

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

21
RECORDED IN DEED, This ____ day of
January, 2000, at Lake County, State of Indiana,
in the office of the Register of Deeds, As
Document Number _____
Volume Number _____

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MORRIS W. CARTER
RECORDER

AFFIDAVIT
IN REGARDS TO MY DECLARATION OF,
AND CLAIM OF RIGHTS IN AND TO LAND PATENT

The undersigned, Darlene Theresa Watson, of her own personal knowledge and under the pains and penalties of perjury does depose and say:

- Document is NOT OFFICIAL!**
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1. That she is the Declarants/Claimants in the aforementioned and hereto attached Declaration of, and Claim of Rights in and to, the Land Patent, (hereinafter referred to as the "Declaration").
 2. That she has prepared and read this affidavit and the said Declaration, and is familiar with the contents thereof.
 3. That the attached copies of a Certified Certificate of the REGISTER OF THE LAND OFFICE, (hereinafter referred to as the "Certificates"), are true copies of the official record on file in the office of the United States Department of the Interior, Bureau of Land Management, Eastern States Office,
 4. That the Real Estate particularly described in the Declarations are situated within the Tracts of Land described in the Certificates.
 5. That the previous holders in fee simple of said Real Estate, of their own free will lawfully did assign all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging to them as trustees, their heirs, and assignees forever, according to the provisions of Act of Congress of the 24th of April, 1820, entitled, "An Act Making Further Provision For The Sale Of The Public Lands."
 6. That the said previous holders in fee simple did lawfully assign, by granting, bargaining, alienating and confirming said Real Estate by way of a Warranty Deed to myself, as tenant by the entireties, my heirs

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and assigns forever, on the following described Real Estate situated in Township 34 North, in Lake County, Indiana, to wit:

Lot 2 in block 7 in Lake Shore, a sub-division of part of the South half of Section 27, Township 34 North, Range 9 West of the Second principle meridian, as per plat thereof, recorded June 24, 1926 in plat book 20 page 9, in the office of the Recorder of Lake County, Indiana.

and that as such, I, Darlene Theresa Watson, have been the lawful assignee of all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging to me, my heirs, and assignees forever, since that date of July, 1995 and reaffirmed March 17, 1998.

7. That, to said Real Estate, I, my heirs and my assigns, have never knowingly waived, rescinded, or relinquished any of our rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, which may now be or have ever been ours by virtue of the Patent or by any other device or means.

8. That, to said Real Estate, I do not now, nor do I ever, intend that any act of omission or of commission on our part or on our behalf, be construed by anyone as a waiver, rescission, or relinquishing of our rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unless, or until, I shall make an informed, express written declaration of such waiver unequivocally and in and of my own free will and not subject to duress and distraint.

9. That, to said Real Estate, I fully intend to lawfully defend all of my rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, against all parties or adverse actions as may seem best and appropriate to me.

10. That I may not be deprived of the said Real Estate, or of the free and unrestrained usage thereof, by any unlawful means, device or action by any individual, corporation, or agency or branch or any governmental administration for any unlawful cause, reason or purpose whatsoever, as is established by the Declaration and the Certificate hereto appended and included by reference with the same force and effect as if set forth in full herein.

11. That I hereby put every agent, officer, and employee of the State of Indiana, and each and every agency thereof on NOTICE, that they are

duty bound by virtue of the Constitution of the State of Indiana, and their Oath of office to support and defend the Constitution of the State of Indiana, to assist and aid them in every effort, and by all means which are provided to them by the authority of their various offices, to defend against all others whomsoever, and maintain their claim in, and title to, and the full and unrestricted possession and enjoyment of the land as described in the accompanying DECLARATION OF, AND CLAIM OF RIGHTS IN AND TO, LAND PATENT.

12. That my defenses are not restricted to those reserved herein, others may also from time to time as may be appropriate be advanced and relied upon.

13. That all other statements therein are true to my best belief and knowledge.

14. That the undersigned is a competent witness and can testify to the above if called upon to do so.

Darlene Theresa: Watson

Darlene Theresa: Watson, Affiant and legal owner
of said real property.

SUBSCRIBED AND AFFIRMED TO before me, a Notary for the State of Indiana, by Darlene Theresa: Watson who is personally known to me to be the same natural person whose name is subscribed to this instrument.

Luke A Maple

My Commission expires 11-11-2001

Vicki R Maple

Printed name of Notary Public



Address of property: 8513 West 139th Avenue
Cedar Lake, Indiana

This instrument was prepared by
and after recorded Mail to:->

DarleneTheresa: Watson
P.O. Box 156
Wheatfield, Indiana

pare *Reidy v. Almich*, 4 Ariz.App. 144, 148, 418 P.2d 390, 394 (1966).

Judgment reversed and the cause remanded to the superior court for proceedings not inconsistent herewith.

HATHAWAY, C. J., and NORMAN S. FENTON, Superior Court Judge, concur.

NOTE: Judge HERBERT F. KRUCKER having requested that he be relieved from consideration of this matter, Judge NORMAN S. FENTON was called to sit in his stead and participate in the determination of this decision.

had not affirmatively and clearly negated such possibility.

Reversed and remanded for proceedings consistent with opinion.

1. Highways \S 63

Whether a public highway exists and extent of its boundaries are ordinarily law questions.

2. Highways \S 68

Surveyor is not a judicial officer and cannot make a determination as to whether land is within or without operation of certain laws, and, therefore, resurvey map or plat indicating existence of a 400-foot right-of-way could not determine legality of right-of-way.

3. Public Lands \S 114(1), 117

A patent to land is highest evidence of title and may not be collaterally attacked.

4. Public Lands \S 114(1)

Subsequent patentee takes subject to previous right-of-ways established under grant contained in federal statute granting right-of-way for construction of highways over public lands not reserved for public uses. 43 U.S.C.A. \S 932.

5. Public Lands \S 114(1)

Fact that patents to plaintiff's predecessors showed no existing right-of-way did not compel conclusion that no highway right-of-way had ever been established over public land patented to plaintiff's predecessors or, at least, that no right-of-way in excess of that necessary to contain highway as it existed at time of issuance of patents, even though regulations of Secretary of Interior purported to require notations of existing right-of-ways on original entry papers. 43 U.S.C.A. \S 932.

6. Public Lands \S 114(1)

Silence of patents to plaintiff's predecessors did not preclude state from showing full extent of its highway right-of-way established prior to time when patents were issued. 43 U.S.C.A. \S 932.



Document is the property of
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7 Ariz.App. 551

The STATE of Arizona, Appellant,

v.

Margaret E. McManus CRAWFORD,
Appellee.

No. 2 CA-CIV 505

Court of Appeals of Arizona.

June 4, 1968.

Rehearing Denied July 2, 1968.

Inverse condemnation proceeding against state for allegedly taking 200-foot strip of plaintiff's land in constructing second lane of highway parallel to existing highway constructed on valid 100-foot right-of-way. The Superior Court of Pinal County, Cause No. 20102, E. D. McBryde, J., granted plaintiff's motion for summary judgment as to her title and state's liability for taking of her property, and state appealed. The Court of Appeals, Molloy, J., held that record left substantial doubt as to whether state had legally accepted government's offer of grant as to additional 200-foot right-of-way claimed by state and, therefore, was sufficient to preclude summary judgment for plaintiff who