

No. _____ Register *F* Page *469*

IN PROBATE

UNION COUNTY
OREGON

ESTATE OF

Anna Barber

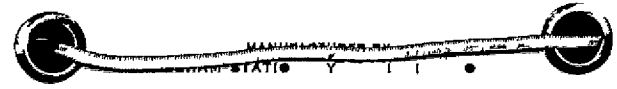
Deceased

Ralph W Hutchinson

Administrator

ATTORNEYS

Green & Hess



#751

In re vacation of
a portion of
County Road #751

Vacation Ordered
Nov 6 - 1941

151

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

In the matter of the vacation of
a portion of county road No. 551.

WHEREAS, it appears to the County Court of Union County, Oregon,
that a portion of county road No. 551, more particularly described as
follows:

at a point in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 4, Tp2N, R40, EWM
Beginning/5 chs. S22° E from A3, thence S22° E 7 chs. to A4;
thence S61° E 15 chs. to A5, thence S33° E 4 chs. to A6, thence
East 11.50 chs. to A7, thence South 32.75 chs. to A8, thence S38°
E 11 chs. to A9, thence S26° E 12.5 chs. to A10, thence S9° E 45
chs. to A11, thence South 40 chs. to A12, thence S17° W 13 chs.
to A13, thence S35° W 8 chs. to A14, thence S10° W 5 chs. to A15,
thence S1° E 8 chs. to A16, thence S22° E 9 chs. to A17, thence
S58° W 2 chs. to A18, thence S11° W 2 chs. to A19, thence S30°
E 8 chs. to A20, thence S46° E 6 chs. to A 21, thence S80° 30'
E 9.50 chs. to A22, thence S27° W 6 chs. to A23, thence S32° W 9
chs. to A24, thence S9° 30' E 19 chs. to A25, thence S2° W 3.50
chs. to A26, thence S39° E 4 chs. to A27, thence S40° E 3 chs.
to A28, thence S56° W 7 chs. to A29, thence S23° W 6 chs. to A30,
thence S2° E 7 chs. to A31, thence S12° W 7 chs. to A32, thence
N 86° W 4 chs. to A33, thence S71° W 3.5 chs. to A34, thence West
14 chs. to A35, thence S29° W 1.60 chs. to A36, thence S7° E 19.60
chs. to R.T., said R.T. being at a point in Section 21, Tp2N, R40,
EWM, where road No. 551 intersects county road No. 465,

is useless as a part of the general road system of Union County and is
burdensome to maintain, that Market Road No. 30, which has been constructed,
has taken the place of said portion of road 551, 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, August 7th, 1941.

U.G.Couch,

County Judge,

Alex Mc^{an}enzie

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 LaGrande, in said county and state, on Wednesday, the 6th day of August, A.D., 1941, 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,
Alex McKenzie, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 7th day of August, AD, 1941, 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. 551.

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. 551,

It is ORDERED that the County Engineer 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
Alex McKenzie

County Judge,
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 LaGrande, in said county and state, on Wednesday, the 3rd day of September, A.D., 1941, 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 4th day of September, AD, 1941, 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. 551.

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. 551 be vacated,

It is CONSIDERED AND ORDERED that Thursday, November 6th, 1941, at 10:00 o'clock, AM, be and the same is hereby fixed as the time for hearing said report.

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

County Judge,

Commissioner,

Commissioner.

OFFICE OF
COUNTY ENGINEER
COURT HOUSE
LA GRANDE, OREGON

September 4, 1941

The Honorable County Court of Union County, Oregon

Report on the closing of County Road No. 551

In pursuance of said order, I proceeded to view out the County Road No. 551 on August 12, 1941.

As a convenience to the householders County Road No. 551 has been replaced by Market Road No. 30.

County Road No. 551 is burdensome to maintain and adds nothing to the convenience of the householder. I, therefore, recommend that it be closed as a County Road in Union County, Oregon.

Respectfully submitted,



S. B. Morgan
County Engineer

In the matter of the vacation of
portions of county road No. 551.

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 hereto attached is a true and correct copy, in three public places in Union County, Oregon, in the vicinity of the 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 portion of said proposed road to be vacated, and one on a fence post at the terminus of said portion 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 8th day of September, 1941; 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 September 8th, 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 5th day of November, AD, 1941.

C. K. McCormick,
County Clerk of Union County, Oregon,

By

Deputy.

REMONSTRANCE TO CLOSING OF COUNTY ROAD

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WE THE UNDERSIGNED CITIZENS OF UNION COUNTY, OREGON
 LIVING IN THE VICINITY OF AND BEING PROPERTY OWNERS NEAR THE
 PROPOSED COUNTY ROAD ROUTE NOW ATTEMPTING TO BE CLOSED, DO
 HEREBY REMONSTRATE AGAINST THE CLOSING OF THE FOLLOWING ROAD,
 UPON THE GROUNDS THAT SAID ROAD IS USEFUL TO THE CITIZENS
 RESIDING IN THE VICINITY THEREOF AND TO THE GENERAL PUBLIC.

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Located as follows:

Commencing on the Section line at the center
 of Sections 21 and 22 in Township 2 North, Range 40 East Willamette
 Meridian, thence running North some two miles or better following
 in a general course the above mentioned Section line to a point
 intersecting another road at or near the Northern Boundary of
 Section 10 in said Township and Range. In Union County, Oregon.

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12/

Name	Address.
H. J. Hug, 21 W. W. W. W.	Elgin Ore Elgin Oregon
Rev C. Rowlett	Elgin, Oregon
Emil Miller	Elgin Oregon
James Tubbs	Elgin Oregon
Ch. Berkner	Elgin Ore
Char Bresthears	Elgin Ore
L. H. ...	Elgin Oregon
H. C. ...	Elgin Oregon
L. ...	Elgin Oregon
P. H. ...	Elgin Oregon
James ...	Elgin Oregon
D. E. ...	Elgin Oregon

NOTICE OF ROAD VACATION

NOTICE IS HEREBY GIVEN, that the County Court of Union County, Oregon, will on the 6th day of November, 1941, at the County Court Room at LaGrande, Oregon, at the hour of 10:00 o'clock in the forenoon of said day, hear the report of the County Engineer of Union County made upon his survey, for the vacation of that portion of County Road No. 551, described as follows:

Beginning at a point in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 4, Tp 2N, R40, EWM, 5 chs. S22° E from A3 thence S22° E 7 chs. to A4; thence S61° E 15 chs. to A5, thence S33° E 4 chs. to A6, thence East 11.50 chs. to A7, thence South 32.75 chs. to A8, thence S38° E 11 chs. to A9, thence S26° E 12.5 chs. to A10; thence S9° E 45 chs. to A11, thence south 40 chs. to A12, thence S17° W 13 chs. to A13, thence S35° W 8 chs. to A14, thence S10° W 5 chs. to A15, thence S1° E 8 chs. to A16, thence S22° E 9 chs. to A17, thence S58° W 2 chs. to A18, thence S11° W 2 chs. to A19, thence S30° E 8 chs. to A20, thence S46° E 6 chs. to A21, thence S80° 30' E 9.50 chs. to A22, thence S27° W 6 chs. to A23, thence S32° W 9 chs. to A24, thence S9° 30' E 19 chs. to A25, thence S2° W 3.5 chs. to A26, thence S39° E 4 chs. to A27, thence S40° E 3 chs. to A28, thence S56° W 7 chs. to A29, thence S23° W 6 chs. to A30, thence S2° E 7 chs. to A31, thence S12° W 7 chs. to A32, thence N 86° W 4 chs. to A33, thence S71° W 3.5 chs. to A34, thence West 14° chs. to A35, thence S29° W 1.60 chs. to A36, thence S7° E 19.60 chs. to RT, said RT being at a point in Section 21, Tp 2N, R40, EWM, where road No. 551 intersects county road No. 465,

All persons concerned or having objections to the vacation of said above described portions of said roads 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 4th day of September, 1941.

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 LaGrande, in said county and state, on Wednesday, the 5th day of November, AD, 1941, 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 6th day of November, 1941, 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. 551.

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. 551, more particularly described as follows, to-wit:

Beginning at a point in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 4, Tp 2N, R40, EWM, 5 chs. S22° E from A3 thence S22° E 7 chs. to A4; thence S61° E 15 chs. to A5, thence S33° E 4 chs. to A6, thence East 11.50 chs. to A7, thence South 32.75 chs. to A8, thence S38° E 11 chs. to A9, thence S26° E 12.5 chs. to A10; thence S9° E 45 chs. to A11, thence south 40 chs. to A12, thence S17° W 13 chs. to A13, thence S35° W 8 chs. to A14, thence S10° W 5 chs. to A15, thence S1° E 8 chs. to A16, thence S22° E 9 chs. to A17, thence S58° W 2 chs. to A18, thence S11° W 2 chs. to A19, thence S30° E 8 chs. to A20, thence S46° E 6 chs. to A21, thence S80°30' E 9.50 chs. to A22, thence S27° W 6 chs. to A23, thence S32° W 9 chs. to A24, thence S9° 30' E 19 chs. to A25, thence S2° W 3.5 chs. to A26, thence S39° E 4 chs. to A27, thence S40° E 3 chs. to A28, thence S56° W 7 chs. to A29, thence S23° W 6 chs. to A30, thence S2° E 7 chs. to A31, thence S12° W 7 chs. to A32, thence N 86° W 4 chs. to A33, thence S71° W 3.5 chs. to A34, thence West 14 chs. to A35, thence S29° W 1.60 chs. to A36, thence S7° E 19.60 chs. to RT, said RT being at a point in Section 21, Tp 2N, R40, EWM, where road No. 551 intersects county road No. 465,

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 County Roadmaster, more than 30 days prior to November 6, 1941, 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

STATE OF OREGON, } ss.
County of Union: }

I, G. E. Stoddard 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 said county in the vicinity of the proposed road therein described, to-wit: One At the Post office, Perry, Oregon;
One at the crossing of the Highway under the Railroad Steel Bridge
near Ore Dell; One at crossing of County Road over O-W.R.& N. Ry
East of the Country Club building.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 2nd day of December 1920, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 2nd day of December 1920, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of La Grande Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 3rd day of January 1921.
G. E. Stoddard
J. C. McCormick
County Clerk

SECOND JUDICIAL DAY

THURSDAY, AUGUST 7th, 1941

In the matter of the cancellation of the contract of Irene A. Kohler for the purchase of real property from Union County.

Now at this time, it appearing to the court that on March 18th, 1939, Irene A. Kohler entered into a contract with the County Court of Union County, Oregon, for the purchase of the following described real property, to-wit:

Lots 1 and 2, Block 13, Union, Oregon,

the said real property having been foreclosed by Union County, Oregon, for delinquent taxes, and caused to be advertised for sale in accordance with the laws pertaining thereto; that said contract 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 contract, thereby constituting a breach of the conditions of the agreement,

Now therefore, it is CONSIDERED, ORDERED AND ADJUDGED that said Irene A. Kohler be, and she is, declared in default for payments due on her contract, and it is FURTHER ORDERED that the contract between said Irene A. Kohler and the County Court of Union County, Oregon, be, and the same is, hereby cancelled as provided by law, and the Sheriff of Union County is hereby authorized and directed to cancel all unpaid taxes levied against said property in the name of said Irene A. Kohler

In the matter of the application of the Salvation Army for the remainder of appropriation to it for relief work.

Now at this time, it appearing to the court that the sum of \$700.00 was appropriated in the budget for relief work by the Salvation Army, and that one-half of said appropriation has been advanced to said Salvation Army, and it appearing that mid-budget period has passed and that the remainder of said appropriation should be paid to the said Salvation Army for its relief program for the remainder of said period,

It is CONSIDERED AND ORDERED that the County Clerk issue a warrant on the General Fund of Union County in favor of said Salvation Army in the sum of \$350.00, said sum being the remainder of the appropriation allotted to this purpose.

In the matter of the vacation of a portion of county road No. 551.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of county road No. 551, more particularly described as follows:

Beginning at a point in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 4, Tp 2N, R40, EWM, 5 chs. S22 $^{\circ}$ E from A3, thence S22 $^{\circ}$ E 7 chs. to A4; thence S61 $^{\circ}$ E 15 chs. to A5, thence S33 $^{\circ}$ E 4 chs. to A6, thence East 11.50 chs. to A7, thence South 32.75 chs. to A8, thence S38 $^{\circ}$ E 11 chs. to A9, thence S26 $^{\circ}$ E 12.5 chs. to A10, thence S9 $^{\circ}$ E 45 chs. to A11, thence South 40 chs. to A12, thence S17 $^{\circ}$ W 13 chs. to A13, thence S35 $^{\circ}$ W 8 chs. to A14, thence S10 $^{\circ}$ W 5 chs. to A15, thence S1 $^{\circ}$ E 8 chs. to A16, thence S22 $^{\circ}$ E 9 chs. to A17, thence S48 $^{\circ}$ W 2 chs. to A18, thence S11 $^{\circ}$ W 2 chs. to A19, thence S30 $^{\circ}$ E 8 chs. to A20, thence S46 $^{\circ}$ E 6 chs. to A21, thence S80 $^{\circ}$ 30' E 9.50 chs. to A22, thence S27 $^{\circ}$ W 6 chs. to A23, thence S32 $^{\circ}$ W 9 chs. to A24, thence S9 $^{\circ}$ 30' E 19 chs. to A25, thence S2 $^{\circ}$ W 3.50 chs. to A26, thence S39 $^{\circ}$ E 4 chs. to A27, thence S40 $^{\circ}$ E 3 chs. to A28, thence S56 $^{\circ}$ " 7 chs. to A29, thence S23 $^{\circ}$ W 6 chs. to A30, thence S2 $^{\circ}$ E 7 chs. to A31, thence S12 $^{\circ}$ W 7 chs. to A32, thence N86 $^{\circ}$ W 4 chs. to A33, thence S71 $^{\circ}$ W 3.5 chs to A34, thence West 14 chs. to A35, thence S29 $^{\circ}$ W 1.60 chs. to A36, thence S7 $^{\circ}$ E 19.60 chs. to R.T., said R.T. being at a point in Section 21, Tp 2N, R40, EWM, where road No. 551 intersects county road No. 465,

is useless as a part of the general road system of Union County and is burdensome to maintain, that Market Road No. 30, which has been constructed, has taken the place of said portion of road 551, and

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

SECOND JUDICIAL DAY

THURSDAY, AUGUST 7th, 1941

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. 551.

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. 551,

It is ORDERED that the County Engineer 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 petition of Pamona Grange for the seeding of road banks.

Now at this time is presented the petition of Pamona Grange favoring the seeding of road banks in Union County, and after considering said petition, it was ORDERED that same be filed and the matter continued until some future date to be later determined.

Thereupon it was ORDERED that court be now adjourned until Wednesday, August 20th, 1941, at 9:00 o'clock, A.M.; to be reconvened at the same place.

County Judge,
County Clerk,
County Engineer.

SECOND JUDICIAL DAY

THURSDAY, SEPTEMBER 4th, 1941

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.

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:

70 General Fund Warrants	\$6,624.83
82 Road Fund Warrants	4,615.65
39 Market Road Fund Warrants	2,277.89
1 Indigent Soldier Warrant	13.00
1 Fire Patrol Fund Receipt	1,492.72
1 Library Fund Receipt	636.06
1 Receipt, School Fund	49.00
1 Receipt, Elementary School Fund	34.00
1 Receipt, High School Fund	1,026.67
1 Receipt, County Fair Fund	576.16
13 Receipts, School Dist., Spl Tax	<u>1,694.27</u>
	\$19,040.23

In the matter of the vacation of a portion of county road No. 551.

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. 551 be vacated,

It is CONSIDERED AND ORDERED that Thursday, November 6th, 1941, at 10:00 o'clock, AM, be and the same is hereby fixed as the time for hearing said report.

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

SECOND JUDICIAL DAY

THURSDAY, NOVEMBER 6th, 1941

the County Roadmaster, more than 30 days prior to November 6, 1941, 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 vacation,

It is therefore CONSIDERED AND ORDERED that the portion of said road No. 551 above described be, and the same is hereby, vacated.

Thereupon it was ORDERED that court be now adjourned until Friday, November 7th, 1941, at 9:00 o'clock, A.M.

SECOND JUDICIAL DAY

THURSDAY, DECEMBER 4th, 1941

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.

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:

85 General Fund Warrants	\$6,851.37
83 Road Fund Warrants & 1 Receipt	5,189.89
47 Market Road Fund Warrants	3,921.88
4 Law Library Fund Warrants	72.00
1 State School Fund Receipt	14.09
1 County School Fund Receipt	111.00
1 Elementary School Fund Receipt	37.00
1 Receipt, City Spl Tax	322.98
6 Receipts, School Dist, Spl Tax	366.05
1 Boundary Board Fund Receipt	<u>427.32</u>
	\$17,313.58

In the matter of the petition of Fred Bushman, et al, for the improvement of streets at Perry.

Now at this time is presented to the court the petition of Fred Bushman, et al., asking that Union County improve the streets in Perry, Oregon, it is CONSIDERED AND ORDERED that said petition be filed and that same be considered at a future time.

In the matter of the vacation of a portion of County Road No. 551.

Now at this time is presented to the court a remonstrance signed by a number of residents in the vicinity of the portion of County Road No. 551, which portion of road was ordered closed on November 6th, 1941, the proceedings of which were in regular order as prescribed by law, remonstrating against the closing thereof,

It is CONSIDERED AND ORDERED that said petition was filed in this court at a time after the closing order on said portion of road was made, and that same be, and it is here now denied.