

3088

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**IN PROBATE**

UNION COUNTY

OREGON

*Guardianship of*  
ESTATE OF

*Lora G Goyen et al*  
*Deceased*  
*in more*

*Carrie May Goyen*

*Guardian*

ATTORNEYS

*J. R. Oliver*

THE UNION COUNTY COMPANY  
NO A W L E N

*g-5*

#744

In re vacation of  
County Road # 314

Vacation Ordered  
Mar 2-1939

744

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 4th day of January, AD, 1939, 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,  
Chris Johnson, Commissioner,  
Alex McKenzie, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on <sup>Thursday</sup>~~Thursday~~, the 8th day of December, AD, 1938,

or the \_\_\_ 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. 314.

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. 314,

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.

*U. G. Couch* County Judge,  
*Chris Johnson* Commissioner,  
*Alex McKenzie* Commissioner.

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. 314.

WHEREAS, it appears to the county court of Union County, Oregon,  
that a portion of county road No. 314, more particularly described as  
follows:

Commencing at a point 1342 feet west of the beginning of  
county road No. 314, said point being 1342 feet west of the northeast  
corner of Section 16, Tp 2S, R39, EWM, running thence west a distance  
of 1282 feet to A-1, thence south a distance of 2640 feet to A-2,  
thence West a distance of 2640 feet to A-3, thence south a distance  
of 2640 feet to A-4, said last point being the southwest corner of  
Section 16, Twp 2S, R39, EWM,

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 West half of Southeast Quarter ( $W\frac{1}{2}SE\frac{1}{4}$ ) Section Nine (9),  
Tp 2S, R39, EWM, is owned by W. E. Ruckman;

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 16, and the East half ( $E\frac{1}{2}$ )  
of Section 17, Tp 2S, R39, EWM, is owned by W. J. Case;

The Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 16, Tp 2S, R39, EWM, is  
owned by Enoch F. Johnson;

The South half of Section 16, Tp 2S, R39, EWM, is owned by  
Cornelia Marvin Pierce; 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, December 8th, 1938.

*W. G. Leaven* County Judge,  
*Enoch F. Johnson* Commissioner,  
*Alex McRae* 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 4th day of January, AD, 1939, 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,  
Chris Johnson, Commissioner,  
Alex McKenzie, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Friday, the 6th day of January, AD, 1939, 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. 314.

Now at this time, it appearing to the court that the County Engineer has filed a report in writing recommending that a portion of County Road No. 314 be vacated,

It is CONSIDERED AND ORDERED that Thursday, March 2nd, 1939, 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 Engineer post notices as required by law notifying all persons of the time and place of said hearing.

*U. G. Couch* County Judge,  
*Chris Johnson* Commissioner,  
*Alex McKenzie* Commissioner.

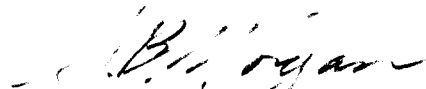
OFFICE OF  
**COUNTY ENGINEER**  
COURT HOUSE  
LA GRANDE, OREGON  
January 6, 1939

To the Honorable County Court of Union County, Oregon:

I beg leave to report that on the 20th day of December, 1938, in pursuance with said order I proceeded to view out that portion of Road No. 314 which is located in Section 16, Twp 2 SR 39 EWM. This road adds nothing to the convenience of the householders residing in the vicinity thereof, and is an added expense to the county to maintain and that the public will be benefited by its vacation.

I therefor recommend that the said road be closed as a public highway of Union County, Oregon.

Respectfully submitted,

  
County Engineer

T 25R39EWM

Richard  
Nathaniel

SCR

11 105 211  
Dagging

SCR

Hannetru  
Bouvy

W J Case

Enoch B.  
Johnson

Lee B  
Bouvy

W J Case

Cornelia Marvin Pierce

Minnie A  
Burch

Ind

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\* PARTIAL THAT OPTION OF ROAD NO.  
11 1117 11 1117

In coming at a point 1260 feet West of the  
point of Road No. 314, said point being  
1500 feet West of the corner of Sec. 15, Twp.  
19 N., Range 34 E., distance of 1260 feet  
to the south, a distance of 2640 feet to  
the West, distance of 2640 feet to the  
South, and a distance of 2640 feet to the  
South, the SW corner of the

State of Oregon  
County of Union <sup>ss</sup>

I, S. B. Morgan, County Engineer and Roadmaster, being first duly sworn, say that I posted three several notices, of which the notice hereto attached is a true and correct copy, in three public places in the vicinity of the road therein described and proposed to be vacated, to-wit: One on a fence post at each end of that portion of said road proposed to be vacated, and one on a fence post about half way distant from the termini of that portion of said road proposed to be vacated, more than thirty days previous to the date set for the hearing of the Roadmaster's Report on the vacation of said road, to-wit: the 10 day of January, 1939.

That I also posted a notice, which was a true copy of the one hereto attached, at the front door of the court house in the city of La Grande, Oregon, and the place of holding county court for Union County, Oregon, on January 10th, 1939, which said date was more than thirty days previous to the date set for said hearing.

Subscribed and sworn to before me *S. B. Morgan* this 2nd day of March, AD, 1939.

*W. M. McCormick*  
County Clerk



NOTICE OF ROAD VACATION

NOTICE IS HEREBY GIVEN, that the County Court of Union County, Oregon, will on the 2nd day of March, 1939, 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. 314, described as follows:

Commencing at a point 1342 feet west of the beginning of county road No. 314, said point being 1342 feet west of the North-east corner of Section 16, Tp 2S, R39, EWM, running thence west a distance of 1282 feet to A-1, thence south a distance of 2640 feet to A-2, thence West a distance of 2640 feet to A-3, thence south a distance of 2640 feet to A-4, said last point being the southwest corner of Section 16, Twp 2S, R39, EWM.

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, Chris Johnson, County Commissioner, and Alex McKenzie, County Commissioner, of Union County, Oregon, with the seal of the County Court affixed this 10th day of January, 1939.

Attest:

C. K. McCORMICK,  
County Clerk and ex-officio Clerk of  
the County Court of Union County, Oregon.

By  Deputy.

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 1st day of March, AD, 1939, 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,  
Chris Johnson, Commissioner,  
Alex McKenzie, Commissioner,  
C. K. McCormick, Clerk,  
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 2nd day of March, AD, 1939, or the \_\_\_ 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. 314

Now at this time the above entitled matter comes on for hearing of the report of the County Engineer and Roadmaster on the proposed vacation of a portion of county road No. 314, described as follows, to-wit:

Commencing at a point 1342 feet west of the beginning of county road No. 314, said point being 1342 feet west of the North-east corner of Section 16, Tp 2S, R39, EWM, running thence west a distance of 1282 feet to A-1, thence south a distance of 2640 feet to A-2, thence West a distance of 2640 feet to A-3, thence south a distance of 2640 feet to A-4, said last point being the southwest corner of Section 16, Twp 2S, R39, EWM;

And it appearing to the court from the report of the County Engineer that the portion of said road proposed to be vacated is of no value to the householders residing in the vicinity thereof and adds nothing to their convenience, and is an added expense to the county to maintain; and it further appearing from the affidavit of posting on file in this proceeding, that the County Engineer, more than 30 days prior to March 2nd, 1939, the date set for hearing said Engineer's report on said proposed vacation, posted 3 notices of the date set for hearing said report in the vicinity of that portion of said road proposed to be vacated, and one notice at the place of holding County Court, to-wit: at the court house in the city of La Grande, Oregon; and it further appearing that no person has appeared to object to the vacation of that portion of said road described herein, and that no remonstrance has been filed,

It is therefore CONSIDERED, ORDERED AND ADJUDGED that said road be, and the same is, hereby vacated between the points and along the line described herein.

*U. G. Couch* County Judge,  
*Chris Johnson* Commissioner,  
*Alex McKenzie* Commissioner.

SECOND JUDICIAL DAY

THURSDAY, DECEMBER 8th, 1938

said contracts provided that certain sums of money be paid to Union County by the said purchaser on specified dates. And it further appearing to the court that the said purchaser has defaulted in the payments due on the contracts, thereby constituting a breach of the conditions of the agreement.

Now therefore, it is CONSIDERED, ORDERED AND ADJUDGED that said Charles and Minnie Duncan be, and they are, in default for payments due on their contracts, and it is FURTHER ORDERED that the contracts between said Charles and Minnie Duncan and the County Court of Union County, Oregon, be, and the same are, hereby cancelled as provided by law.

In the matter of the vacation of a portion of county road No. 314.

WHEREAS, it appears to the county court of Union County, Oregon, that a portion of county road No. 314, more particularly described as follows:

Commencing at a point 1342 feet west of the beginning of county road No. 314, said point being 1342 feet west of the northeast corner of Section 16, Tp 2S, R39, EWM, running thence west a distance of 1282 feet to A-1, thence south a distance of 2640 feet to A-2, thence West a distance of 2640 feet to A-3, thence south a distance of 2640 feet to A-4, said last point being the southwest corner of Section 16, Twp 2S, R39, EWM,

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 west half of southeast quarter ( $W\frac{1}{2}SE\frac{1}{4}$ ) Section Nine (9), Tp 2S, R39, EWM, is owned by W. E. Ruckman;

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 16, and the East half ( $E\frac{1}{2}$ ) of Section 17, Tp 2S, R39, EWM, is owned by W. J. Case;

The northeast quarter ( $NE\frac{1}{4}$ ) of Section 16, Tp 2S, R39, EWM, is owned by Enoch F. Johnson;

The South half of Section 16, Tp 2S, R39, EWM, is owned by Cornelia Marvin Pierce; 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.

Thereupon it was ORDERED that court be now adjourned until Friday, December 9th, 1939, at 9:00 o'clock, A.M.

THIRD JUDICIAL DAY

FRIDAY, JANUARY 6th, 1939

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. Bouch*

County Judge,

Commissioner,

Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the vacation of  
a portion of County Road No. 314.

Now at this time, it appearing to the court that the County Engineer has filed a report in writing recommending that a portion of County Road No. 314 be vacated,

It is CONSIDERED AND ORDERED that Thursday, March 2nd, 1939, 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 Engineer post notices as required by law notifying all persons of the time and place of said hearing.

In the matter of the application  
of Clarence Merritt and Margaret  
E. Merritt for adjustment of  
contract.

This cause came on for final decision upon the application of Clarence Merritt and Margaret E. Merritt for adjustment of the contract by which Union County, Oregon, sold and conveyed to said applicants Lots 7 to 18, inclusive, in Block 22 of Hindman's Addition to the town of Elgin, Oregon... (order made in Commissioners' Journal Q at page 9 and order made in Commissioners' Journal Q at page 266), evidenced by Sheriff's tax deed dated July 12, 1934, recorded in Union County Deed Records, Book 94 at page 220, based upon Contract No. \_\_\_\_\_ made between the parties, which application was based upon the ground that Certificate of Delinquency No 908, issued upon delinquent taxes for the year 1920, was issued January 12, 1928, and more than six years after the date of delinquency, by reason of which the foreclosure proceedings in the case of Union County, Oregon, versus D. A. Barns and others (Circuit Court Judgment Roll No. 11845) were void; and it appearing to the court, and the court finds:

That pursuant to Section 4373, Oregon Laws 1920 (Olson's Comp.) enacted in 1907, and controlling the proceedings herein mentioned, all property taxes theretofore or thereafter levied by any county, after the expiration of six years from the time when same became delinquent should be void, except upon the issuance of a certificate of delinquency before the six years expired; that 1920 taxes became delinquent October 6, 1921;

That the County of Union has not been in possession of said land for a period of ten years, either constructively or actually, and that certain legal proceedings are necessary to be taken by the applicants in order to clear their title to said land;

That the claim of applicants for redress should be allowed in a reasonable amount, based upon moral and equitable considerations;

Wherefore, it is CONSIDERED, ORDERED AND ADJUDGED that said application be and the same is hereby allowed, in a sum not to exceed \$250.00; the sum of \$100.00 thereof being appropriated for the payment of expenses, fees and costs in such proceedings, such

SECOND JUDICIAL DAY

THURSDAY, MARCH 2nd, 1939

mailed to Miles J. O'Connor, Administrator of the estate of John G. Shea, at Livingston, Montana, with postage fully prepaid, and it now appearing advisable to proceed with this matter to final determination,

It is CONSIDERED AND ORDERED that S. B. Morgan, County Engineer, and C. C. Welch and Burt M. Oliver, two qualified and disinterested free holders of Union County, be, and they are, hereby appointed and constituted a board of county road viewers for the purpose of viewing that portion of county roads No. 197, 280 and 527 proposed to be re-established.

It is FURTHER ORDERED that said board of road viewers meet on March 8th, 1939, at 10 o'clock, A.M., for the purpose of viewing said road, and that they file their report with the County Clerk on or before March 22nd, 1939.

In the matter of the vacation of  
 a portion of county road No. 314

Now at this time, the above entitled matter comes on for hearing of the report of the County Engineer and Roadmaster on the proposed vacation of a portion of county road No. 314, described as follows, to-wit:

Commencing at a point 1342 feet west of the beginning of county road No. 314, said point being 1342 feet west of the northeast corner of Section 16, Tp 2S, R39, EWM, running thence west a distance of 1282 feet to A-1, thence south a distance of 2640 feet to A-2, thence West a distance of 2640 feet to A-3, thence south a distance of 2640 feet to A-4, said last point being the southwest corner of Section 16, Twp 2S, R39, EWM;

And it appearing to the court from the report of the County Engineer that the portion of said road proposed to be vacated is of no value to the householders residing in the vicinity thereof and adds nothing to their convenience, and is an added expense to the county to maintain; and it further appearing from the affidavit of posting on file in this proceeding, that the County Engineer, more than 30 days prior to March 2nd, 1939, the date set for hearing said Engineer's report on said proposed vacation, posted 3 notices of the date set for hearing said report in the vicinity of that portion of said road proposed to be vacated, and one notice at the place of holding county court, to-wit: at the court house in the city of La Grande, Oregon; and it further appearing that no person has appeared to object to the vacation of that portion of said road described herein, and that no remonstrance has been filed,

It is therefore CONSIDERED, ORDERED AND ADJUDGED that said road be, and the same is, hereby vacated between the points and along the line described herein.

In the matter of the appropriation  
 for Predatory Animal Control.

Now at this time, it appearing to the court that an appropriation of \$400.00 was made in the budget of Union County for 1939 for use in co-operating with the state and federal government in the destruction of predatory animals within Union County and that the state of Oregon has set aside for said purpose the sum of \$400.00, provided that Union County remits to the Secretary of State an amount equal to that set aside by the State of Oregon,

And it further appearing that the Bureau of Biological Survey is ready to commence work within Union County as soon as the county has paid its appropriation,

It is therefore CONSIDERED AND ORDERED that the County Clerk be, and he is, hereby directed and authorized to draw a warrant at this time in favor of Earl Snell, Secretary of State, in the sum of \$200.00 to be used in the control of predatory animals within Union County, said sum being the amount agreed upon by the court to be paid at this time.