

ing that such action is warranted. Where more than one tract is applied for under the act by the same person, except where otherwise authorized by the regional administrator, each tract must be the subject of a separate application, which must be complete in itself, must be filed in accordance with all of the applicable regulations, and must be accompanied by a showing that the allowance of more than one application is warranted by the circumstances.

(d) In each application to purchase or lease, the applicant must furnish data sufficient to identify all other applications under the act, if any, filed by him or any member of his family. Such data should include the serial number and date of filing of each such application and the land office at which it was filed.

[Circ. 1647, 12 F. R. 3664, as amended by Circ. 1710, 13 F. R. 7804]

§ 257.5 *Execution and filing of applications.* An application for lease under the act must be filed on Form 4-775. An application for sale should be made on Form 4-775a. All applications must be prepared with an original and one copy. The application must be filed with the manager of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed with the Director. The application need not be under oath but must be signed by the applicant.¹

[Circ. 1647, 12 F. R. 3664, as amended by Circ. 1710, 13 F. R. 7804]

§ 257.6 *Fee.* An application for lease must be accompanied by a filing fee of \$5, which will be carried as unearned, pending action on the application. If the application is rejected, the fee will be returned. If a lease is offered to the applicant, the fee will be considered as earned and will be retained. An application for sale need not be accompanied by a filing fee.

[Circ. 1647, 12 F. R. 3664]

§ 257.7 *Action on application by manager.* If an application is not properly executed or is not accompanied by the

¹ 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 matters within its jurisdiction.

required fee, or is otherwise irregular, the manager will reject it.

[Circ. 1647, 12 F. R. 3664]

§ 257.8 *Classification of land.* (a) If the application is regular and the status of the land applied for warrants its consideration for classification under the act, the regional administrator, upon receipt of the application, will proceed to have such studies and investigations made as may be required for a determination as to whether or not it should be classified for small-tract purposes. Where the land applied for has been withdrawn or reserved by the Secretary, the concurrence of the bureau having supervision over the land must be obtained before the land may be classified.

(b) A single tract of 5 acres or less may be classified as suitable for one or more of the above types of sites specified in § 257.2 Each tract will be classified as available either for lease and sale or for lease only. Tracts which are classified for lease only will not be subject to sale.

(c) The regional administrator may classify lands under the act either on his own motion or upon application. Where land is classified by the regional administrator on his own motion, prior to September 27, 1954, veterans of World War II have a preference right for 90 days, after the effective date of the classification of the lands, in which to file a small-tract application. (Section 4, act of September 27, 1944, 58 Stat. 745; 43 U. S. C. 282).

(d) No lease will be offered and no sale authorized prior to the classification of the land for such disposal.

[Circ. 1647, 12 F. R. 3664]

§ 257.9 *Occupancy; preference right of applicant; action on application.* (a) The filing of an application confers no right upon the applicant to settle upon, use, or occupy the land and all persons are warned not to make such settlement, and not to use or occupy the land prior to the issuance of a lease. Any such unauthorized settlement, use, or occupancy constitutes a trespass.

(b) When an application is regularly filed pursuant to the regulations in this part prior to the time the manager is notified by the regional administrator that the area is under consideration for small-tract classification, a preference right to lease or purchase will be accorded the applicant if the land is thereafter classified for the type of site for