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A Practitioner's Guide to the Federal Color of Title Act

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A PRACTIONER'S GUIDE TO THE FEDERAL COLOR OF TITLE ACT

INTRODUCTION

Americans' insatiable appetite for land and the nation's desire to reach from sea to sea culminated in the familiar historical phenomenon called Manifest Destiny.[1] Congress passed many Homestead Acts[2] to encourage settlement of the West. And so the public land, or what was thought to be public land, became settled.

Yet, not all newcomers to the West felt that they had settled on federal land. Some had purchased their land from the territories or states; others bought the land from previous owners; and still others had lived in the West for many years before the first Anglos ventured their way. Those newcomers and prior residents, for the most part, had evidence that they owned the land; in most instances the evidence consisted of a deed. Moreover, they had cultivated or made other valuable improvements on the land. When the government began surveying the public land to ascertain its boundaries, some of the landowners, who had no idea that title to their lands was vested in the United States Government, were ordered to vacate and suffer the loss of home and livelihood. The more fortunate could claim title under any one of the various Homestead Acts, but for many others the only alternative was to seek private bills[3] in Congress.

Addressing this serious problem, the Secretary of the Interior, Hubert Work, wrote Senator Gerald Nye, Chairman of the Commit-

1. J. Sullivan, *Our Manifest Destiny*, 7 THE ANNALS OF AMERICA 288 (1968).

2. Act of May 20, 1862, c. 75, 12 Stat. 392; Act of Mar. 21, 1864, c. 38, 13 Stat. 35; Act of Mar. 3, 1873, c. 266, 17 Stat. 602; Act of Apr. 21, 1876, c. 72, 19 Stat. 35; Act of Mar. 3, 1877, c. 122, 19 Stat. 403; Act of Mar. 3, 1877, c. 123, 19 Stat. 404; Act of Mar. 3, 1879, c. 192, 20 Stat. 472; Act of May 6, 1886, c. 88, 24 Stat. 22; Act of Apr. 28, 1904, Pub. L. No. 233, c. 1801, 33 Stat. 547; Act of Mar. 3, 1905, Pub. L. No. 172, c. 1439, 33 Stat. 1005; Act of Feb. 19, 1909, Pub. L. No. 245, c. 160, 35 Stat. 639; Act of Jan. 28, 1910, Pub. L. No. 23, c. 14, 36 Stat. 189; Act of June 17, 1910, Pub. L. No. 214, c. 198, 36 Stat. 531; Act of Feb. 3, 1911, Pub. L. No. 340, c. 34, 36 Stat. 896; Act of Feb. 13, 1911, Pub. L. No. 357, c. 53, 36 Stat. 903; Act of Apr. 30, 1912, Pub. L. No. 142, c. 100, 37 Stat. 105; Act of Mar. 4, 1915, Pub. L. No. 297, c. 150, 38 Stat. 1162; Act of Feb. 20, 1917, Pub. L. No. 340, c. 101, 39 Stat. 926; Act of Dec. 20, 1917, Pub. L. No. 94, c. 6, 40 Stat. 430; Act of Apr. 28, 1922, Pub. Res. No. 53, c. 155, 42 Stat. 502.

3. All legislative bills which have for their object a private interest as distinguished from a community interest are private bills. BLACK'S LAW DICTIONARY 209 (4th ed. 1968).

tee on Public Lands and Surveys, requesting remedial legislation.[4] Senator Nye quickly responded. On March 24, 1928,[5] only nine days after the Secretary of the Interior wrote his letter, Senator Nye introduced a bill which later became known as the Color of Title Act (Act) of 1928.[6]

Today, the importance of the Act cannot be denied. About one-third of the total land area of the United States belongs to the Government.[7] Not until recently has the Bureau of Land Management (BLM) had sufficient funds to continue surveying public lands. After the Bureau has surveyed an area, many people discover that they are living on public land. For example, in New Mexico the BLM is in the process of surveying a narrow strip of land from the Bosque del Apache north along the Rio Grande to the Colorado border.[8] The BLM estimates that there are more than 1,000 families residing on what may be public lands.[9] Those families either will be able to meet the requirements of the Act and thus gain title to the land, request the Congress to approve a private bill, or be required to move.[10]

A thorough understanding of the Act will ensure both government and claimants a peaceful means of resolving title to land. This com-

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4. Department of The Interior,
Washington, March 19, 1928

Hon. Gerald P. Nye,
Chairman Committee on Public Lands and Sources,
United States Senate.

My Dear Senator Nye: Numerous cases have arisen where lands have been held and occupied in good faith for a long period of time under a chain of title found defective and in many instances valuable improvements have been placed on the land in the belief that the title was good. Existing law makes no adequate provision for the protection of such rights and as a result many such chains have been submitted to Congress for remedial legislation. I am of opinion that a general act should be passed authorizing the Secretary of the Interior, in his discretion, to issue patent upon such claims upon payment of a price that will be just alike to the claimant and to the Government of the United States. I have drawn, and submit for your consideration, a bill having for its purpose equitable adjustment of such claims, by the Secretary of the Interior. It is believed that the bill, if enacted, will effect a useful purpose and relieve the Congress from considering many special acts for relief.

The introduction of the bill is respectfully requested.

Very truly yours, Hubert Work

S. REP. NO. 732, 70th Cong., 1st Sess. 1 (1928).

5. 69 CONG. REC. 6060 (1928).

6. 43 U.S.C. § 1068 (1976).

7. U.S. DEPT. OF THE INTERIOR, PUBLIC LAND STATISTICS 10 (1977) (683,286,033.8 acres is public domain; 58,222,628.2 acres is acquired lands by the Government; 1,529,834,698 acres are not owned by the Government).

8. U.S. DEPT. OF THE INTERIOR, THE RIO GRANDE OCCUPANCY RESOLUTION PROGRAM (undated pamphlet).

9. *Id.*

10. *Id.*

ment has been written to provide that understanding to the practitioner, who may be called upon to assist claimants under the Act.

WHAT IS THE COLOR OF TITLE ACT?

Simply stated, the Act provides for a procedure whereby title by peaceful adverse possession may be acquired against the United States Government. That might sound anomalous to those who remember their first year property law; traditionally, adverse possession is a statutory declaration allowing an individual to seize another's land with the hostile intent to deprive the true owner of title to that land.[11] Moreover, adverse possession traditionally did not apply to the sovereign's land.[12]

The Act permits claimants to *purchase up to 160 acres of land* from the government[13] if they were unaware[14] that title to the land was originally vested in the United States Government and when certain conditions are met. Conditions to be met depend on the type of application, Class I or Class II, filed by the claimant.

CLASS I AND CLASS II APPLICATIONS

The process begins at the local Bureau of Land Management office where, regardless of under which class claimants seek title, they must complete and file a BLM Form 2540-1[15] and a Form 2540-2[16] with a $10.00 filing fee. Claimants or their predecessors in title who have held the land in good faith under color of title for at least 20 years, and have either made valuable improvements on the land or reduced part of it to cultivation, should file a Class I application.[17] A Class II application should be filed when claimants or predecessors in title have established a chain of title commencing before the 1st of January 1901, continuously have paid taxes on that land in accordance with state law, and have held the land in good faith.[18] Class II applicants must file an additional document, Form 2540-3,[19] which lists all tax payments.[20] The advantage of a Class II title is that

11. THOMPSON, 5 COMMENTARIES ON THE MODERN LAW OF REAL PROPERTY § 2548 (Repl. 1979).
12. Annot., 55 A.L.R.2d 554 (1957).
13. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2541.3 (1979).
14. 43 C.F.R. § 2540.0-5(b) (1979).
15. See Appendix.
16. *Id.*
17. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2540.0-5(b) (1979).
18. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2540.0-5(b) (1979).
19. See Appendix.
20. 43 C.F.R. § 2541.1(c)(2) (1979).

holders of such a title also may obtain title to the mineral estate.[21] Nonetheless, Class II claims, even if all the conditions were met, are completely at the discretion of the Secretary of the Interior,[22] while the fulfillment of Class I requirements automatically confers title to the claimant.[23]

In the event claimants are found to be eligible, the BLM appraises the land at its fair market value but deducts any increase in value resulting from improvements made by the claimants or their predecessors in title.[24] Next, a determination is made of whether it would be equitable to charge the claimant the full market value of the land and, if not, then to reduce it to a just and reasonable price.[25] However, the government cannot sell the land for less than $1.25 per acre.[26]

Claimants are required, at their own expense, to publish notice of their claim once a week for four consecutive weeks in a local newspaper.[27] Prospective adverse claimants are put on notice to file their objections with the State Director of the BLM and to serve a copy on the claimant.[28] How adverse claims are to be settled is uncertain, but it appears that the government cannot issue a federal patent in such cases until the claim has been adjudicated in court.[29]

LITIGATION AREAS

Although the Act seems fairly straightforward, it does present some potential problems. Practitioners should recognize that failure to provide all of the relevant information required by statute or regulation constitutes adequate grounds for rejection of the application.[30] Moreover, since the burden of proof is on claimants,[31] practitioners must understand the problem areas in the Act in order to represent effectively clients who are claiming under the Act.

21. 43 U.S.C. § 1068b (1976); 43 C.F.R. § 2541.3 (1979).
22. 43 U.S.C. § 1068 (1976).
23. 43 U.S.C. § 1068 (1976).
24. 43 U.S.C. § 1068a (1976); 43 C.F.R. § 2541.1 (1979).
25. *Id.*
26. 43 U.S.C. § 1058 (1976); 43 C.F.R. § 2541.4(a) (1979).
27. 43 C.F.R. § 2541.5 (1979).
28. *Id.*
29. 43 U.S.C. § 1068 (1976). Claimants in this situation are advised to quiet title under state law. The Secretary of the Interior cannot determine property rights between two parties. *Cf.*, Frank Lujan, 40 Interior Board of Land Appeals 184 (1979) [hereinafter cited as I.B.L.A.] (government does not adjudicate property rights between parties when surveying land).
30. Ivie G. Berry, 25 I.B.L.A. 213 (1976).
31. Jeanne Pirresteguy, 83 Interior Dec. 26 (1976); Marie Lombardo, 37 I.B.L.A. 247 (1978).

Color of Title

Applications under both Class I and Class II are required to be accompanied by evidence of color of title.[32] The statutes and regulations have not defined color of title, but the Department of the Interior (DOI) has taken a position on its meaning. The DOI accepts any instrument which on its face purports to convey title to the land in question.[33]

Problems with the color of title requirement arise in three areas. One is inadequate land description in the instrument; the instrument on its face does convey land, but the description is ambiguous. Another problem area is certification of the chain of title. State laws may prevent a county assessor or county clerk from certifying the chain of title as correct. And finally, claimants may be the owners of the property, yet unable to produce an instrument or document evincing title.

Inadequate land description on the face of the instrument will not suffice to grant title under the Act.[34] The description of the land must be made with a reasonable degree of certainty to meet color of title requirement.[35] However, ambitious descriptions may be cured by extrinsic evidence.[36]

In some instances, claimants may have a deed so ambiguous that even extrinsic evidence will not cure it, or claimants may not have a deed. Claimants in either of those situations are not entitled to the benefits of the Act. Nonetheless, it seems unfair to force claimants off land, especially when they truly believed they owned the land. A study is under way to assess defective color of title problems in New Mexico,[37] and the result will be very important in determining future cases.

A proper county official or an abstractor must certify the chain of title as correct.[38] A county official may believe that he does not have the state authority to certify the form. In such a case, a claimant would need to resort to an abstractor. Abstracts are expensive, and for some claimants, this expense may present a significant bar-

32. 43 C.F.R. § 2541.2 (1979).

33. Joe Sewart, 33 I.B.L.A. 225 (1977); Manley Rustin and Beth Rustin, 83 Interior Dec. 617 (1976); James Smith 80 Interior Dec. 702 (1973).

34. Maraus Rudnick and Maria Rudnick, 8 I.B.L.A. 65 (1972).

35. Elsie v. Farrington, 9 I.B.L.A. 191 (1973); Nora Beatrice Kelley Howerton, 71 Interior Dec. 429 (1964).

36. Marble M. Farlow, 74 Interior Dec. 276 (1977); Mary C. Pemberton, 38 I.B.L.A. 118 (1978).

37. DEPT. OF AGRICULTURE, REMOTE CLAIMS STUDY: STUDY OF PROBLEMS THAT RESULT FROM SPANISH AND MEXICAN LAND GRANT CLAIMS (1979) (Contract No. 53-3157-9).

38. 43 C.F.R. § 2541.2(c) (1979).

rier. Claimants in this situation should contact their local state representative who, in turn, may request an opinion from their state's attorney general's office on whether the county official's duties must comport with the federal regulation.[39] Another approach would be to have the BLM do the title work; this solution would require legislation and funding. Moreover, to have BLM obtain the evidence and then rule on the claim places BLM in the conflicting roles of protecting the government's interest on the one hand and, at the same time, representing the claimant.

Good Faith

Good faith is an essential element for any successful claim made under the Act[40] and is, perhaps, the most litigated requirement.[41] "Good faith, in adverse possession, requires that the claimant honestly believe that the land was owned by him and that the claimant did not know that title to the land originated in the United States."[42] Good faith challenges arise in two situations. Was the claimant unaware that title to the land is in the United States? Did his predecessors in title know that title is in the United States? Before discussing the ramifications of good faith, it is appropriate to clarify whether good faith is to be measured by an objective or subjective standard.

If good faith were measured by a subjective standard, then all that would be required is for the claimant to state that he honestly did not know that the title to the land was in the United States. The government then would be placed in the position of attempting to refute that assertion. On the other hand, if the standard were objective, then the government would be permitted to present evidence on the question as to whether a reasonable person, under the circumstances, might believe that title to the land was vested in the United States.

A series of administrative determinations has held implicitly that the objective standard is to be applied to measure good faith.[43] In

39. The argument is federal preemption under the supremacy clause. U.S. CONST. ART. VI. However, the recent gains by state's righters may frustrate federal supremacy. *E.g.*, National League of Cities v. Usery, 426 U.S. 833 (1976) (Construction of the Tenth Amendment).

40. Phyllis de Young Tucker, A-26984 (1954).

41. A survey of the Interior Dec. digest and cases cited in U.S.C.A. and U.S.C.S. under §§ 1068-1068b reveal that this is so.

42. Minne E. Wharton, et al, 79 Interior Dec. 6, 10 (1972) reversed on other grounds, *sub nom* United States v. Wharton, 514 F.2d 406 (9th Cir. 1975).

43. *See, e.g.*, Phyllis de Young Tucker, A-26984 (1954) (Claimants' application for a grazing permit constitutes recognition that title is in the United States).

Joe I. and Celina V. Sanchez,[44] the DOI administrative law judge applied the good faith standard. The Sanchezes based their claim on a chain of title originating in 1905. In 1962, the Sanchezes inquired about obtaining a grazing permit on public lands, and the government issued permits to them in 1965. Two years later, the Sanchezes purchased land that may have included the same public grazing land. The issue before the administrative law judge was whether the Sanchezes knew or should have known that when they acquired the land in 1967 that title to the land was in the United States Government. Since the evidence presented in the case did not address the question of good faith, the administrative law judge remanded the case for more factual development on the issue. Presumbly, if it were found that the Sanchezes knew or should have known that the 1967 land purchase included lands in the grazing permit, then they would not have fulfilled the good faith requirement.

As noted above, the Act requires that claimants must have bought the land in good faith, not knowing or having reason to know that the title to the land was in the United States. Thus, claimants who acquire land knowing that title is in the United States Government cannot rely on the good faith of their predecessors in title to meet the statutory period.[45] A contrary policy would defeat the rationale of the Act, because the purpose of the Act was to grant title to those who were unaware that they were located on federal land.

The good faith requirement may also apply to predecessors in title. In Class I applications, for example, one of the requirements is a chain of title for at least twenty years.[46] When claimants have held the land in good faith for twenty years, there is no need to examine the element of good faith of the predecessors in title. However, if the land has been held by others during the statutory period, then it becomes necessary for claimants to "tack" on the good faith of their predecessors in title to satisfy the statutory period.[47] Any period of time during which the predecessor in title knew or should have known that title to the land was in the United States cannot be counted towards fulfilling the statutory period.[48] However, in Class

44. 32 I.B.L.A. 228 (1977).

45. Prentiss E. Furlow, 70 Interior Dec. 500 (1963); Clement Vincent Tillion Jr., A-2977 (1963). Statutory period refers to the amount of time the claimant or predecessor in title be on the land to fulfill the requirements of the Act. In Class I applications it is twenty years. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2540.0-5(b) (1979); 43 C.F.R. § 2540.0-5(b) (1979). Normally, if the 1901 date is met, the statutory period is satisfied for Claim II applications.

46. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2540.0-5(b) (1979).

47. Phyllis de Young Tucker, A-26984 (1954); Marble M. Farlow, 84 Interior Dec. 276 (1977).

48. Edward T. Harris, Sr., A-26985 (1959).

II applications,[49] any break in good faith since 1901 in the chain of title would render the claim invalid.

Cultivation and Improvements

Class I applications require either that valuable improvements be made on the land or that part of the land be cultivated.[50] What constitutes a valuable improvement or cultivation, and at what time can they be made to satisfy the requirements of the Act?

A valuable improvement enhances the value of the land.[51] Thus, a jeep trail from the claimed land to adjoining land is a valuable improvement when the claimed land is used for grazing purposes.[52] The claimant may rely on his predecessors in title for having made valuable improvements, but such improvements must be extant when the application is filed.[53] Moreover, valuable improvements made after the claimant has become aware that title to the land was in the United States Government will not satisfy this requirement.[54]

A valuable improvement made to the claimed land by a bad faith predecessor in title may cause the Government to re-examine the rationale behind the valuable improvements. A bad faith predecessor in title is one who has held the land in question with knowledge that title to the land was vested in the United States or should have known that title was in the United States. There are two possible situations in which such a re-examination might take place. Consider the case where a bad faith predecessor in title makes valuable improvements within the statutory time period. Presumably, the claim would simply be denied because of the lack of good faith. The issue regarding valuable improvements would not be decided.[55] On the other hand, the bad faith predecessor in title might make the valuable improvements prior to the statutory period, thereby avoiding the good faith requirement. The result in such a situation is uncertain, because the Secretary of the Interior has not yet addressed the question.

No administrative decisions exist regarding the question of what constitutes cultivation. It is possible that the same standards of good faith which govern valuable improvements will apply for cultivation.

49. 43 U.S.C. § 1068 (1976); 43 C.F.R. § 2540-0.5(b) (1979).

50. *Id.*; First National Bank in Arcadia, A-26161 (1951).

51. Virgil H. Menefee, A-30620 (1966).

52. *Id.*

53. Lawrence E. Willmorth, 32 I.B.L.A. 278 (1977); Lillian Zellmer Sharlein, A-28198 (1960); Kurt J. Reif, A-27625 (1958); Marble M. Farlow (On reconsideration after hearing), 86 Interior Dec. 22 (1979); Homer Wheeler Mann, et al, 63 Interior Dec. 249 (1956).

54. Arthur Baker et al Skremetti Realty, 64 Interior Dec. 87 (1957).

55. This seems how the government handles this type of case. *See e.g.*, Arthur Baker et al, Skremetti Realty Co., 65 Interior Dec. 87 (1957).

Withdrawals

Although the Act applies to all public lands,[56] it does not apply to lands that were withdrawn or reserved from the public by the Secretary of the Interior, by his delegate, or by Congress.[57] Withdrawals may affect a Class I claim in three situations: (1) where the withdrawal takes place before the chain of title begins, (2) where the chain of title is initiated but the statutory period has not been fulfilled before withdrawal, and (3) where withdrawal occurs after the statutory period for the chain of title has run. A Class II claim would be affected only where the land in question had been withdrawn before the chain of title began, because there is no statutory time period that need be met with respect to these claims.

The DOI has steadfastly held that a color of title application will not be allowed for land that was withdrawn before the initiation of the claim.[58] For example, where the first deed in the claimant's chain of title is dated after the land was withdrawn, the application is rightfully denied.[59]

In *Clement Vincent Tillion Jr.*,[60] the DOI held that when a Class I claim arose before the lands were withdrawn, the withdrawal does not preclude perfection under the Act.[61] When claimants have entered upon the land in question in good faith before the government has withdrawn the land, the withdrawal will not toll the twenty-year statutory period. Thus, such claimants may receive title to these lands under the Act.[62]

In the last situation, the withdrawal would have no effect because the statutory period was met. Therefore, once the chain of title has commenced before the withdrawal, Class I claimants are entitled to the benefits of the Act.

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56. Lands acquired or transferred to the United States are not public lands within the meaning of the Act. James E. Smith, 89 Interior Dec. 702 (1973).

57. Federal Land Management Policy Act, Pub. L. No. 94-579, 90 Stat. 2743, 2751-2755 (1976).

58. Lester J. Hamel, 74 Interior Dec. 125 (1967); Nina R. B. Levinson and Clare R. Sigtrid, 78 Interior Dec. 30 (1971); Jeanne Pierresteguy, 83 Interior Dec. 23 (1975). *See also*, Beaver v. United States, 350 F.2d 4, 10 (9th Cir. 1965).

59. Jeanne Pierresteguy, 83 Interior Dec. 23 (1976).

60. A-29277 (1963).

61. *See also*, Asa v. Perkes, 80 Interior Dec. 369, 212 (1976); Ben J. Boschetto, 21 I.B.L.A. 193 (1975).

62. The Government may contend that withdrawals toll the statutory period and claimants must wait until the land is restored to the public domain. Under this contention, claimants are caught in a Catch-22. If they were to file during the withdrawal period, notwithstanding the fact that the statutory period would have been met only if the withdrawal period counted towards the statutory period, then the claims would be denied. Moreover, when these claimants refiled their claims after the statutory period was satisfied, the claims would be rejected since they were not held in good faith.

SUMMARY

The Color of Title Act provides a means whereby individuals and their families who reside on public land, under an instrument purporting to give title of the land, may require good title to the land. The requirements for Class I and Class II applications are relatively straightforward, but there are troublesome areas.

Problems exist in determining what constitutes good faith, establishing an adequate land description, fulfillment of cultivation or improvement requirements for Class I applications, and the effect public land withdrawals have on claims made under the Act. The present interest by the BLM to survey the boundaries of the public domain emphasizes the need for practitioners to understand this admittedly arcane area of law.

M. H. SCHWARZ

APPENDIX A

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
BUDGET BUREAU NO. 42–R1457

Serial Number

COLOR-OF-TITLE APPLICATION

Act of December 22, 1928 (45 Stat. 1069), as amended July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068, 1068a)

INSTRUCTIONS ON REVERSE

1. Name of applicant *(first, middle initial, and last)*	Address *(include zip code)*

2. Give legal description of lands claimed

TOWNSHIP	RANGE	SECTION	SUBDIVISION

Meridian	County	State	Acres *(number)*

3. Are you applying for the above-described land under? ☐ Class 1 ☐ Class 2

4. Are you applying for the lands as record title owner? ☐ Yes ☐ No *(If "no," explain)*

5. What is the basis for your claim?

6a. When did you first learn you did not have clear title to the land? *(Give date)*	b. Who did you learn this from

7a. Have you had title to lands examined? ☐ Yes ☐ No *(If "yes," complete the following)*

b. By	c. Examination *(date)*

8a. Total purchase price paid by you for above-described property	$
b. Estimated value of structural and cultural improvements on date of purchase	
c. Estimated value of existing structural and cultural improvements added since purchased	
d. Amount received for forest products sold since purchased	$

9a. Has land been cultivated? ☐ Yes ☐ No *(If "yes," complete b and c)*	b. Calender years cultivated	c. Acres cultivated *(no.)*

Form 2540–1 (December 1971) (formerly 2214–1)

COMPLETE ONLY IF CLAIM ORIGINATED NOT LATER THAN JANUARY 1, 1901

10. Are you requesting no minerals be reserved in patent except as required by law? ☐ Yes ☐ No

11. Have you enclosed the following?

a. A filing fee of $10 *(Required in all cases)* ☐ Yes ☐ No

b. Form 2540–2 showing all conveyances affecting title to lands *(Required in all cases)* ☐ Yes ☐ No

c. Form 2540–3 showing levy and payment of taxes for each year of claim *(Required of Class 2 claimants only)* ☐ Yes ☐ No

I CERTIFY That the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

(Date) (Signature of Applicant)

Title 18 U.S.C. Section 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.

GENERAL INSTRUCTIONS

Complete in *duplicate* and file in the proper office for the State in which the lands are located. Type or print plainly in ink.

Do *not* submit abstracts of title or other documentary evidence with this application. Such evidence may be requested later and, if so, will be returned to you.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

2. Give complete legal description of the land
(a) *Surveyed land* must be described by legal subdivision, section, township, range, and meridian;

(b) *Unsurveyed land* must be described by metes and bounds as accurately as possible, giving length and direction of each of the boundaries in the tract; description of each of the several corners; and position of land with reference to established survey monuments, towns, roads, creeks, rivers, mountain peaks, or other prominent topographic points, natural objects, or other points of reference; final action will be suspended until plat of survey is filed. Acreage applied for *must not exceed 160 acres.*

3. Claims for
Class 1 must be held under claim or color-of-title for at least twenty (20) years and must have either valuable improvements or cultivation.

Class 2 must have originated not later than January 1, 1901 and must show levy and payment of taxes during entire period of claim (43 CFR 2540.0–5(b)).

5. Explain your interest only if you are *not* claiming land as record title owner. Attach additional sheet if more space is needed to fully explain.

8a. Do *not* include price paid for other lands that may have been included in same purchase.

11a. Application will *not* be considered filed without payment of $10 filing fee which is nonreturnable. Make check, money order, or bank draft payable to the Bureau of Land Management.

b. Be sure that all conveyances and claims of title, both record and nonrecord, are itemized.

c. *Class 2 claimants only:* Be sure every year covered by claim is accounted for.

U.S. Government Printing Office:1975-679-566/248 Reg 8

APPENDIX B

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CONVEYANCES AFFECTING COLOR OR CLAIM OF TITLE

FORM APPROVED
OMB NO. 42–R1211

Serial Number

INSTRUCTIONS ON REVERSE

Give legal description of lands claimed

TOWNSHIP	RANGE	SECTION	SUBDIVISION

Meridian | County | State

GRANTOR (a)	GRANTEE (b)	DATE (c)	RECORDED VOL. (d)	RECORDED PAGE (e)	RESERVATIONS OR RESTRICTIONS IN CONVEYANCE (f)

I CERTIFY That all the above conveyances for which notation has been made as to place of recordation are of official record in the county records and that there are no conflicting conveyances of record.

(Signature)

(Title)

(Street Address)

(City, State, Zip code)

(Date

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and wilfully 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.

Form 2540–2 (December 1971) (formerly 2214–2)

GENERAL INSTRUCTIONS

1. File, in *duplicate*, with *all* color-of-title applications on Form 2540-1. Type or print plainly in ink.
2. Give requested specific information for *each* conveyance affecting claim made, during claim period, prior to date of application. Itemize data relating to *all* record and nonrecord title conveyances in chronological order.
3. Form must be certified by the proper county official or an abstractor.
4. Explain, in detail, any irregularities in any conveyance.
5. Do *not* attach abstracts of title or other evidence relating to conveyance or claim. Such data may be requested later. If submitted, it will be returned.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

(a) & (b) Give complete name of *each* grantor and grantee. If grantor or grantee is acting in an official capacity (i.e., sheriff, tax official, etc.) give official position, title.

(c) Give date of *each* conveyance.

(d) & (e) Give volume and page number of recordation for *each* conveyance of record.

(f) Specify nature or type of right reserved in conveyance (i.e., oil and gas, all minerals, rights-of-way, etc.). If no reservation is made, enter "none."

GPO 839-862

APPENDIX C

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COLOR-OF-TITLE TAX LEVY AND PAYMENT REPORT

FORM APPROVED
OMB NO. 42–R1212

Serial Number

INSTRUCTIONS ON REVERSE

Give legal description of land claimed

TOWNSHIP	RANGE	SECTION	SUBDIVISION

Meridian	County	State

TAX YEAR	PAYOR	AMOUNT OF TAX	
		LEVY	PAYMENT

Form 2540–3 (December 1971) (formerly 2214–3)

TAX YEAR	PAYOR	AMOUNT OF TAX	
		LEVY	PAYMENT

I CERTIFY That the above listing is the correct tax levy and payment data as shown on the official tax records for the lands described.

(Signature) (Position Title)

(Complete Address) (Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and wilfully 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.

INSTRUCTIONS

(CLASS 2 APPLICANTS ONLY)

1. Type or print plainly in ink. Attach copy to *Color-of-Title Application* (Form 2540–1).
2. Give information requested, in *chronological order*, for *each* year from January 1, 1901 to date of filing application.
3. This form *must* be certified to by proper county official or abstractor.

GPO 839-363