

Recorded APR 5 1939 at 1:00 P.  
 Reception No. 812719 WALTER F. MORRISON, Recorder

STATE OF COLORADO, )

: ss.

IN THE DISTRICT COURT

County of Weld. )

NO. 9683

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD,

Plaintiff,

v.

ARCHIBALD W. BARBOUR, LOURA H. BATES, GEORGE H. BEYER,  
 MARGARET BEYER, SAMUEL M. BIRNEY, GEORGE W. BOND, HENRY  
 BREDER, LELAND BRINKERHOFF, C. L. BRINKERHOFF, BRIDGET A.  
 A. CARLIN, J. I. CARPER, ALBERT J. CONDON, THE COLORADO  
 INVESTMENT AND AGENCY COMPANY, a corporation, F. H.  
 CRAVENS, FRED N. CRAVENS, H. S. DeSOLLAR, HATTIE L.  
 DOELLER, FRANK A. DIEHL, F. A. DIEHL, MICHAEL IARRELL,  
 THE FIRST NATIONAL BANK OF GREELEY, COLORADO, a cor-  
 poration, VICTOR H. FLOOD, NELS FOLSON, C. D. GARNETT,  
 CARL H. GOLDEN, S. S. GOLDEN, R. B. GOLDEN, WM. O.  
 GILBERT, THE GREELEY ILLUSTRATION DISTRICT, WILLIAM  
 F. GREGORY, FRANCIS C. GRABLE, WY GREEN, D. HELLBERG,  
 LEWIS A. HILLERSTEIN, C. A. LEWITT, as Public Trustee  
 in and for the County of Weld and State of Colorado,  
 O. W. HENNING, SALOME A. HENNING, GEORGE LUTT, WILLIAM  
 HURTT, ELLA B. HOLICK, ABRAHAM JACKSON, MARY N. C.  
 JENSEN, REGINA A. JENSEN, THE KLEIN LAND COMPANY, a  
 corporation, FLORENCE LATHAM, CARL A. LINDS, WILLIAM M.  
 LOUDEN, BRUCE E. MERRITT, ELMER L. MERRITT, LEE P.  
 MERRITT, LOUIS A. MERRITT, MABEL MERRITT, C. S. MILLER,  
 P. I. MILLER, WILLIAM H. MIDDLETON, NOBA MOLA, as Re-  
 ceiver of the H. M. Schuyler State Bank, JAMES A. MOORE,  
 A. MORRISON, J. V. PORTMAN, HERBERT A. PRALL, L. J.  
 NELSON, J. W. REVLIN, CORNELIA NEWMAN, GEORGE F. SMITH,  
 as administrator with the Will annexed of the Estate of  
 William M. Newman, Deceased, ELMA A. OATS, HARRY C. O'  
 NEILL, EMEL P. MAXTON PHILLIPS, WILLIAM E. POLLISON,  
 CLARK S. POTTER, ANNA J. RUSLEY, MAX SCHWITZER, GEORGE  
 SNIVELY, A. E. STAIN, THE TAX SERVICE CORPORATION,  
 a corporation, J. C. TEVEBAUGH, ALBERT W. THOMPSON,  
 A. J. THOMPSON, LOUISE E. VIEHWEG, ERNEST VIEHWEG,  
 CHARLES WANZER, DUGALD H. WEAVER, as Trustee for The  
 Stockholders of Farmers and Drivers Bank, Strasburg,  
 Colorado, CLARENCE E. WILLIAMS, AND ALL UNKNOWN PERSONS  
 who claim any interest in and to the subject matter of  
 this action,

Defendants.

DISTRICT COURT,  
 WELD CO., COLO.  
 APP-4 1939  
 LUTHER,  
 CLERK

DECREE

This cause came on regularly to be heard  
 this 4th day of April, A. D. 1939,  
 plaintiff appearing by the County Attorney, Clay R. Apple,

and defendants and each of them not appearing either in person by answer or by counsel.

Upon motion of attorney for plaintiff default of each and all of the defendants was duly entered by the court and the court having considered the oral and documentary evidence offered on behalf of plaintiff and argument of counsel and being now duly advised,

DOES FIND:

1. That summons was duly issued in this cause on the 14th day of October, 1933 and was duly served upon the defendants, Lewis A. Hollerstein, Cornelia Newman, Archibald W. Harbour, George Hurtt, C. W. Koenning and Salomo A. Henning by personal service upon each of said defendants within the City and County of Denver; and was duly served upon The Tax Service Corporation, a corporation, by personal service by delivering to E. B. Klein, its Vice President, personally, a copy of summons and copy of complaint within the City and County of Denver; and was duly served upon Laura H. Bates, Carl A. Linde, Victor H. Flood, Carl M. Golden, E. M. Golden, R. B. Golden, Clarence E. Williams, F. A. Diehl, also known as Frank A. Diehl, A. Morrison, Ethel F. Maxton Phillips and C. S. Miller by personal service upon each of said defendants within the County of Weld; and was duly served upon The Greeley Poudre Irrigation District by serving George F. Smith, personally, as Secretary of the said District; and was duly served upon C. A. Hewitt, as Public Trustee in and for the County of Weld and State of Colorado; by delivering a copy of said summons and said complaint to C. A. Hewitt; and was duly served upon George F. Smith.

and copy of complaint to George F. Smith, personally; and was duly served upon The First National Bank of Greeley, Colorado, a corporation, by delivering a copy of summons and copy of complaint to Wm. R. Patterson, as assistant cashier and trust officer of said bank, all within the County of Weld; and was duly served upon The Klein Land Company, a corporation, by acknowledgment of receipt of a copy of summons and copy of complaint signed by C. W. Savery, as Secretary of The Klein Land Company, a corporation.

2. That on the 14th day of December, 1938 the Sheriff of Weld County made return showing that the defendants, George H. Beyer, Margaret Beyer, Samuel H. Birney, George W. Bond, Henry Breder, Leland Brinkerhoff, C. I. Brinkerhoff, Bridgett A. Carlin, J. I. Carper, Albert J. Condon, The Colorado Investment and Agency Company, a corporation, F. H. Cravens, Fred H. Craven, H. S. DeSollar, Hattie L. Doeller, Michael Farrell, Nels Folsen, C. B. Garnett, Wm. O. Gilbert, William M. Gregory, Francis C. Grable, Roy Green, D. Halberg, William Hurtt, Ella B. Hollick, Abraham Jackson, Mary H. S. Jensen, Regina A. Jensen, The Klein Land Company, a corporation, Florence Latham, William W. Loudon, Bruce E. Merritt, Elmer E. Merritt, Lee R. Merritt, Louis A. Merritt, Mabel Merritt, P. I. Miller, William H. Middleton, Nora Molz, As Receiver of the H. N. Schuyler State Bank, James A. Moore, W. F. Morrison, Herbert H. Neale, L. J. Nelson, J. N. Nowlin, Emma A. Oats, Harry E. O'Neill, William E.

George Sniveley, A. E. Swain, J. G. Tevebaugh, Albert W. Thompson, A. W. Thompson, Louis E. Viehweg, Ernest Viehweg, Charles Wanzer, Dugald H. Weaver, as Trustees for the Stockholders of Farmers and Drovers Bank, Strasburg, Colorado, and All Unknown Persons who claim any interest in and to the subject matter of this action, could not be found within the County of Weld and State of Colorado.

3. That on the 28th day of December, 1938 the Court, being satisfied by clear and convincing proof that such defendants could not be reached by mail or personal service, entered an order herein that service of summons in this action be made by publication upon the defendants, George H. Boyer, Margaret Boyer, Samuel M. Birney, George W. Bond, Henry Breder, Leland Brinkerhoff, C. L. Brinkerhoff, Bridgetta A. Carlin, J. J. Carper, Albert J. Condon, The Colorado Investment and Agency Company, a corporation, F. H. Cravens, Fred H. Cravens, H. S. DeSollar, Mattie L. Deollar, Michael Farrell, Nels Folsom, C. B. Garnett, Wm. O. Gilbert, William M. Gregory, Francis C. Grable, Roy Green, D. Helberg, William Hurtt, Ella B. Holick, Abraham Jackson, Mary N. S. Jensen, Regina A. Jensen, The Klein Land Company, a corporation, Florence Latham, William W. Loudon, Bruce E. Merritt, Elmer E. Merritt, Lee R. Merritt, Louis A. Merritt, Mabel Merritt, P. I. Miller, William E. Middleton, Nora Holz, As Receiver of the H. N: Schuyler State Bank, James A. Moore, W. I. Morrison, Herbert H. Neale, L. J. Nelson, J. W. Nowlin, Emma A. Oats, Harry E. O'Neill, William E. Pollison, Clark S. Potter,

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J. G. Tovebaugh, Albert W. Thompson, A. W. Thompson, Louis E. Viehweg, Ernest Viehweg, Charles Wanzer, Dugald H. Weaver, as Trustees for the Stockholders of Farmers and Drovers Bank, Strasburg, Colorado, and All Unknown Persons who claim any interest in and to the subject matter of this action, and ordered publication of said summons at least once each week for four successive weeks, five times, in The Greeley Booster a weekly public newspaper published in Greeley, Weld County, Colorado.

4. That service of said summons has been made by publication thereof in said newspaper pursuant to said order.

5. That the first publication thereof was on the 30th day of December, 1938 and the last publication was on the 27th day of January, 1939.

6. That the service upon each and all of the defendants is regular, complete and in due form of law.

7. That the allegations of the complaint are true and proved and findings are generally for the plaintiff.

8. That many portions of the lands herein described were included within The Greeley Poudre Irrigation District by order recorded April 14th, 1909, in Book 259 at Page 242, Weld County Records.

9. That said irrigation district issued and sold bonds, series numbered one to ten, all of which as to both principal and interest became due on or before December 1, 1929.

10. That taxes have been levied upon,

law to satisfy both principal and interest of said bonds.

11. That more than six years have elapsed since the last of The Greeley Poudre Irrigation District bonds, as to both principal and interest became due and the lands herein described are not now and in the future shall not be liable to be assessed for the payment of either principal or interest of said bonds.

12. That the County of Weld is the owner in fee simple and in possession of the premises hereinafter described, excepting rights reserved by the Union Pacific Railroad Company or the Union Pacific Railway Company; reservations contained in United States patents; existing reservoir sites and irrigation ditches and rights of way for roads.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED, That the County of Weld is now and was at the time of the commencement of this action seized in fee simple of the real property described in the complaint to-wit:

The South One-half ( $3\frac{1}{2}$ ), the Northeast quarter ( $NE\frac{1}{4}$ ), and the South One-half ( $S\frac{1}{2}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section Fifteen (15), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,

All of Section Five (5), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,

All of Section One (1), in Township Seven (7) North, Range Sixty-five (65) West of the Sixth (6th) Principal Meridian,

All of Section Thirty-three (33), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian excepting

The North One-half ( $N\frac{1}{2}$ ) of Section Thirteen (13), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian, excepting Outlet Ditch of Drury Reservoir No. 3,

The South One-half ( $S\frac{1}{2}$ ) of Section Seventeen (17), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Twenty-three (23), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian, excepting therefrom Outlet Ditch of Drury Reservoir No. 3,

All of Section Twenty-one (21), Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian, excepting Outlet Ditch of Drury Reservoir No. 3,

The East One-half ( $E\frac{1}{2}$ ) of Section Nine (9), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Twenty-five (25) in Township Seven (7) North of Range Sixty-three (63) West of the Sixth Principal Meridian, excepting right of way of the Union Pacific Railroad Company as conveyed by deed recorded in Book 300 at Page 245; also excepting the Coal Creek Ditch and Reservoir and the Drury Ditch,

All of Section Five (5), in Township Six (6) North of Range Sixtythree (63) West of the Sixth (6th) Principal Meridian, excepting therefrom the Drury Ditch and the site for the Drury Reservoir No. 2,

The North One-half ( $N\frac{1}{2}$ ) of Section Three (3) in Township Seven (7) North of Range

(6th) Principal Meridian, excepting right of way as conveyed to Union Pacific Railroad Company by deed recorded in Book 325 at Page 335, excepting Outlet Ditch of Drury Reservoir No. 3,

All of Section Twenty-nine (29) Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,

The South One-half ( $SE\frac{1}{2}$ ) of Section Twenty-one (21) Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

The North One-half ( $N\frac{1}{2}$ ) of Section Seventeen (17), in Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

All of Section Eleven (11), in Township Six (6) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian, excepting therefrom that part of the West One-half ( $W\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) and the East One-half ( $E\frac{1}{2}$ ) of the Southwest Quarter of said Section Eleven (11) which lies South and East of the right of way of the North Side Extension Ditch; also excepting therefrom the land as conveyed by deed recorded in Book 478 at Page 359 and by deed recorded in Book 478 at Page 256,

The North One-half ( $N\frac{1}{2}$ ) and Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Twenty-seven (27) in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian, excepting the Coal Creek Ditch and Reservoir,

The East One-half ( $E\frac{1}{2}$ ) of Section Three (3) in Township Six (6) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian, excepting right of way as conveyed by deed recorded in Book 296 at Page 190, Book 549 at Page 521, and Book 921 at Page 516,

The East One-half ( $E\frac{1}{2}$ ) of Section Thirty (30), in Township Seven (7) North of Range Sixty-three (63) West of the Sixth (6th) Principal Meridian,



The North One-half ( $N\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Fifteen (15) in Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

The Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10) in Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

The North One-half ( $N\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) and the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Four (4) in Township Six (6) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

All of Section One (1) in Township Six (6) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian, excepting therefrom right of way for ditch as described in deed recorded in Book 836 at Page 199,

All of Section Eleven (11) in Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian,

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Twelve (12) in Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian, excepting therefrom the Marsh Reservoir.

The North One-half ( $N\frac{1}{2}$ ) of Section Thirteen (13) Township Seven (7) North of Range Sixty-four (64) West of the Sixth (6th) Principal Meridian, excepting therefrom the Marsh Reservoir.

excepting rights reserved by the Union Pacific Railroad Company or the Union Pacific Railway Company; reservations contained in United States patents; existing reservoir sites and irrigation ditches and rights of way for roads.

That the defendants, and each of them, have no estate, right, title, claim or interest in and to said promises or any part thereof; that the title of the plaintiff to said premises be, and the same is hereby quieted as against any and all of

the defendants; that the defendants, and each of them, and all persons claiming by, through or under them, be and they are hereby forever enjoined, declared and restrained from making any claim of title or possession to said property and from asserting any claim whatever in and to said premises adverse to The County of Weld.

DONE in open Court this 4th day of

April, 1959.

By the Court:

Fredrick W. Clark  
Judge

CERTIFICATE OF COPY

STATE OF COLORADO)  
COUNTY OF WELD ) ss.

I, A. J. Luther Clerk of the District Court, in and for the aforesaid County and State, do hereby certify that the within and foregoing is a full, true and correct copy of the final decree in quiet title action in case numbered 9685, entitled, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, PLAINTIFF, V. ARCHIBALD W. BARBOUT, ET AL, DEFENDANTS, as the same appears from the original files and records in this Court, in this cause, in this office now remaining.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Greeley in said