

Recording Requested by:

Kelly N. James

and when Recorded, mail to:

RECODER'S MEMO
LEGIBILITY OF TYPING OR PRINTING UNSATISFACTORY IN THE DOCUMENT WHEN RECEIVED.
Above Space is for Recorder's Use.

DECLARATION OF LAND PATENT

KNOW YE ALL MEN THAT I/WE, THE UNDERSIGNED, DO CERTIFY AND DECLARE THAT WE ARE ASSIGNEE'S TO A LAND PATENT or GRANT THAT IS FILED AND IS KNOWN AS PATENT or GRANT # -197- : SAID COPY OF WHICH IS ATTACHED HERETO. WE FURTHER CERTIFY THAT WE ARE ASSIGNEE'S TO A PORTION OF SAID PATENT OR GRANT WHICH IS LEGALLY DESCRIBED AS FOLLOWS: All of Lot 60, MOUNTAIN PARK SUBDIVISION, PLAT "D"
a subdivision of part of the Southeast Quarter of
Section 20, Township 2 North, Range 1 East, Salt Lake
Meridian in the City of Bountiful, County of Davis,
State of Utah, according to the official plat thereof.

04-0060
-10-

NO CLAIM IS MADE HEREIN THAT WE HAVE BEEN ASSIGNED THE ENTIRE TRACT OF LAND AS DESCRIBED IN THE ORIGINAL PATENT OR GRANT. OUR ASSIGNMENT IS INCLUSIVE ONLY TO THE ABOVE LEGAL DESCRIPTION. THE FILING OF THIS DECLARATION OF LAND PATENT SHALL NOT DENY OR INFRINGE ON ANY RIGHT, PRIVILEGE OR IMMUNITY OF ANY OTHER ASSIGNEE TO ANY OTHER PORTION OF LAND COVERED IN THE ABOVE DESCRIBED PATENT OR GRANT NUMBER.

MEMORANDUM OF LAW ON RIGHTS, PRIVILEGES AND IMMUNITIES

1. Transfer by patentee...."Title and rights of bona fide purchaser from patentee,

.....will be protected. United States v Debell (1915, CA8 SD) 227 F 760; United States v Beaman(1917, CA8 Colo) 242 F 876; State v Hewitt Land Co. (1913) 74 Wash 573, 134 P 474" from 43 USCS § 15.: 44.

2. AN ASSIGNEE, WHETHER HE BE THE FIRST, SECOND OR THIRD PARTY TO WHOM TITLE IS CONVEYED SHALL LOSE NONE OF THE ORIGINAL RIGHTS, PRIVILEGES OR IMMUNITIES OF THE ORIGINAL GRANTEE OF LAND PATENT. The U.S. Constitution says in Article I, Sec 10: "No State shall.....impair the obligations of Contracts". EQUAL RIGHTS, PRIVILEGES AND IMMUNITIES ARE FURTHER PROTECTED UNDER THE 14th AMENDMENT TO THE U.S. CONSTITUTION WHICH SAYS: "No State shall deny to any person within its jurisdiction the equal protection of the laws".

3. In cases of ejection, where the question is who has the legal title, the patent of the government is unassailable. Sanford v Sanford, 139 U.S. 642, 35 L Ed 290.

4. In Federal courts the patent is held to be the foundation of title at law. Fenn v. Holmes, 21 Howard 481.

5. IMMUNITY FROM COLLATERAL ATTACK: Collins v Bartlett, 44 Cal 371; Webber v Pere Marquette Boom Co, 62 Mich 626, 30 NW 469; Surget v Doe, 24 Miss 118; Pittsmont Copper Co v Vanina, 71 Mont 44, 227 Pac 46; Green v Barker, 47 Neb 934, 66 NW 1032.

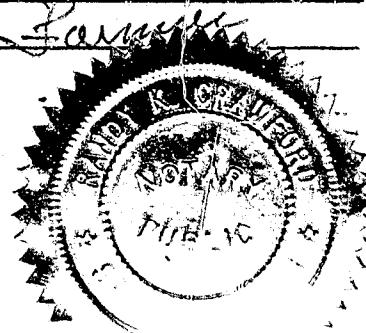
STATE OF Utah.
COUNTY OF SALT LAKE.) ss.

Subscribed and sworn to before me,
this 6th day of MAY, 1985

Kandy K. Crawford
Notary Public, State of Utah.
My Commission expires 10-23-88

X Elaine K. James
X Kelly N. James

ASSIGNEE(S)



The United States of America

To all to whom these presents shall come, Greeting:

Know all men by these presents, That has been deposited in the General Land Office of the United States, Secretary of the Treasury of the Second Office of Salt Lake City, Utah, in the State of Utah, on the 26th day of May, 1862, to witness the sale of property, and the same is deposited in the office of the General Land Office, and the same is supplemental thereto, the sum of \$1,000.00, paid

as aforesaid, and duly acknowledged, by

John C. H. Smith, Esq., of the County of Sanpete, State of Utah, of the age of twenty-one years, and the father of James C. H. Smith, to sell at Salt Lake City, Utah, the following

containing one hundred and sixty acres

according to the Official Title of the Survey of the said Land, issued to the General Land Office by the Surveyor General.

Now know ye, That there is, therefore, granted by the United States unto the said Robert M. Smith, the said of Land above described, To have and to hold the said tract of Land with the appurtenances thereto, unto the said Robert M. Smith, and to his heirs and assigns forever; subject to any valid and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to timber, and minerals and in connection with and under rights as may be recognized and acknowledged by the local authorities, and documents of title, and also subject to the right of the holders of a lease or right to extract and remove his coal deposits, should the same be found to contain the same, being granted as furnished by law.

In testimony whereof, I, George C. L. Green,

President of the General Land Office, have caused this letter to be made, Robert, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the 26th day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the one hundred and eighth.

Attest, J. B. French, By John B. French, Secretary

Bureau of Land Management
Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303

Recorder of the General Land Office.

I hereby certify that this reproduction is a copy of the original record on file in this office.