK. AUG. 28, 1908 BY W. G. BOYER, BEFORE R. E. STARR,)
 COUNTY CLERK OF MESA COUNTY, COLORADO. (CO. CLERK SEAL))
 BOOK 136, PAGE 384.

(37))
 OLIVER ROBERTS BOYER,) TRUST DEED.
 - TO -) DATED JAN. 8, 1913.
 THE PUBLIC TRUSTEE OF MESA) FILED FEB. 20, 1913, 9.30 AM
 COUNTY, COLORADO, FOR USE OF) \$1.00
 W. GUY BOYER.)
 CONVEYS: THE UNDIVIDED ONE-HALF INTEREST IN AND TO THE E $\frac{1}{2}$)
 OF SW $\frac{1}{4}$ OF SEC. 31, TWP. 1 N. R. 1 E. U.M. IN MESA COUNTY,)
 COLORADO. SUBJECT TO SUBSCRIPTION FOR 80 SHARES OF STOCK OF)
 THE GRAND VALLEY WATER USERS ASSOCIATION AND CONTRACT WITH)
 SAID ASSOCIATION. GIVEN TO SECURE HER NOTE BEARING EVEN DATE)
 HEREWITH FOR THE PRINCIPAL SUM OF \$1000.00, WITH INTEREST AT)
 10% PER ANNUM, PAYABLE SEMI-ANNUALLY. SAID NOTE DUE IN ONE)
 YEAR AFTER DATE THEREOF.)
 ACK. FEB. 19, 1913 BY OLIVE ROBERT BOYER, BEFORE CHARLES)
 W. ROSE, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P.)
 SEAL) COMM. EXPIRES MAY 24, 1915.)
 BOOK 169, PAGE 357.

(38))
 RENTON CANON, PUBLIC TRUSTEE) PUBLIC TRUSTEE'S CERTIFICATE OF
 OF MESA COUNTY, COLORADO.) PURCHASE
 (CO. TREAS. SEAL),) DATED JUNE 21, 1915
 - TO -) FILED JUNE 21, 1915, 11.20
 JOHN J. TOBIN, RECEIVER OF THE) A.M.
 MESA COUNTY NATIONAL BANK.) \$1000.00
 CERTIFIES THAT UNDER AND BY VIRTUE OF THE POWER AND)
 AUTHORITY IN ME VESTED BY A CERTAIN DEED OF TRUST, DATED)
 JAN. 8, 1913, MADE, EXECUTED AND DELIVERED TO THE PUBLIC)
 TRUSTEE IN THE COUNTY AFORESAID BY OLIVE ROBERTS BOYER, AND)
 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 JOHN J. TOBIN, RECEIVER OF THE MESA COUNTY)
 NATIONAL BANK THE PAYMENT OF THE SUM OF \$1000.00, BESIDES)
 INTEREST THEREON, UPON THE TERMS AND CONDITIONS AND WITH)
 THE COVENANTS AND 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 TEN O'CLOCK IN THE FORE NOON 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, THE UNDIVIDED ONE-HALF INTEREST IN AND)
 TO THE E $\frac{1}{2}$ OF SW $\frac{1}{4}$ OF SEC. 31, TWP. 1 N. R. 1 E. U.M. IN MESA)
 COUNTY, COLORADO, SUBJECT TO 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)
 (OVER)

(41)
THE GRAND VALLEY USERS' ASSOCIATION.
EXTENSION OF ARTICLES OF INCORPORATION

DATED MARCH 21, 1925.

CERTIFICATE OF C. E. BLUMENSHINE, PRESIDENT. ATTEST: M. ETHEL COX, SECRETARY. (CORPORATE SEAL) OF THE GRAND VALLEY WATER USERS' ASSOCIATION, A CORPORATION OF COLORADO, THAT AT A SPECIAL MEETING OF THE STOCKHOLDERS OF SAID ASSOCIATION, HELD IN THE COURT ROOM IN THE COUNTY COURT HOUSE AT GRAND JUNCTION, MESA COUNTY, COLORADO, ON FEB. 17, 1925, THE FOLLOWING RESOLUTION WAS ADOPTED:

"RESOLVED THAT THE CORPORATE EXISTENCE OF THE GRAND VALLEY WATER USERS' ASSOCIATION, BE EXTENDED FOR A PERIOD OF TWENTY YEARS FROM THE DATE OF THE EXPIRATION OF THE PRESENT CHARTER AND SO CONTINUING THE SAME AS IF ORIGINALLY INCORPORATED."

THAT THE SAID MEETING WAS CALLED AND DUE AND LEGAL NOTICE THEREOF GIVEN IN THE MANNER REQUIRED BY LAW; AND THAT AT SUCH MEETING A MAJORITY OF THE ENTIRE OUTSTANDING CAPITAL STOCK OF SAID ASSOCIATION WAS REPRESENTED.

THAT AT SUCH MEETING THE SAID RESOLUTION WAS ADOPTED BY A MAJORITY VOTE OF THE ENTIRE OUTSTANDING CAPITAL STOCK OF SAID ASSOCIATION.

SUBSCRIBED AND SWORN TO ON MARCH 28, 1925 BY SAID OFFICERS OF SAID CORPORATION, BEFORE DELMAR B. WRIGHT, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES JULY 1, 1928.

FILED APRIL 11, 1925 AT 10.31 A.M.

FILED INSTRUMENT No. 209483

What appears to be a duplicate of this instrument was filed May 24, 1938 at 11:10 A. M. File #3069, Instrument Reception #337413

(42)

TREASURY DEPARTMENT. OFFICE OF THE COMPTROLLER OF THE CURRENCY, WASHINGTON, D.C. No. 7766. FILED FEB. 5, 1927, 9.10 A.M.

MAY 2, 1921. CERTIFICATE OF D. R. CRISSINGER, COMPTROLLER OF THE CURRENCY (OFFICIAL SEAL), THAT, WHEREAS, CHARLES D. HAMNER WAS APPOINTED AND COMMISSIONED RECEIVER OF THE MESA COUNTY NATIONAL BANK OF GRAND JUNCTION, LOCATED IN THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, ON JUNE 30, 1917, AND WHEREAS, THE SAID CHARLES D. HAMNER HAS RESIGNED TO TAKE EFFECT AT CLOSE OF BUSINESS APRIL 30, 1921. THEREFORE APPOINTS JAMES M. PORTER, RECEIVER OF "THE MESA COUNTY NATIONAL BANK OF GRAND JUNCTION", TO TAKE EFFECT AT CLOSE OF BUSINESS MAY 21, 1921, IN PLACE OF CHARLES D. HAMNER, WITH ALL THE POWERS, DUTIES AND RESPONSIBILITIES IMPOSED UPON A RECEIVER UNDER THE PROVISIONS OF THE REVISED STATUTES OF THE U. S. WHICH AUTHORIZE THE APPOINTMENT OF RECEIVERS.

FILED INSTRUMENT NO. 225596.

(43)

W. S. WALLACE, - TO - W. M. WOOD.) WARRANT DEED. DATED DEC. 14, 1928. FILED JAN. 12, 1929. 8.50 AM \$1.00 AND OTHER VALUABLE CONSIDERATIONS.

CONVEYS: AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE E¹/₂ OF SW¹/₄ OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO, SUBJECT TO UNPAID TAXES. ACK. DEC. 19, 1928 BY W. S. WALLACE, BEFORE DON C. STRATTON, A NOTARY PUBLIC OF THE CITY AND COUNTY OF DENVER, COLORADO. (N.P. SEAL) COMM. EXPIRES MAR. 22, 1932. Book 315, Page 28.

(44)

W. S. MEEK, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, - TO - W. S. WALLACE.) RELEASE DEED. DATED JAN. 21, 1929. FILED JAN. 22, 1929. 4.40 PM \$2.00

RELEASES: AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE E¹/₂ OF SW¹/₄ OF SEC. 31, TWP. 1 N. R. 1 E. U.M., IN MESA COUNTY, COLORADO, FROM TRUST DEED DATED JAN. 20, 1926, RECORDED JAN. 20, 1926, IN BOOK 295 AT PAGE 60, GIVEN TO SECURE TO W. S. WALLACE PAYMENT OF HIS B. NOTES, NOTES PAID. ACK. JAN. 21, 1929 BY W. S. MEEK, PUBLIC TRUSTEE OF MESA COUNTY, COLORADO, BEFORE VIRGINIA WALLACE MCKINNEY, A NOTARY PUBLIC OF MESA COUNTY, COLORADO. (N.P. SEAL) COMM. EXPIRES AUG. 27, 1929. Book 310, Page 577.

THE COLORADO ABSTRACT AND TITLE COMPANY HEREBY CERTIFIES THAT THE FOREGOING (CONSISTING OF FORTY-FOUR ENTRIES, NUMBERED FROM 1 TO 44 INCLUSIVE) IS A FULL AND COMPLETE ABSTRACT OF EACH AND EVERY INSTRUMENT OF RECORD OR ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF MESA COUNTY COLORADO, IN ANY MANNER AFFECTING OR RELATING TO THE PREMISES DESCRIBED IN THE CAPTION OF THIS ABSTRACT. DATED AT GRAND JUNCTION, COLORADO, JANUARY 22, 1929 AT 4.45 P.M.



THE COLORADO ABSTRACT AND TITLE COMPANY

Ernest Laverton PRESIDENT.

W. R. HINMAN

ATTORNEY AT LAW

SUITE 303-4 GRAND VALLEY BANK BLDG.

GRAND JUNCTION, COLO.

PHONE. JCT. 281 December 26, 1928.

Mr. Frank Hall
City

Dear Sir:

At your request I have examined abstract of title to the East one-half of the Southwest Quarter of Section 31 in Township 1 North, Range 1 East of the Ute P. M., in Mesa County, Colorado, as prepared by the Colorado Abstract and Title Company, and consisting of forty-two entries numbered from one to forty-two consecutively.

I am of the opinion that said abstract shows the ownership of the title to be divided. An undivided one-half interest is apparently owned by W. S. Wallace, subject to certain outstanding tax sales and Deed of Trust hereafter described; and the other undivided one-half interest stands in the name of Olive Roberts Boyer, but her interest was transferred to the Public Trustee of Mesa County, Colorado, on January 8, 1913, as shown at Entry No. 37 of this abstract, for the use of W. Guy Boyer to secure a promissory note in the sum of \$1,000.00. Apparently this note was negotiated to the Mesa County National Bank, and after the bank closed it is apparent that the receiver of the bank instituted foreclosure through the Public Trustee's office and a certificate of sale to John J. Tobin as receiver of the Mesa County National Bank was executed, dated and filed for record on January 21, 1915. While it appears from subsequent entries in the abstract that other receivers had been appointed to succeed the original receiver, Tobin, and that the last appointment was apparently a James M. Porter as receiver for the bank, yet it does not appear that the Public Trustee's Deed was issued upon the original certificate of purchase. The present owner and holder of that certificate is entitled to a Public Trustee's Deed if redemption did not occur, and when this Deed is issued such person will own that undivided one-half interest in the lands in question.

The lands are, of course, subject to the obligations due to and the bonded indebtedness of the Grand Valley Water Users Association; and in addition thereto, Entry No. 34 shows an outstanding Trust Deed executed by W. S. Wallace to secure three notes in the principal sum of \$600.00 for the use of himself; Entries No. 29 and No. 35 show outstanding tax sale certificates to Mesa County, assigned to the Klein Land Company, but it does not appear from the abstract which undivided one-half interest these tax sale certificates cover.

In addition to the foregoing, Entries No. 4 and No. 5 disclose a certificate of levy by the Sheriff of this county and subsequent certificates of purchase to John H. Blood in a suit where Blood is

F. H. 2 12-26-28

Plaintiff and one Frank W. Owers is Defendant, wherein the lands in question were sold and an attempt at conveyance was made to Blood. These activities occurred in 1898 and 1899, but it is apparent that a mistake was made in that Owers is not shown to have had any connection with or ownership in the lands in question; and while this may be considered to be some flaw or cloud on the title, yet it is apparent that it can be safely disregarded as and if the lands have been adversely held since that date.

Respectfully submitted,



City Attorney.

WRH:LS

HALL BOND

Continuation of

ABSTRACT OF TITLE

to

The East Half of the Southwest Quarter of Section Thirty-One (31) in Township One (1) North, Range One (1) East of the Ute Principal Meridian, in Mesa County, Colorado, containing 80 acres, more or less, according to the Government Survey thereof

From January 22, 1929 at 4:45 O'clock P. M.

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45.

The Grand Valley Water Users' Association

AMENDMENT

#212293

Filed January 30, 1929

File #1825

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.

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46.

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/ incorporators. Amends Art. V. Sec. 2 "Only those who are owners of lands or occupants of public roads 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 Jan. 14, 1913, President of The Grand Valley Users' Association, before Mary Bel 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



No. 46 continued.

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. Suedeker, Deputy.
(State of Colorado Seal).

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47.

W. M. Wood SPECIAL WARRANTY DEED \$1.00 and #242215
to other valuable considerations Book 315
The City of Grand Junction 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 1/2 SW 1/4 Sec. 31, Twp. 1N. R. 1E. U. M. Warrants against all persons
claiming under me, subject to unpaid taxes and subject to obligation 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 September 17, 1930.

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48.

Olive Roberts Boyer QUIT CLAIM DEED \$1.00 and #251600
to other valuable considerations Book 313
The City of Grand Junction Dated March 7, 1930 Page 214
Filed March 20, 1930
At 11:25 O'clock A. M.
Quitclaims:- An undivided One-half interest
in the E 1/2 SW 1/4 Sec. 31, Twp. 1N. R. 1E. U. M.
Ack. March 7, 1930 before Anna M. Wagler, Notary Public, Mesa County, Colorado.
(N. P. Seal) Commission expires March 3, 1932.

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49.

W. S. Meek, Treasurer TREASURER'S DEED #25534 #253056
(County Treasurer Seal) Dated January 15, 1929 Book 288
to Filed May 16, 1930 Page 233
The Klein Land Company At 9:40 O'clock A. M.
KNOW ALL MEN BY THESE PRESENTS, That, 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. Whereas, The taxes assessed upon said property for the year 1923 aforesaid remained due and unpaid at the date of the sale hereinafter named; And, Whereas, The Treasurer of the said County did on December 12, 1924, by virtue of the authority vested in him by law, at an adjourned sale, the sale begun and publicly held on December 9, 1924, 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; Because of inability of County Treasurer to prepare his delinquent tax list in time to commence the sale of property delinquent for taxes on or before the second Monday in November, the same was advertised for sale on the date before mentioned, that being the earliest date upon which he was able to prepare said list, advertise and make said sale. 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 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 on 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, and all its rights, title and interest in said property held by virtue of said sale. And, Whereas, The said The Klein Land Company has



No. 49 continued

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 one hundred dollars; 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, sell unto said The Klein Land Company subject to all 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

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50.

Treasurer of Mesa County
to
Mesa County

TAX SALE \$6.90 #31520
Dated December 12, 1929 Book 25 page 23
Sale of:-
One-half interest E $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 31, Twp. 1N. R. 1E.

REDEEMED by City of Grand Junction, Colorado,
September 4, 1941

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51.

The Klein Land Company by Rufus B. Klein, President Attest: C.W. Savery, Secretary, (Corporate Seal)

QUIT CLAIM DEED \$10.00 and other valuable consideration #253057
Dated May 12, 1930 Book 325
Filed May 16, 1930 Page 78

to
The City of Grand Junction, a Municipal Corporation

At 9:45 O'clock A. M.
Quit claims:- An undivided one-half interest in the E $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 31, Twp. 1N. R. 1E.))
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.

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52.

Arthur T. Gormley
James H. Rankin
to
The City of Grand Junction, a Municipal Corporation

QUIT CLAIM DEED \$1.00 and other valuable considerations #253058
Dated April 21, 1930 Book 313
Filed May 16, 1930 Page 235

At 9:50 O'clock A. M.
Quitclaims:- An undivided one-half interest in and to the E $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 31, Twp. 1N. R. 1E.

U. M. containing approximately 80 acres.

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

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53.

W. S. Meek, Treasurer
(County Treasurer Seal)
to
The City of Grand Junction

TREASURER'S DEED #14607 #253178
Dated May 21, 1930 Book 288
Filed May 21, 1930 Page 234

At 9:15 O'clock A. M.
Whereas, the following described real property, viz: An undivided one-half interest in

and to the E $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 31, Twp. 1N. R. 1E. U. M. situated in the County of Mesa and State of 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 March 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



No. 53 continued.

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 on 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, 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 one hundred dollars; 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 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 April 9, 1934.

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54. 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 Seventh 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 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 one-half interest in and to the E 1/2 SW 1/4 Sec. 31, Twp. 1N. R. 1E. U. M. containing approximately 80 acres.

(Granting clause gives 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 States of America.

(N. P. Seal)

Commission expires June 13, 1933.

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55. 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.
 Washington D. C.

#253508
Book 325
Page 144

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 appoint 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 responsibilities 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, Treasurer Department (Comptroller's Seal).

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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:

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: 14607, 25534

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-

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)

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

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 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 ex- were admitted in evidence pursuant to stipulation. found and adjudged that there were two bulk to a particular purchaser, namely, the Land Com- ered 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 ex- 1. Supplemental Answer. The Supplemental first pending in this Court, the county sold approx- certificates for the taxes of 1928, 1929, and 1930, and that by reason of such sales the county af- waived any right which it or the taxpayers might that the county might have had in the tax-sale 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

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, mained 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 re the case on January 25, 1933, the testimony of w hibits introduced at that trial, subject to objections, Additional evidence was introduced, and the Court sales of tax certificates, each for a lump sum and pany, and that the sales were void. The Court ord and a decree was entered. The Land Company con 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 penditures made by it wer 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, firmed 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

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-sales 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).