

LEGAL REQUIREMENTS AND KINDS OF BOUNDARY  
Act of 5/19/1962 (12 Stat. 392) as amended  
TITLE AND MAKING ADVERSE

No. 1  
1.1  
BX-032174

Clarence J. Murray, Owner  
*Clarence J. Murray*  
Dec 26 1976

DESCRIPTION OF LAND

Beginning at a point where the Elliott Highway crosses Gurnison Creek thence due east approximately 2 chains to a point which is by p.o.b. thence due south approx. 30 chains to Corner #1, thence due west approx. 40 chains to Corner #2, thence due north approx. 40 chains to Corner #3, thence due east approx. 40 chains to Corner #4, thence due south approx. 10 chains back to by p.o.b. A portion of my south boundary coincides with a portion of the north boundary of F-032055.

4 N. R 2 W. 7N

Section 22: 25261000, 25261000, 25261000, 25261000, 25261000, 25261000.  
Section 23: 25261000, 25261000, 25261000, 25261000. 100.00 acres.

DATE WITHIN YEAR

June 8, 1964 Notice of Location Filed, LN

S  
T  
R  
#2 11/20

SEP 1 1964 Claim Letter Issued

5/28/1976 Notice of Publication Received, LN

7/2/1976 Affidavit of Publication Received, LN

Pat. # 50-76-0263  
Dated 9-03-76  
Mailed to patentee 7-29-76

PATENT CASE CLOSED

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D.C. 20535

44 79-0091  
20/10

LOG # 1001

11.1 degrees  
since north  
west 1/2  
100 feet  
11.1 area

Records for

Mar. 1967

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENTAnchorage Land Office  
555 Cordova Street  
Anchorage, Alaska 99501Fairbanks District & Land Office  
516 Second Avenue  
Fairbanks, Alaska 99701

## HOMESTEADING IN ALASKA

The homestead law (43 U.S.C. 164) and the regulations (43 CFR 2211) provide for settlement for agricultural purposes. Anyone who is not planning to farm should inquire about the other laws under which land may be obtained.

All unappropriated lands in Alaska adaptable to agricultural use, which are not mineral or saline in character, are subject to homestead settlement and entry. Lands that are entered, withdrawn, or classified are not available.

## CHARACTER OF LAND

Selection of land is the most important decision a settler or homestead entryman makes once he has decided to undertake the farming enterprise. The homestead law contemplates the development of the land to economic farming by a resident farm family. Selection of poor land or land that is costly to prepare for cultivation prohibits the economic development intent of the law.

## STATUS OF LAND

The status of lands changes almost daily - which makes it impossible to provide general status maps or lists of available land. The official land records in the land offices are available for inspection to determine available lands. However, since there may be settlement on the lands which has not yet been recorded with the land office, the land, as well as the records should be examined to make sure the lands are available.

Information of record as to whether a particular tract of land is unappropriated may be obtained from the land office for the area where the land is located. The public land records are available for public inspection between 10:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

Topographic maps may be purchased, over the counter, from the Geological Survey, U.S. Department of the Interior: In Anchorage at the Skyline Building, Second and E Streets; in Fairbanks at 310 First Avenue.

## HOW TO FILE

## 1. Surveyed Land:

Where claim is initiated by settlement on surveyed lands, the settler in order to protect his rights, must file a notice of settlement for recordation (Form 2200-1), or application to make homestead entry (Form 2211-1), in the land office within 90 days after settlement. If only a notice of settlement is filed, an application to enter must be filed within three months after settlement. Otherwise, the preference right of entry may be lost. Notice of settlement must be accompanied by a \$10.00 service charge, and an application to enter must be accompanied by a \$25.00 service charge.

## 2. Unsurveyed Land:

A. Notice of location of settlement or occupancy. (Form 2200-1) This form is notice that you have already taken possession of the land. As such there must be some appropriation or settlement of the land by you prior to the filing of this notice.

B. Settlement or occupancy is initiated through your personal acts of placing improvements and/or establishing residence on the land. Within ninety (90) days from settlement you must (1) file a notice of settlement in the land office, and (2) post a copy on the land. Unless a notice is filed within the 90-day period, no credit can be given for residence and cultivation prior to the filing of notice. When filing the notice of location, it is important to give the date of and method by which settlement or occupancy was made. The mere filing of a notice of location without actually settling and/or occupying the land is not sufficient to hold the land against valid use or occupancy of another settler. Settlement of occupancy requires the staking of the land and placing improvements on and using the land, followed within a reasonable time by further acts of settlement and improvement.

C. Metes and Bounds Description. Unserved land must be described by metes and bounds. The boundaries of the tract must be in cardinal directions (North, South, East, West). The all-important point of beginning must be described accurately in relation to a survey monument wherever possible, or to natural features such as a mouth of a creek or stream, river junctions, mountain peaks, or other prominent points or natural objects appearing on the map of Alaska. Mileposts, towns, bridges or road junctions should not be used as they often change, but they may be utilized as a supplement to the description. A metes and bounds description consists of a definite starting point and continues with directions and distances around the tract back to the point of beginning. A settler on unserved lands is required to mark the claim by permanent monuments at each corner in order to establish the boundaries thereof.

Homesteading of narrow strips of land along streams, water courses, or other natural objects is not permitted.

### REQUIREMENTS FOR COMPLIANCE WITH THE LAW AND REGULATIONS

#### 1. Residence:

A. Residence must be established on the land within six months from the date of settlement or allowance of the entry as the case may be. See 43 CFR 2211.9-5 (a)(1) for details.

B. Maintenance of Residence. The law required that residence on the homestead be maintained to the exclusion of a residence elsewhere. Certain relief is available due to the climatic or other conditions. See 43 CFR 2211.9-5 (a)(2).

C. Leave of Absence. After establishment of residence and under certain conditions, one leave of absence may be granted for a period up to one year. See 43 CFR 2211.9-5 (a)(3).

## 2. Cultivation:

A. Since the homestead law is designed for agricultural settlement, it requires cultivation of the land before patent. 43 CFR 2211.9-5(b) defines cultivation as "consisting of breaking of the soil, planting or seeding and tillage for a crop other than native grasses; it must include such acts and be done in such manner as to be reasonably calculated to produce profitable results".

B. The normal requirement for all homesteaders sets the following minimum amount of cultivation: first entry year, no cultivation required; second entry year, 1/16th of the total area required; third entry year, 1/8th of the total area required; Until final proof is filed at least 1/8th of the total area must be kept in cultivation. The "entry year" begins with the date the notice of allowance is issued, or the date the notice of location is filed in the land office, as the case may be.

C. There are exceptions to the regular cultivation requirement. See 43 CFR 2211 and 2033.

## 3. Veterans:

A. Certain benefits are granted to veterans. For specific benefits see 43 CFR 2033.

## 4. Commutation proof:

A. Persons filing commutation final proof are required to show substantially continuous residence upon the land for at least 14 months following the date of establishment of residence. If commutation proof is filed before the end of the second "entry" year, cultivation of only 1/16th of the area must be shown. However, if commutation proof is delayed until the third entry year, cultivation of 1/8th of the area during the third year must be shown. For necessary fees, refer to Item B. under "Final Proof".

## 5. Habitable House:

Habitable house means a dwelling suitable for year-round occupancy. The homestead law required that a habitable house be on the land at the time of filing final proof.

## FINAL PROOF

Upon completion of requirements as to residence, cultivation and habitable house, the applicant may file final proof.

A. Final Proof must be filed before the expiration of the five-year statutory life on both surveyed and unsurveyed land. It must be accompanied by a nonrefundable service charge of \$25.00. Whenever the claimant is ready to submit final proof, he should appear, with two witnesses having knowledge of the facts, before the manager of the Land Office or any other proof-taking officer to give his testimony.

B. Commutation Proof must be accompanied by a nonrefundable service charge of \$25.00, plus the purchase price of \$1.25 per acre or portion thereof.

C. On unsurveyed lands an Application to Enter, accompanied by a non-refundable service charge of \$25.00, must be filed at the time of the filing of final proof. 43 CFR 2211.9-2(c)(2).

#### PUBLICATION

Lands must be surveyed before publication.

The Land Office will forward a Notice for Publication to the entryman together with complete instructions for publication. If the lands are embraced in the rectangular net survey system, the entryman is instructed to deliver to the designated newspaper the letter of instructions and Notice for Publication. If a special survey is involved, the entryman must, in addition, post a copy of the Notice for Publication and plat of survey in a conspicuous place on the land for 60 consecutive days during the period of publication.

Upon completion of publication, the entryman must furnish an affidavit from the newspaper showing that the notice was published for the required period. If posting is required, he must also furnish proof that the documents were posted on the land during the period of publication. Barring receipt of protests within 30 days from date of last publication, final certificate and patent may issue.

See Title 43, Code of Federal Regulations, Subparts 2211 and 2033, for homestead regulations. Circular No. 2171 contains 4r CFR 2211.

Title 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States, any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Fairbanks Land Office  
516 Second Avenue  
Fairbanks, Alaska

HOMESTEAD INFORMATION PAMPHLET

INTRODUCTION:

The Homestead Law is designed as an agricultural settlement law for purposes of farming. Anyone seeking land who does not desire a farm should inquire about the many other laws by which land may be obtained.

Anyone desiring to make application for homestead should first decide upon the area. Topographic maps may be purchased over the counter from the U. S. Geological Survey, 520 Illinois Street, Fairbanks. After deciding upon the area and personally inspecting the character of the land, the Land Office can furnish information as to its availability.

The land must be vacant and unreserved at the time of application. You or your agent are welcome to use our land records in your search. It is not, however, possible to file for lands by "remote control" as the public land laws require personal examination of the lands before filing. The public land records are available to the public at the address shown above between the hours of 10:00 A.M. and 3:00 P.M., Monday through Friday, except holidays.

QUALIFICATIONS OF A HOMESTEADER:

1. Applicant must be 21 years of age (unless <sup>a citizen</sup> ~~any branch of the armed forces~~ serving in), or the head of a family.
2. Must be a citizen of the United States or have legally declared his intention to become a citizen. In the case of the latter, patent will be withheld until the entryman receives his citizenship.
3. Must not have perfected homestead entries for a total of more than 160 acres in Alaska. A homestead entry in the states is no bar against homesteading 160 acres in Alaska. *cannot own more than 160 ac.*
4. A married woman is not qualified to make a homestead entry if she is residing with her husband and he is the head of the family and its main support.

5. The military service record of an individual is necessary in order to claim veterans' credit (See paragraphs 1 (B) and 1 (C) under How To "Prove Up" (Requirements). It is the applicant's responsibility to furnish same by submitting a photostatic copy of the discharge, or where this is not possible, applicant's statement, giving serial number, branch of service, date of induction and date of separation.

HOW TO FILE ON A HOMESTEAD:

1. SURVEYED LAND

*Homestead Entry appl. 7211-1*

A. It is suggested for legibility that the application be typed or written in ink (if possible). All questions should be answered. The instructions to applicant on the reverse side of the application should be read carefully before attempting to fill out the application.

B. Fees and commissions depend on the acreage: i.e.,  
0-40 acres \$5.00 filing fee plus \$1.50 commissions: 41-80 acres \$5.00 filing fee plus \$3.00 commissions: 81-120 acres \$10.00 filing fee plus \$4.50 commissions: 121-160 acres \$10.00 filing fee plus \$6.00 commissions.

(1) Upon filing the homestead application and payment of the required fees and commissions, the application is assigned a serial number. This serial number should be referred to when inquiring about your homestead. A check is made to be sure the land is available and a report on the mineral character of the area is requested from the U.S. Geological Survey. Homestead entries cannot be allowed on land valuable for metalliferous metals.

(2) If the land is available for entry and not valuable for metalliferous metals, the homestead entry may be allowed. (Metalliferous metals are gold, silver, lead, etc.)

(3) If it is determined by the U.S. Geological Survey that the land may be valuable for oil and gas or other leasable minerals, the homestead cannot be allowed unless the applicant signs a waiver of the rights to those minerals.

(4) The statutory life of an entry is 5 years, dating from the Notice of Allowance. If residence cannot be established during the first six months, a 6-months' extension of time should be requested, corroborated by two witnesses acquainted with the facts and a \$5.00 service fee, to protect the entry from a private contest. Only one 6-months' extension may be granted, for good and sufficient reasons, as residence must be established within the first entry year. (Within 12 calendar months dating from the Notice of Allowance).

## 2. UNSURVEYED LAND:

2700-1

A. Notice of location of settlement or occupancy claim in Alaska is filed in the Land Office after you have initiated a homestead settlement claim by actual settlement or occupancy, as described below. The notice must be filed in triplicate on Form 4-1154 and must be accompanied by a service charge of \$10.00.

B. Settlement is initiated through the personal acts of the settler placing improvements upon the land and/or establishing residence thereon. He thus gains the right to make entry for the land as against other persons. A person making settlement on unsurveyed land is required by law, in order to protect his rights, to do two things within 90 days after date of settlement. They are: (1) File a notice of the settlement in the Land Office, and (2) post a copy on the land. Unless a notice of the claim is filed within 90 days after date of settlement, no credit can be given for residence and cultivation prior to the filing of notice. When filing the Notice of Location it is extremely important to give the date on which settlement or occupancy was made. The mere filing of a location notice without actual appropriation of the land is not sufficient to hold the land against the valid appropriation of another settler. Settlement or occupancy requires the staking of the land, placing improvements and using the land, followed within a reasonable time by further acts of settlement and improvements. The term "settlement" has been further defined as "comprehensive acts done on the land by way of establishing or preparing to establish an actual personal residence, going thereon, and with a reasonable diligence, arranging to occupy it as a home to the exclusion of one elsewhere". The law makes it plain that a homesteader must proceed faithfully and honestly to comply with all the requirements.

C. The five year statutory life on a homestead Location Notice begins on the date the Notice of Location is filed in the Land Office. However, prior to the filing of the Location Notice, there must have been some appropriation or settlement of the land.

D. Settlement on oil and gas lands are completely invalid unless a waiver is signed by the homesteader as in 1.B. (3) above.

E. Metes and Bounds Description: Unsurveyed land must be described by metes and bounds. Such description consists of a definite starting point, known as Corner No. 1, continuing a definite distance in a definite direction to Corner No. 2, thence to Corner No. 3, thence to Corner No. 4



and back to Point of Beginning. The directions must be in cardinal directions (north, south, east and west) whenever possible. The Point of Beginning must be described in relation to a survey monument where possible or to a prominent natural feature such as the mouth of a stream, or a bridge crossing some stream or river. Where it is not possible to tie the point of beginning to a survey monument, the latitude and longitude must be given with as great accuracy as possible. A free hand sketch showing the point of beginning and the outline of the tract claimed is very helpful, and often it is advisable to obtain a U.S. Geological Survey Topographic Map of the area and draw in the claim and submit this with the location notice.

HOW TO "PROVE UP" (REQUIREMENTS):

1. RESIDENCE: The Homestead Law contemplates that the homestead will be the person's home. Therefore, residence is defined as a "home to the exclusion of a home elsewhere". Residence must be established on the land within 6 months from the date of the Notice of Allowance or filing of the Location Notice, as the case may be. However, an extension of 6 months may be granted upon the filing of an application containing a statement that residence could not be established within the first 6 months because of climatic reasons, sickness or other unavoidable cause. This statement must be corroborated by two witnesses acquainted with the facts. A \$5.00 service charge is also required.

A. Ordinarily the homestead law requires 3 years' residence on the land. During each of the 3 years a homesteader is entitled by law to a 5-months' leave of absence; the 5-month leave of absence may be broken up into not more than 2 periods in the aggregate and the entryman should notify the Land Office of the time of his leaving and the time of his returning to the land. Two 5-month leaves for each of two residence years must be separated by a substantial period of residence on the land. A "residence year" begins from the date actual residence is established on the land and does not usually coincide with the "entry" year which is based on the date the Notice of Allowance was issued or the Location Notice filed by the claimant in the Land Office. The counting of the 3 years' residence begins with the date the residence year was first commenced.

B. Veterans of World War II and the Korean conflict may apply their service credit toward the residence requirements as follows:

No. of Mos. in Military Service	No. of Mos. must reside first year	No. of Mos. must reside 2nd year	No. of Mos. must reside 3rd year
19 and over	7	0	0
18	7	1	0
17	7	2	0
16	7	3	0
15	7	4	0
14	7	5	0
13	7	6	0
7 to 12 inclusive	7	7	0
6	7	7	1
5	7	7	2
4	7	7	3
3	7	7	4
Less than 90 days*	7	7	7

\* Veterans with less than 90 days service will receive no credit in lieu of residence except that credit is allowed for 2 years military service (1) if such person was discharged on account of wounds received or disability incurred in the line of duty or (2) if such person was regularly discharged and subsequently furnished hospitalization or awarded compensation by the Government on account of such wounds or disability. The above military credit is accorded to both men and women, providing the woman is eligible to homestead.

C. Veterans of World War I also are entitled to the same credit but if they complete the 7 months' residence during the first entry year and file Final Proof promptly, they may avoid the cultivation requirement as explained under "Cultivation". World War II and Korean veterans must cultivate the land in accordance with the law. Please ask for and refer to Circular No. 1981 titled Veterans', Soldiers' and Sailors' Rights.

D. Reduction in Residence Requirement:

(1) The Manager is authorized to grant a reduction in yearly residence requirements to homesteaders who make proper showing in their application that the climatic conditions made residence on the homestead for 7 months in each year a hardship. In such cases, a reduction in the terms of residence to 6 months in each year over a period of 4 years, or to 5 months in each year over a period of 5 years can be allowed. If you wish to avail yourself of this provision, you must file in the Land Office an application corroborated by 2 witnesses setting forth the climatic conditions which render it a hardship for you to reside on the land for 7 months a year and stating whether you wish the requirements to be fixed at 6 months' residence for 4 years, or 5 months' residence for 5 years. The application

and the witnesses statement must be submitted during the first year. A \$5.00 service charge is required.

E. Leave of Absence: After establishment of residence and under certain conditions a leave of absence may be granted for a year or less. This type of leave is used where failure or destruction of crops, sickness or other unavoidable casualty has prevented the homesteader from supporting himself by cultivation of the land. A \$5.00 service charge is required.

## 2. CULTIVATION:

A. Since the Homestead Law is designed for agricultural use, it requires cultivation of the land before patent may be received. (World War I veterans excepted, as stated under C above.) The normal requirement for all homesteaders sets the following minimum amount: First entry year, no cultivation required; second entry year, 1/16th of the total area required; third entry year, 1/8th of the total area required; and, further, if Final Proof is not submitted before the 4th or 5th entry year 1/8th of the total area entered must be kept in cultivation.

B. There are 3 exceptions to the regular cultivation requirements.

(1) If a World War I veteran completes his 7 months' residence during the first entry year and promptly files Final Proof, cultivation is not required.

(2) The second variation of the cultivation requirement concerns the filing of a commutation proof (explained in "C").

### (3) Reduction of Cultivation:

The requirement as to cultivation may be reduced if the land entered is so hilly or rough, the soil so alkaline, compact, sandy, or swampy, or the precipitation of moisture so light as not to make cultivation practicable, or if the land is generally valuable only for grazing. However, this condition must not have been apparent at the time the land was first taken up. The application should be submitted in duplicate on Form FLO #97.

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land.

A reduction may be also be allowed if the entryman after making entry and establishing residence, has

met with unavoidable misfortune which renders him reasonably unable to cultivate the prescribed area. In this case, an application for reduction is not filed, but a notice of misfortune and of its nature must be submitted to the Manager of the Land Office, within 60 days after its occurrence. Upon satisfactory proof regarding the misfortune at the time of submitting Final Proof a reduction during the period of disability following the misfortune may be allowed.

C. Commutation Proof: A non-veteran or a veteran may commute his entry after 14 months of continuous residence, the cultivation of an appropriate amount and construction of a habitable house by the payment of \$1.25 per acre plus testimony fee of \$1.80. If filed within the second entry year, only 1/16th of the area need be cultivated. If proof is submitted after the beginning of 3rd entry year, cultivation of 1/8th of the area must be shown.

### 3. HABITABLE HOUSE

Habitable house means a dwelling suitable for year-round occupancy. The Homestead Law requires that a habitable house be on the land at the time of filing Final Proof.

### FINAL PROOF

1. Upon completion of requirements as to residence, cultivation and habitable house, the applicant is ready to file Final Proof.

A. Final Proof must be filed before expiration of the 5-year statutory life, on both surveyed and unsurveyed lands. The forms must be typed or written in ink.

B. Final Proof Forms (<sup>2211-2</sup>~~4-369~~) are filed in duplicate by the claimant. Two witnesses must also file their testimony as to the homesteader's compliance with the requirements of the homestead regulations. Form ~~4-369a~~ <sup>2211-2</sup> (in duplicate) is used for these witness statements. There is a charge of \$1.80 required for testimony fees with all Final Proofs, plus commissions amounting to \$1.50 for 0-40 acres, \$3.00 for 41-80 acres, \$4.50 for 81-120 acres, \$6.00 for 121-160 acres.

C. The same forms are used when filing Final Proof on unsurveyed lands. The fees and commissions are the same as in "B" above. In addition to the Final Proof, Form ~~4-007~~, <sup>2211-1</sup> Application for Homestead Entry must be submitted along with the appropriate filing fees and commissions. The schedule pertaining to the monies required for this application are found on Page 2, under Surveyed Land, Paragraph 1-B.

D. Commuted proof is also filed on Forms 4-369 and 4-369a. The purchase price \$1.25 per acre, plus the testimony fee of \$1.80 must accompany a commutation proof. If the lands are unsurveyed, a Homestead Entry Application (Form 4-007 must also be filed, as described in paragraph 1C.

E. All Final Proofs must be made under oath.

#### PUBLICATION, POSTING AND SURVEY

1. Notice for publication is issued upon acceptance of the claimant's Final Proof if the land has been surveyed. The necessary papers for publication are mailed to the claimant who takes or sends them to the designated newspaper. The publication period for rectangularly surveyed land is 5 weeks, and on isolated or special surveys, it is 9 weeks. Upon completion of the publication, the entryman is responsible for filing the Publisher's Affidavit of Publication with the Land Office. A field investigation by an employee of the Bureau is conducted to see if the homesteader has met all the requirements as alleged. If all is in order and if no protests are received within 30 days after the last date of publication, Final Certificate is issued and sent to Washington for patent. Patents cannot be issued until the land is surveyed and the plat is filed in the Land Office. Upon receipt of the patent, the Land Office then mails the patent to the homesteader advising him to have the patent recorded at the local U.S. Commissioner's Office. This is for the protection of the patentee and is required by State Law.

A. There is no further dealing with the Land Office with regard to registration, taxes, etc., after receipt of the patent.

#### ADDITIONAL ENTRIES

##### 1. CONTIGUOUS LAND

A. An additional entry for contiguous lands may be made under Section 2 of the Act of April 28, 1904, for any lands, which when added to the prior entry or entries will not exceed 160 acres by one who has not perfected his original entry, or if proof has been made, who still owns and occupies the land. This additional entry cannot be commuted. Veterans and non-veterans are required to cultivate 1/8th of the additional entry and the cultivation may be on the additional, or original entry, or both. Residence must be maintained on the original entry.

## 2. NON-CONTIGUOUS LAND

A. An additional entry not exceeding in the aggregate 160 acres when combined with prior entries may be made on non-contiguous lands only after Final Proof has been submitted on the original claim. In this type of entry, the entryman is required to establish residence and cultivate just like an original entry. Only one such additional entry may be made under this Act.

### ADJOINING FARM HOMESTEADS

1. An adjoining farm entry may be made for available public lands lying contiguous to lands owned and resided upon, which will not, together with the lands so owned and resided upon, exceed a total of 160 acres. No person will be entitled to make entry of this kind who is not qualified to make an original homestead entry. This is similar to a contiguous additional entry but is used when the base land is not owned by the entryman who patented it.

### APPLICATION TO AMEND

1. An application to amend should generally be based upon the fact that an error was made in the original description of the land. An amendment may also be granted where through no fault or neglect of the homesteader the land is found to be so unfit or unsuitable for occupancy or cultivation as to make it practically useless. This last amendment may not be granted except where at least one legal sub-division of the original entry is retained in the amended entry. An application for amendment should be filed on Form 4-005 and must be accompanied by a \$10.00 service charge.

### CONTESTS

1. Any homestead entry or settlement claim may be contested if the homesteader is failing to live up to the requirements of the Homestead Law. A contest may be initiated by either the Government or a private party.

A. A private contest may be initiated by any person who claims title to or an interest in such lands or who seeks to acquire a preference right. He may initiate proceedings to have the claim or title or interest adverse to his claim invalidated for any reason not shown by the records of the Bureau of Land Management.

B. A person desiring to initiate a private contest must file a complaint in the Land Office. Each complaint must be accompanied by a \$10.00 filing fee and an advance deposit

of \$20.00, which is applied toward reporters fees in case of a hearing. The contestant must serve a copy of the complaint on the homesteader not later than 15 days after filing the complaint with the Land Office and must file proof of such service, which can be made either by personal service or by certified or registered mail, within 15 days after service. The signed return receipt card is proof of service by mail.

C. If the contestee fails to answer the charges within 30 days of service denying the truthfulness of the charges, the entry will be cancelled and the contestant awarded a preference right upon payment of \$1.00 cancellation fee. If an answer to the contest is filed, it is mandatory that a copy of that answer be served either personally or by registered or certified mail on the contestant. The contestee must furnish proof of service of his answer and file that proof of service in the Land Office within the 30-day period.

D. If the charges brought would warrant the cancellation of the entry, if proven to be true, and the answer by the entryman denies those charges, the contest will be referred to a Hearings Examiner, and a hearing will be held. This hearing is somewhat like a court trial and is conducted for the purpose of obtaining the facts in the case.

We hope that we have answered your questions pertaining to homesteading in the State of Alaska and will be happy to help you with any specific problems pertaining to your entry. Please remember that for the sake of brevity, we have generalized much of the homestead requirements; therefore, any unintentional conflict or omission in this pamphlet must be subordinated to the land laws and regulations. The full regulations are found in 43 CFR 65, 166 and 181. 43 CFR 221 governs contest proceedings.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Fairbanks Land Office  
516 Second Avenue  
Fairbanks, Alaska

*Clearance Letter  
for Settlement  
Claims*

*Sent by  
Adjudication*

Date \_\_\_\_\_

Serial # Fairbanks \_\_\_\_\_

Notice of Location Filed:

\_\_\_\_\_  
Type \_\_\_\_\_

Dear Sir:

Reference is made to the recordation of your claim identified by the above serial number. Please refer to this number in all future transactions with this office. A report from the Geological Survey states that the land is non-mineral in character, and there are no conflicts of record in this office. The filing of your Location Notice is, accordingly, approved as of the date of its filing, and you may continue to perfect your claim in accordance with the applicable regulations.

The Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376, 377) provides "That should it be discovered at any time prior to the issuance of a Final Certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation... of coal, oil, or gas to the United States. Therefore, if it should be discovered prior to issuance of Final Certificate for your claim that the lands are coal, oil, or gas in character, you may be called on to file a waiver of claim to the coal, oil, or gas in the lands. (See 43 CFR, Section 66).

Very truly yours,

Chief  
Lands Adjudication Division

Encl: \_\_\_\_\_  
Information

cc: Case  
L & M  
Reading