

Dr. Dwane J. Sykes  
5634 Oakwood Ct.  
cell ph 801-372-2319  
So. Ogden, UT 84403-4977

Nov. 29, 2011

Faxed to 1907-451-5411

cover + 10 pgs = 11 pages

**ATTENTION: John Bennett, PLS, SR/WA, Chief, R.O.W., AK-DOT, Fairbanks, AK 99709-5399**  
voice ph 907-451-5423

From: Dwane J. Sykes, 5634 Oakwood Court, So. Ogden, UT 84403-4977;  
cell 801-372-2319, off/home 475-4728, Fax 801-475-4732, email [DwaneJSykes@msn.com](mailto:DwaneJSykes@msn.com)

John, thanks for returning my calls, verbally going over the below dates with me. John, would you please review the enclosed documents, then write/fax me a brief letter ASAP, on DOT letter-head, stating: \_\_\_\_\_

Valid Section Line Easements exist w/in homestead Patent #12345207, straddling Sec. 28, 29, 32 & 33, T1N,R4E, FM  
Where the last, 3<sup>rd</sup> entry occurred after:

1. The acceptance of the federal township survey plat, indicating the federal land on date of survey acceptance
2. Was unreserved public domain, otherwise a 3<sup>rd</sup> entry could not have been made and accepted? and,
3. These dates were during times when Offer and Acceptance was in effect, and not within any hiatus window.

Note: The common Section Corner survey monument of the 4 Section lays within this homestead, so all 4 Section Lines lay within the homestead.

Date summary: All relevant BLM documents are attached.

**U.S.A. BUREAU OF LAND MANAGEMENT, CASE ABSTRACT CP03200R CASE SERIAL# 022194**

1<sup>ST</sup> ENTRY: 27-OCT-1958, by ELBRIDGE B. WALKER

2<sup>ND</sup> ENTRY: 10-JULY-1961, by ELBRIDGE B. WALKER

APRIL 14, 1962 Date Federal rectangular Township survey approved

3<sup>RD</sup> ENTRY: 28-AUG-1963. by ELBRIDGE B. WALKER

PATENT No. 1234207 ISSUED

10-NOV-1963 to ELBRIDGE B. WALKER

I was fortunate to locate a 1953-70 CHSR homesteader, personally familiar with this Walker homesteader, able to testify to the exact reasons and circumstances for Mr. Walker's three above-said entries, interruptions and re-entries. The Undisputed Facts and relevant portions of 11/19/2004 Recorded Affidavit of Cossette Kimmel enclosed with its copies of certified copies of the relevant BLM records, etc.

Mr. Walker's own beliefs can be deducted from the BLM Case Abstract. I.e., Mr. Walker, himself, must have believed in his own mind, that his first entry became official abandoned, vacated and invalid. Otherwise, he would not have officially filed the second, new entry. Same thing in his own mind for the second entry becoming invalid, necessitating the third and final entry.

I purchased this homestead from original homesteader Walker, recorded Apr. 13, 1973, and partitioned it in 1974, sold parcels and still own several parcels. There are no vacations.

If you have any questions please phone me. I appreciate this and recognize your time is precious and limited. I very shortly have to make decisions based on this.

Thanks very much for your cooperation and assistance. I do appreciate it.

*THANKS AGAIN IN ADVANCE.*

*Dwane J. Sykes*

FACTS Re: Section Line Easements:

CHSR Homesteaders Kimmels, and the Subject Walker Homestead:

1. When Donald C. Kimmel and Cossette L. Kimmel came to homestead the Chena Hot Springs Road ("CHSR") area of in 1953 and 1957, respectively, the road first ended at 13 mile, with a mere trail beyond. Later the road ended at about 20 mile and Grange Hall Road, where a gravel pit existed nearby.  
(see ¶¶1, 35 of Nov. 29, 2004, Recorded **AFFIDAVIT OF COSSETTE L. KIMMEL Regarding The Obligations And Prior Knowledge Of Roadway Easements By Us And All Purchasers At Frontier's 1974 Land Auctions**, as instrument 2004-026914-0, pages 1-34, by Valerie Therrien)
2. The Kimmels made two CHSR homestead entries, ultimately fulfilling the continuous residency and continuous cultivation requirements and receiving a patent to their second entry (see ¶1, Recorded Kimmel Affidavit)
3. For decades, Mr. and Mrs. Kimmel lived at various homesteads and locations on CHSR and were knowledgeable of and/or involved and/or acquainted with the other homesteaders, activities, developments and right-of-ways, which were often pivotal issues---and issues at bar here. (Recorded Kimmel Affidavit, ¶¶ 2, 3-40)
4. Homesteaders in the CHSR area were a tight-knit community who knew each other, worked together, relied on each other, and knew each others' "goings on". (¶34, Kimmel Affidavit)
5. Mr. and Mrs. Elbridge B. Walker and their young family, entered and filed on the subject homestead at about 20 mile CHSR, on or about October 27, 1958, and built a farm home. (¶¶33, 36, Recorded Kimmel Affidavit, and Exhibit 12 thereto, B.L.M. AKF CP03200R Case Abstract, line 1, "27-OCT-1958 001 Application Filed"; in recorded page 33 of instrument 2004-026914-0)
6. Shortly, however, Mrs. Walker became gravely ill. (¶36, Recorded Kimmel Affidavit)
7. Leaving no one on his homestead to protect it or fulfill the requirements of uninterrupted-occupancy-of-homestead, Mr. Walker took his wife and young children outside to the lower 48 states for some years, where Mrs. Walker eventually died. (¶36, Kimmel Affidavit)
8. When Mr. Walker returned and re-entered years later, on or about July 10, 1961, he discovered his house had been totally vandalized and ransacked, even the walls and coverings were striped out, and it was unusable and unlivable. (¶33 & 37, Recorded Kimmel Affidavit, and Exhibit 12, B.L.M. AKF CP03200R Case Abstract, line 3, "10-JUL-1961 001

- Application Filed” ; recorded page 33 of instrument 2004-026914-0))
9. In heart-broken discouragement and despair, Mr. Walker left and again abandoned his homestead for nearly two years, again leaving no one on his homestead to fulfill the homestead requirements of continuous and uninterrupted-occupancy-of-homestead and tillage-of-the-ground. (§37, Recorded Kimmel Affidavit)
  10. On April 16, 1962, the rectangular survey for this township was filed. (§33 Recorded Kimmel Affidavit, and Exhibit 13, thereto; recorded page 34 of instrument 2004-026914-0)
  11. Later Mr. Walker again returned, re-entered, on or about August 28, 1963---after the survey acceptance date of April 16, 196---and re-started his required continuous and uninterrupted-occupancy-of-homestead and tillage-of-the-ground. (§33 & 38, Recorded Kimmel Affidavit, and Exhibit 12, B.L.M. AKF CP03200R Case Abstract, line 6, “28-AUG-1963 001 Authorization Issued, ENTRY ALLOWED” ; recorded pages 33 and 34 of instrument 2004-026914-0)
  12. Patent No. 1231207, issued from United States of America to Elbridge B. Walker, Nov. 19, 1963, to 157.5 acres, a federal homestead; land never owned by the State of Alaska:
    - T. 1 N., R. 4 E., Fairbanks Meridian, Alaska, straddling four section lines:
      - Sec. 28: S1/2 SW1/4 SW1/4 SW1/4;
      - Sec. 29: S1/2 S1/2 SE1/4 SW1/4, and SE1/4 SW1/4 SE1/4;
      - Sec. 32: E1/2 NE1/4, and E1/2 E1/2 W1/2 NE1/4;
      - Sec. 33: W1/2 W1/2 NW1/4

(recorded in the Fairbanks Recording District Dec. 10, 1963, as Serial No. 63-8621 at Book 161 Page 41,

Sykes purchased the homestead (TL-3203) directly from Walker, deed was recorded April 13, 1973 (Book 273 Page 360. There were never any vacations of Section Line Easement.

DEEDS

BOOK 273 PAGE 360  
Fairbanks Recording Dist.

STATE OF ALASKA  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE TROOPERS  
JUDICIAL SERVICES

Fourth JUDICIAL DISTRICT Fairbanks SUPERIOR COURT No. 70-579

CASIMIR BRONIKOWSKI  
Plaintiff  
vs.  
ELDRIDGE B. WALKER  
Defendant

DEED

CIVIL SECTION  
ALASKA STATE TROOPERS  
FAIRBANKS, ALASKA  
APR 13 1973  
RECEIVED

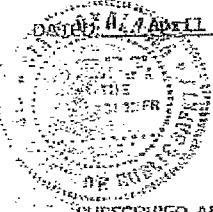
By an Execution dated Sept. 8, 1971, 19 --, entered and docketed, the above entitled court directed the sale of the real property described herein.

By an order dated April 11, 1972, entered and docketed, the above entitled court confirmed the sale held at Lobby of State Court & Office Building, 604 Barnett St., Fairbanks, Alaska on Feb. 22, 1972, when and where the real property described herein was sold to the highest bidder, Patricia Sykes for the cash sum of \$ 18,900.00. One year has elapsed from the confirmation date of said sale, and redemption has not been made by said defendant.

THEREFORE, I, Commissioner of the Department of Public Safety by C. F. HUSSEY, a member of the Alaska State Troopers of the above entitled state, convey and quitclaim to Patricia Sykes

all the title, right and interest of the above named defendant, if any, in the following described real estate, situated in the State of Alaska: Fairbanks Meridian, Alaska; Fairbanks Recording District  
Township One North, Range Four East  
Section 28, S 1/2 SW 1/4 SW 1/4 SW 1/4;  
Section 29, S 1/2 S 1/2 SE 1/4 SE 1/4; SE 1/4 SE 1/4 SW 1/4 SE 1/4;  
Section 32, E 1/2 NE 1/4; E 1/2 E 1/2 W 1/2 NE 1/4;  
Section 33, W 1/2 W 1/2 NW 1/4.

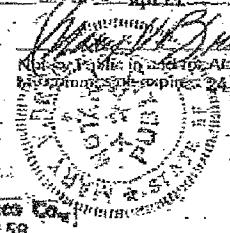
*Alaska State Trooper - Old Fairbanks Hill 78-44*

Date: April 13, 1973  


Essey W. Chepple, Jr.  
Department of Public Safety  
By: C. F. Hussey  
Sergeant, Alaska State Troopers  
(Title)

SUBSCRIBED AND SIGNED 300 13th day of April, 1973

RECORDED FILED  
FAIRBANKS REC.  
DISTRICT

William B. Gunn  
Notary Public in and for Alaska  
My commission expires 24 Feb., 1976  


APR 13 3 24 PM '73

ST-28-68

REQUESTED BY Transmaria Title Insurance Co.  
P.O. Box 158  
Fairbanks, Alaska