

2791.

No. Register Page 356

IN PROBATE

UNION COUNTY
OREGON

ESTATE OF

John Mederer
Deceased

Sylvia Anna Sanderson
David L. Sanderson
Executors

ATTORNEYS

Cochran & Eberhard

MANUFACTURED BY
KILHAM STATIONERY & PRINTING CO.
238 S. W. FIFTH AVE., AT OAK
PORTLAND, OREGON

160072

*Filed Recorded BK 4/408 Nov 5-1943
Letters testamentary issued Mar 6-1943 (6/591)
To David Sanderson & Sylvia Anna Sanderson.*

742

In re vacation of
a Portion of
County Road # 318

Vacation Ordered
April 7 - 1938

142

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

In the matter of the vacation of
a portion of County Road No. 318.

WHEREAS, it appears to the County Court of Union County, Oregon,
that a portion of County Road No. 318, more particularly described as
follows:

Commencing at A-24, which point is 478 feet North and 835
feet east of the center of Sec 1, T6S, R39, EWM, thence south 65°
West 52 rods to A-25, thence South 58° West 46 rods to A-26, thence
South 5° 30' West 32 rods to A-27, thence South 38° West 60 rods to
A-28, thence South 23° 30' West 20 rods to A-29 which point intersects
the East right of way line of that portion of Road No. 318, which is
to be left open,

is useless as a part of the general road system of Union County and is
burdensome to maintain, and that the land adjacent to said portion of
said road and the names of the owners thereof is as follows:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$
of Sec 1, T6S, R39, EWM, is owned by the Federal Land Bank;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 1, T6S, R39, EWM, is owned by the
State Land Board of Oregon;

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 1, T6S, R39, EWM, is owned by Walter
O. and E. L. Manning; and

WHEREAS, the public will be benefited by the vacation of said
portion of said road, therefore

BE IT RESOLVED, that such proceedings as are required by law to
vacate said above described road will be undertaken.

Done and dated at La Grande, Oregon, February 3rd, 1938.

W. G. Couch County Judge,
E. C. Myers Commissioner,
Commissioner.

BE IT REMEMBERED, that at a regular term of the County Court of the state of Oregon, for the county of Union, sitting for the transaction of county business, begun and held at the court house in the city of La Grande, in said county and state, on Wednesday, the 2nd day of February, AD, 1938, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said court, when were present:

The Honorable U. G. Couch, County Judge,

E. C. Myers, Commissioner,

Chris Johnson, Commissioner,

C. K. McCormick, Clerk,

Jesse Breshears, Sheriff.

WHEN, on Thursday, the 3rd day of February, AD, 1938, or the 2nd judicial day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of a portion of County Road No. 318.

At this time, it appearing that this court has adopted a resolution declaring its intention to undertake such proceedings as are required by law, to vacate a portion of County Road No. 318,

It is ORDERED that the County Roadmaster be, and he is, hereby directed to examine that portion of said road proposed to be vacated and to file a report in writing setting forth his recommendations as to the vacation of said road.

Done and dated at La Grande, Oregon, February 3rd, 1938.

U. G. Couch County Judge,
E. C. Myers Commissioner,
Commissioner.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the county of Union, sitting for the transaction of county business, begun and held at the court house in the city of La Grande, in said county and state, on Wednesday, the 2nd day of March, AD, 1938, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said court, when were present:

The Honorable U. G. Couch, County Judge,
E. C. Myers, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 3rd day of March, AD, 1938, or the 2nd judicial day of said term, among others, the following proceedings were had, to-wit:

In the matter of the vacation of
a portion of County Road No. 318

At this time, it appearing to the court that the County Roadmaster has filed a report in writing recommending that a portion of County Road No. 318 be vacated,

It is CONSIDERED AND ORDERED that Thursday, April 7th, 1938, at 10:00 A.M., be and the same is hereby fixed as the time for hearing said report.

It is FURTHER ORDERED that the County Roadmaster post notices as required by law notifying all persons of the time and place of hearing.

U. G. Couch County Judge,
E. C. Myers Commissioner.

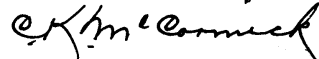
In the matter of the vacation of a
portion of County Road No. 318.

State of Oregon }
County of Union } ss.

I, S. B. Morgan, being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in Union County, Oregon, in the vicinity of that portion of the road therein described proposed to be vacated, to-wit: One on a fence post at the beginning of the road proposed to be vacated, one on a fence post about midway between the beginning and terminus of said road and one on a fence post at the terminus of said road, thirty days previous to the date fixed by the County Court of Union County for the hearing on the report of the County Engineer on said proposed vacation, to-wit: the 4th day of March, 1938: I further say that I posted a true and correct copy of said notice at the place of holding County Court for Union County, Oregon, to-wit: on the front of the Court House door, in the City of La Grande, in said County and State, on March 4, 1938, which date was more than thirty days previous to the time fixed for hearing the report of the County Engineer, in the matter of the said proposed vacation.



Subscribed and sworn to before me this 6th day of April, 1938.



County Clerk of Union County,
Oregon.

NOTICE OF ROAD VACATION

NOTICE IS HEREBY GIVEN, that the County Court of Union County, Oregon, will on the 7th day of April, 1938, at the County Court Room at La Grande, Oregon, at the hour of 10:00 o'clock in the forenoon of said date, hear the report of the County Engineer of Union County made upon his survey, for the vacation of that portion of County Road No. 318, described as follows:

Commencing at A-24, which point is 478 feet North and 835 feet east of the center of Sec 1, T6S, R39, EWM, thence south 65° West 52 rods to A-25, thence South 58° West 46 rods to A-26, thence South $5^{\circ} 30'$ West 32 rods to A-27, thence south 38° West 60 rods to A-28, thence South $23^{\circ} 30'$ West 20 rods to A-29 which point intersects the East right of way line of that portion of Road No. 318, which is to be left open,

All persons concerned or having objections to the vacation of said above described portion of said road or to the report of the County Engineer relative thereto, may appear and be heard at said time and place.

Witness the Honorable U. G. Couch, County Judge, and E. C. Myers, County Commissioner, of Union County, Oregon, with the seal of the County Court affixed this 4th day of March, 1938.

Attest: C. K. McCormick,
County Clerk and ex-officio Clerk of
the county court of Union County, Oregon

By *R. Graham* Deputy.

Filed March 4, 1938
LBW

*
Road 318

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BE IT REMEMBERED, That at a regular term of the County Court of the state of Oregon, for the county of Union, sitting for the transaction of county business, begun and held at the court house in the city of LaGrande, in said county and state, on Wednesday, the 6th day of April, AD, 1938, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said court, when were present:

The Honorable U. G. Couch, County Judge,

E. C. Myers, Commissioner,

Chris Johnson, Commissioner,

C. K. McCormick, Clerk,

Jesse Breshears, Sheriff.

WHEN, on Thursday, the 7th day of April, AD, 1938, or the 2nd judicial day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of a portion of County Road No. 318.

Now at this time, the above entitled matter comes on for hearing upon the report of the County Roadmaster on the proposed vacation of a portion of County Road No. 318, more particularly described as follows, to-wit:

Commencing at A-24, which point is 478 feet North and 835 feet east of the center of Sec 1, T6S, R39, EWM, thence south 65° West 52 rods to A-25, thence South 58° West 46 rods to A-26, thence South 5° 30' West 32 rods to A-27, thence south 38° West 60 rods to A-28, thence South 23° 30' West 20 rods to A-29 which point intersects the East right of way line of that portion of Road No. 318, which is to be left open,

and it appearing to the Court from said report that the portion of said road proposed to be vacated is no longer useful as a part of the general road system of the county and is burdensome to maintain and it further appearing from the affidavit of posting on file that the Surveyor, more than 30 days prior to April 7th, 1938, the date set for hearing the Roadmaster's report, posted 3 notices of the hearing in the vicinity of that portion of said road proposed to be vacated, and one notice at the place of holding county court, that said notices remained posted at least 30 days before the date set for said hearing and it further appearing that no person has appeared to object to, or remonstrate, against said road,

It is therefore CONSIDERED AND ORDERED that the portion of said road No. 318, above described, be and the same is hereby vacated.

(sd) U. G. Couch, County Judge, *U. G. Couch*
E. C. Myers, Commissioner, *E. C. Myers*
Chris Johnson, Commissioner, *Chris Johnson*

OFFICE OF
COUNTY ENGINEER
COURT HOUSE
LA GRANDE, OREGON
February 10, 1938

To the Honorable County Court of Union County, Oregon

Subject: Road No. 318

I beg leave to report that on the 10th day of February, 1938, in pursuance with said order, I proceeded to view out that portion of County Road No. 318 in Sec. 1, T. 6 S R 39 E W M, as described and shown on the accompanying map.

The section of Road No. 318 has been replaced as far as public conveniences are concerned by the Old Oregon Trail Highway.

From the General condition and appearance of the road, it is shown that it has not been in use for the past several years. Some portions of the road are partially washed out, there is one 21-foot span bridge and one four-foot wooden culvert, which are in a bad state of repair.

This road is dangerous to be left open as a public highway and the cost of repairing and putting the road in a safe condition would be too great an expense. I therefore recommend that Road No. 318 be officially closed as a county road of Union County, Oregon.

Respectfully submitted,

S. B. Morgan
County Engineer

OFFICE OF
COUNTY ENGINEER
COURT HOUSE
LA GRANDE, OREGON

LEGAL DESCRIPTION OF A PORTION OF ROAD NO. 318, LOCATED
IN SEC. 1 T. 6 S. R. 39 E W M, WHICH IS PROPOSED TO
BE CLOSED, AND A LEGAL DESCRIPTION OF THE ADJOINING
PROPERTY AND OWNERS.

Commencing at A-24, which point is 478 feet North and
835 feet East of the center of Sec. 1. T. 6 S R 39 E W M., thence
South 65° West 52 rods to A-25, thence South 58° West 46 rods to
A-26, thence South $5^{\circ} 30'$ West 32 rods to A-27, thence South 38°
West 60 rods to A-28, thence South $23^{\circ} 30'$ West 20 rods to A-29
which point intersects the East right of way line of that portion
of Road No. 318 which is to be left open.

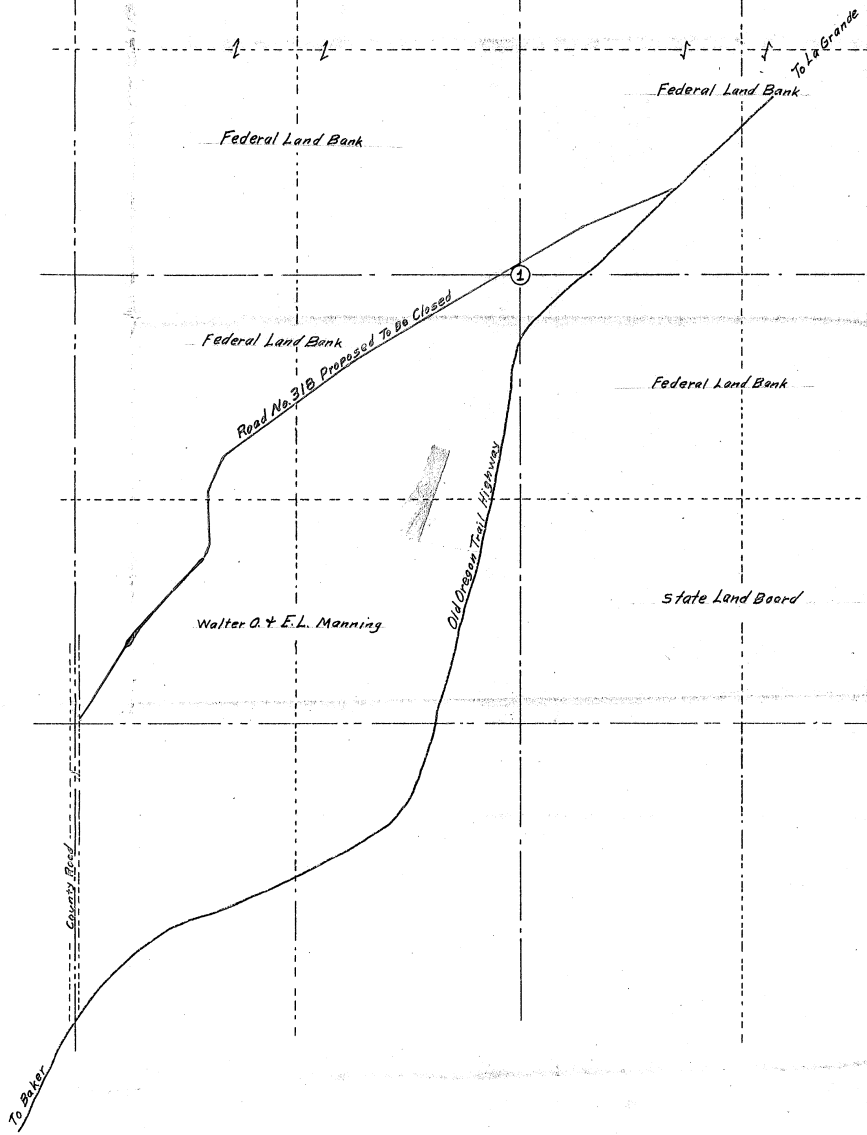
DESCRIPTION OF LAND ADJASCENT TO ROAD AND NAMES
OF OWNERS.

The $NW\frac{1}{4}$ of the $NE\frac{1}{4}$, the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ and the $N\frac{1}{2}$ of the
 $SE\frac{1}{4}$ of Sec. 1 T. 6 S R 39 E W M, is owned by the Federal Land
Bank.

The $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Sec. 1 T. 6 S R 39 E W M, is owned
by the State Land Board.

The $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Sec. 1 T. 6 S R 39 E W M, is owned
by Walter O. and E. L. Manning.

T65 R39EWM



SECOND JUDICIAL DAY

THURSDAY, FEBRUARY 3rd, 1938

Tract 5

SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 24, Twp 2S, R35, EWM. Min \$40.00

Tract 6

Lots 6 & 7, Blk 154, Chaplin's Add to La Grande, Oreg. Min \$175.00

Tract 7

Lots 8 & 9, Blk 154, Chaplin's Add to La Grande, Oreg. Min \$225.00

Tract 8

SW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 31, Tp 4S, R38, EWM. Min \$200.00

Tract 9

SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec 18, Twp 2S, R37, EWM. Min \$40.00

Tract 10

Lots 4 & 6 of Block 17, Chaplin's Add to La Grande, Ore. Min \$80.00

In the matter of the vacation of
a portion of County Road No. 318.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of
County Road No. 318, more particularly described as follows:

Commencing at A-24, which point is 478 feet North and 835 feet east of
the center of Sec 1, T6S, R39, EWM, thence south 65° West 52 rods to A-25, thence
South 58° West 46 rods to A-26, thence South 50° 30' West 32 rods to A-27, thence
South 38° West 60 rods to A-28, thence South 23° 30' West 20 rods to A-29, which
point intersects the East right of way line of that portion of Road No. 318, which
is to be left open,

is useless as a part of the general road system of Union County and is burdensome to main-
tain, and that the land adjacent to said portion of said road and the names of the owners
thereof is as follows:

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 1, T6S,
R39, EWM, is owned by the Federal Land Bank;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 1, T6S, R39, EWM, is owned by the State Land Board
of Oregon;

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 1, T6S, R39, EWM, is owned by Walter O. and E. L.
Manning; and

WHEREAS, the public will be benefited by the vacation of said portion of said
road, therefore

BE IT RESOLVED, that such proceedings as are required by law to vacate said above
described road will be undertaken.

In the matter of the vacation of
a portion of County Road No. 421.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of
County Road No. 421, more particularly described as follows:

Commencing at the NW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, T2N,
R40, EWM, thence south a distance of 2110 feet to a point where Road No. 421 inter-
sects the Scott-Yarrington Market Road,

is useless as a part of the general road system of Union County and is burdensome to
maintain, and that the land adjacent to said portion of said road and the names of the
owners thereof is as follows:

The East half of the NE $\frac{1}{4}$ of Sec 27, T2N, R40, EWM, is owned by
Hattie and Hezekiah Stowe;

The West half of the NE $\frac{1}{4}$ of Sec 27, T2N, R40, EWM, is owned by
Q. V. Witty; and

WHEREAS, the public will be benefited by the vacation of said portion of said
road, therefore,

SECOND JUDICIAL DAY

THURSDAY, FEBRUARY 3rd, 1938

BE IT RESOLVED, that such proceedings as are required by law to vacate said above described road will be undertaken.

In the matter of the vacation of
a portion of County Road No. 421

At this time, it appearing that this court has adopted a resolution declaring its intention to undertake such proceedings as are required by law, to vacate a portion of County Road No. 421,

It is ORDERED that the County Roadmaster be, and he is, hereby directed to examine that portion of said road proposed to be vacated and to file a report in writing setting forth his recommendations as to the vacation of said road.

In the matter of the vacation of
a portion of County Road No. 318

At this time, it appearing that this court has adopted a resolution declaring its intention to undertake such proceedings as are required by law, to vacate a portion of County Road No. 318,

It is ORDERED that the County Roadmaster be, and he is, hereby directed to examine that portion of said road proposed to be vacated and to file a report in writing setting forth his recommendations as to the vacation of said road.

Thereupon the journal of today's proceedings was read, approved and is here now signed, and it was ORDERED that court be now adjourned for the term.

H. G. Lewis County Judge,
Commissioner,
Commissioner.

SECOND JUDICIAL DAY

THURSDAY, MARCH 3rd, 1938

Court met pursuant to adjournment.

Present: Same officers as on last judicial day.

Due proclamation of the opening of court having been made, the journal of the last day's proceedings was read, approved and is here now signed.

H. G. Caneh County Judge,
Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given him.

Comes now Al Harlow, Treasurer of Union County, Oregon, and presents to the court certain vouchers, warrants, and receipts showing that he has paid out of the various funds of the county certain sums of money. And it appearing to the court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto; that the warrants were regularly issued on the order of the court, and that the Treasurer should have credit upon his account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

106 General Fund Warrants	\$ 6,686.55
80 Road Fund Warrants	6,446.26
1 Dog Fund Warrant	21.80
2 Game Fund Receipts	73.45
2 School Fund Receipts	434.08
1 Elementary School Fund Receipt	770.00
3 City, Spl Tax Receipts	592.60
1 High School Fund Receipts	3,484.70
23 School District, Spl Tax Receipts	<u>1,189.01</u>
	\$19,698.45

In the matter of the vacation of a portion of County Road No. 421

At this time, it appearing to the Court that the County Roadmaster has filed a report in writing recommending that a portion of County Road No. 421 be vacated,

It is CONSIDERED AND ORDERED that Thursday, April 7th, 1938, at 10:00 A.M., be and the same is hereby fixed as the time for hearing said report.

It is FURTHER ORDERED that the County Roadmaster post notices as required by law notifying all persons of the time and place of hearing.

In the matter of the vacation of a portion of County Road No. 318

At this time, it appearing to the court that the County Roadmaster has filed a report in writing recommending that a portion of County Road No. 318 be vacated,

It is CONSIDERED AND ORDERED that Thursday, April 7th, 1938, at 10:00 A.M., be and the same is hereby fixed as the time for hearing said report,

It is FURTHER ORDERED that the County Roadmaster post notices as required by law notifying all persons of the time and place of hearing.

Court met pursuant to adjournment.

Present: Same officers as on last judicial day.

Due proclamation of the opening of court having been made, the journal of the last day's proceedings was read, approved and is here now signed.

W. H. Leach County Judge,

Commissioner,

Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given him.

Comes now Al Harlow, Treasurer of Union County, Oregon, and presents to the court certain vouchers, warrants, and receipts showing that he has paid out of the various funds of the county certain sums of money. And it appearing to the court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto; that the warrants were regularly issued on the order of the court, and that the Treasurer should have credit upon his account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

141 General Fund Warrants	\$ 7,750.02
66 Road Fund Warrants	8,072.46
38 Market Road Warrants	1,747.84
15 Cities, Spel Tax Receipts	40,161.50
46 Sch Dist Spl Tax Receipts	44,430.67
1 School Fund Receipt	11,380.30
1 Elementary School Fund Receipt	4,495.00
1 High School Tuition Fund Receipt	<u>7,247.06</u>
	\$125184.85

742 In the matter of the vacation of a portion of County Road No. 318.

Now at this time, the above entitled matter comes on for hearing upon the report of the County Roadmaster on the proposed vacation of a portion of County Road No. 318, more particularly described as follows, to-wit:

Commencing at A-24, which point is 478 feet North and 835 feet east of the center of Sec 1, T6S, R39, EWM, thence south 65° West 52 rods to A-25, thence South 58° West 46 rods, to A-26, thence South 5° 30' West 32 rods to A-27, thence South 38° West 60 rods to A-28, thence South 23° 30' West 20 rods to A-29 which point intersects the East right of way line of that portion of Road No. 318, which is to be left open,

and it appearing to the court from said report that the portion of said road proposed to be vacated is no longer useful as a part of the general road system of the county and is burdensome to maintain and it further appearing from the affidavit of posting on file that the Surveyor, more than 30 days prior to April 7th, 1938, the date set for hearing the Roadmaster's report, posted 3 notices of the hearing in the vicinity of that portion of said road proposed to be vacated, and one notice at the place of holding county court, that said notices remained posted at least 30 days before the date set for said hearing and it further appearing that no person has appeared to object to, or remonstrate, against said road,

It is therefore CONSIDERED AND ORDERED that the portion of said road No. 318,

SECOND JUDICIAL DAY

THURSDAY, APRIL 7th, 1938

above described, be and the same is hereby vacated.

743 In the matter of the vacation
of a portion of County Road
No. 421.

Now at this time, the above entitled matter comes on for hearing upon the report of the County Roadmaster on the proposed vacation of a portion of County Road No. 421, more particularly described as follows, to-wit: Commencing at the northwest corner of the northeast quarter of the northeast quarter of Section 27, T2N, R40, EWM, thence south a distance of 2110 feet to a point where Road No. 421 intersects the Scott-Yarrington Market Road, and it appearing to the Court from said report that the portion of said road proposed to be vacated is no longer useful as a part of the general road system of the county and is burdensome to maintain and it further appearing from the affidavit of posting on file that the Surveyor, more than 30 days prior to April 7th, 1938, the date set for hearing the Roadmaster's report, posted 3 notices of the hearing in the vicinity of that portion of said road proposed to be vacated, and one notice at the place of holding county court, that said notices remained posted at least 30 days before the date set for said hearing and it further appearing that no person has appeared to object to, or remonstrate, against said road,

It is therefore CONSIDERED AND ORDERED that the portion of said road No. 421, above described, be and the same is hereby vacated.

In the matter of the application
of Eli Swanger for cancellation of
a lost warrant and the issuance
of a new warrant in lieu thereof.

Now at this time, this matter comes on to be heard upon the application of Eli Swanger for the issuance of a new warrant in lieu of a lost warrant which was issued in favor of said Eli Swanger on the Road Fund of Union County, being No. 111, Series 1938, in the sum of \$2.99; and it appearing to the court that the warrant was delivered to the said Eli Swanger but was accidentally burned with other papers; that said warrant has not been presented to the County Treasurer for payment and that said warrant is not available to applicant; and it further appearing that said applicant has filed a good and sufficient bond indemnifying the county against any loss which may arise on account of the payment of said lost warrant,

It is therefore CONSIDERED AND ORDERED that the County Clerk be, and he is, hereby authorized and directed to draw a new warrant on the Road Fund in the sum of \$2.99 in favor of Eli Swanger in lieu of the lost warrant that that proper cancellation entries be made upon the records cancelling said lost warrant.

In the matter of the application
of Rayonier Incorporated, successor
to Rainier Pulp & Paper Company for
cancellation of a lost warrant and the
issuance of a new warrant in lieu thereof.

Now at this time this matter comes on to be heard upon the application of Rayonier Incorporated, successor to Rainier Pulp & Paper Company, for the issuance of a new warrant in lieu of a lost warrant which was issued in favor of said Rainier Pulp & Paper Company on the Road Fund of Union County, being No. 140, Series 1938, in the sum of \$139.50; and it appearing to the court that the warrant was mailed to said Rainier Pulp & Paper Company at Shelton, Washington, but was in some manner lost; that said warrant has not been presented to the County Treasurer for payment and that said warrant is not available