

TITLE 5
LANDS DIVISION

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 1

CLERK'S RECEIPT

United States District Court ----- District of -----
----- Division.

United States of America }
 v. Case No. ----- Civil
----- }

I, -----, Clerk of the United States
District Court for the ----- District of -----,
do hereby certify that on the ----- day of -----, 19-----,
I received from the United States of America, petitioner herein, and
deposited in the Registry of the Court, the sum of \$-----,
pursuant to judgment hereinbefore entered confirming the awards in
the above-entitled condemnation proceeding.

This the ----- day of -----, 19-----

[SEAL]

Clerk.

N. B.: If the receipt is for money deposited under a declaration
of taking, the words "being the amount of the estimated compensa-
tion mentioned in a declaration of taking filed" should be inserted
in lieu of the words "pursuant to judgment hereinbefore entered
confirming the awards."

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 2

**CERTIFICATE AS TO PARTIES IN POSSESSION AND
MECHANICS' LIENS**

I, the undersigned, state and certify:

1. That on the _____ day of _____, 19____, I made a personal investigation and examination of and upon the land designated as Tract No. _____, _____ project, containing _____ acres, which is involved in a certain condemnation case now pending and undisposed of in the United States District Court for the _____ District of _____, No. _____, Civil, entitled United States of America *v.* _____;

2. That I found thereon no evidence of any labor having been performed or of any material having been furnished, placed or used thereon, within the past _____ months in connection with the making of any repairs or improvements, except as follows _____

3. That I made inquiry of the owner of said premises and of the occupants I found thereon, and learned from them that within their knowledge nothing had been done about or upon said premises within the past _____ months that would in any way have entitled anyone to a lien upon said premises, either for labor performed or material furnished to be used or used thereon, except as above;

4. That the following are the only persons, firms, or corporations found to be in possession of said premises or any part thereof:

-----; -----
(Name) (Interest claimed)

5. That _____, whose address is _____; is reputed to be the owner of said land;

6. That I inquired of the owners of said premises and of such other persons as I thought might possess information, and found that there was no person, firm, or corporation having or claiming to have any right, title, or interest in or to said premises or any part thereof, whether under any outstanding and unrecorded lease, deed, mortgage, instrument of conveyance, contract, or otherwise, except as follows _____

7. I further certify and state that to the best of my knowledge and belief, based upon actual and diligent inquiry made, there is outstanding no right whatsoever in anyone to the possession of or a right, title, lien or estate in or to said premises, except such as are disclosed and evidenced by the public records or by this certificate.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Dated at _____, _____, this
 _____ day of _____ (City), _____ (State), 19____.

 Title -----
 Address -----

Form No. 3

LETTER ADVISING LANDOWNERS OF DEPOSIT OF FUNDS

DEAR SIR OR MADAM: There is pending in the United States District Court at _____ a proceeding entitled United States *v.* _____, Civil No. _____, to condemn land for the

(Project)

I am informed that you are the owner of or have some interest in Tract No. _____ containing _____ acres which is definitely described in the petition for condemnation (as amended).

On _____, 19____, there was filed in the proceeding a declaration of taking declaring that the fee-simple title (or such less or temporary interest as the case may be) to the above-described land has been taken by the United States and at the same time there was deposited into court the sum of \$_____, the amount estimated to be just compensation for your land. While this estimation is based upon appraisals made by appraisers and real estate men believed to be competent and qualified, it is not binding upon either you or the Government and the exact amount to be paid for the taking of your land will be determined either by agreement or by trial or hearing in proceeding.

However, the amount deposited is available for distribution in the discretion of the court to those found to be entitled to payment, without regard to whether or not an agreement has been reached and without prejudice to your right to claim a larger amount.

Representatives of the Department of Justice will be glad to cooperate with you and with the court in having distribution made of the amount deposited. To do this, it is suggested that you call at my office to fill out and sign the necessary papers. It will be necessary, of course, that arrangements be made for the payment of all liens and encumbrances such as mortgages and taxes, against the land.

You will understand, of course, that the filing of the declaration of taking and the deposit of estimated just compensation will not interfere with or prevent the reaching of an agreement with you as to the amount to be paid for the taking of your land.

Sincerely,

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 4

COMPLAINT IN CONDEMNATION

United States District Court for the ----- District of -----
 United States of America, plaintiff
v.
 1,000 acres } of land in (here insert
 100 tracts } general location as "county
 10 parcels } of -----, -----"
 } or "city of -----,
 } -----")
 John Doe, et al., and Unknown Owners, } Civil Action No. ----
 defendants } Complaint

1. This is an action of a civil nature brought by the United States of America at the request of (here insert title of the official of the acquiring agency requesting condemnation) for the taking of property under power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking is (here cite all acts and executive orders authorizing the acquisition by condemnation).

3. The use for which the property is to be taken is (here state briefly the use, "as a post office site," "for military purposes," "for defense housing").

4. The interest in the property to be acquired is (here insert a statement of the interest or estate to be acquired).

5. The property so to be taken is described in the Exhibit A hereto attached. (The Exhibit A should contain a short legal description of the property sufficient for its identification.)

6. The persons having or claiming an interest in the property (whose names are ascertainable by a reasonably diligent search of the records and those whose names have otherwise been learned)¹ are:

(Here designate as to each separate piece of property by tract or parcel number the persons having or claiming an interest in the particular property.)²

7. The (here insert names of local taxing authorities) may have or claim an interest in the property by reason of taxes and assessments due and exigible.

¹ Substitute words "whose names are now known" for words in parentheses when time will not permit definite ascertainment of names of parties defendant prior to the commencement of the action, as when immediate possession is required.

² When a perimeter description embracing numerous tracts is used at the commencement of the action, designation of parties defendant by tract or parcel numbers is not feasible, but such separate designation should be effected as early as practicable.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

8. In addition to the persons named, there are or may be others who have or may claim some interest in the property to be taken, whose names are unknown to the plaintiff and such persons are made parties to the action under the designation "Unknown Owners."

9. Contract(s)¹ determining the amount(s) of just compensation payable by plaintiff have been entered into with the following named defendant(s) :

<i>Parcel No.</i>	<i>Defendant(s)</i>
-----	-----
-----	-----
-----	-----

(parcel numbers and names of defendants executing contracts
should be listed above)

Wherefore the plaintiff demands judgment that the property be condemned and that just compensation for the taking be ascertained and awarded and for such other relief as may be lawful and proper.

United States Attorney.

Address -----

Trial by jury of the issue of just compensation is demanded by plaintiff.

Form No. 5

NOTICE OF CONDEMNATION

(Caption as in Complaint)

To (here insert the names of the defendants to whom notice is directed; joint or several notices may be used) :

You are hereby notified that a complaint in condemnation has heretofore been filed in the office of the clerk of the above-named court in an action to condemn (here state the interest or estate to be acquired, as "an estate in fee simple," "the right to use and occupy," "an easement for a power transmission line") in the property described in the Exhibit A² attached hereto and made a part hereof for public use for (here state briefly the use, as "a post office site," "military purposes," "defense housing").

The authority for the taking is (here cite all acts and executive orders authorizing the acquisition by condemnation).

You are further notified that if you have any objection or defense to the taking of your property you are required to serve upon plaintiff's attorney at the address herein designated within twenty days (after personal service of this notice upon you, exclusive of the day

¹For use when the case requires.

²The Exhibit A should contain a short legal description sufficient for the identification of the property in which the defendants to whom the particular notice is directed may claim

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

of service)¹ an answer identifying the property in which you claim to have an interest, stating the nature and extent of the interest claimed and stating all your objections and defenses to the taking of your property. A failure so to serve an answer shall constitute a consent to the taking and to the authority of the court to proceed to hear the action and to fix the just compensation and shall constitute a waiver of all defenses and objections not so presented.

You are further notified that if you have no objection or defense to the taking you may serve upon plaintiff's attorney a notice of appearance designating the property in which you claim to be interested, and thereafter you shall receive notice of all proceedings affecting the said property.

You are further notified that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence as to the amount of the compensation to be paid for the property in which you have any interest and you may share in the distribution of the award of compensation.

You are further notified that trial by jury of the issue of just compensation is demanded by plaintiff.

United States Attorney.

Address-----

Dated-----

Form No. 6

**AMENDED COMPLAINT IN CONDEMNATION AS TO
TRACT(S) NO(S). ----- (ADDING PARTIES)**

Plaintiff, United States of America, files this its Amended Complaint in Condemnation, which amendment applies only to that land in this proceeding designated in the original Complaint filed in this cause on the ----- day of -----, 19--, as Tract(s) No(s). -----, and would show the Court:

1. By authority of the ----- and the Attorney General of the United States the above-mentioned land was included in these proceedings in condemnation, and from the best information obtainable it has been determined that the following named persons are necessary parties defendant herein as to the respective tracts of land set out opposite their names below:

2. The original Complaint filed in this cause contains a description of said tract(s) of land.

¹ The exact same form of notice should be used for service by publication, changed only by substituting the date of the last publication of notice for the words in parentheses.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

3. Plaintiff adopts in full the allegations contained in its original Complaint herein, as fully and completely as though the same were again set forth in this Amended Complaint.

Wherefore, plaintiff prays as in its original Complaint, and in addition thereto prays as follows: That the persons hereinabove named be made parties defendants herein; that the just compensation for the taking of said tract(s) of land be ascertained; that the respective interests of said defendants and their right to receive a portion of the compensation awarded herein be ascertained and established; that the amount finally determined to be due said defendants as just compensation for the taking of said land be paid to them in the respective proportions found to be due them.

United States Attorney.

Form No. 7

**MOTION TO JOIN ADDITIONAL PARTIES DEFENDANT
AS TO TRACT(S) NO(S).** -----

Plaintiff, United States of America, moves the Court to enter its order joining as additional parties defendant the following persons, as to the respective tracts of land set out opposite their names below:

In support of such motion, plaintiff shows the Court that subsequent to the commencement of this proceeding, the title evidence as to said tract(s) of land disclosed that said defendants may have some interest therein and they therefore are necessary parties to a full and complete adjudication of this matter.

Wherefore, plaintiff moves the Court to enter its order joining said persons as parties defendant in this proceeding.

United States Attorney.

It is so ordered this ----- day of -----, 19---

United States District Judge.

Form No. 8

CERTIFICATE FOR SERVICE BY PUBLICATION

(Caption as in
Complaint)

-----, attorney for plaintiff, hereby certifies that he believes the hereinafter named defendant(s) cannot be personally served because after diligent inquiry within the state in which this action is pending the places of residence of the

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

said defendants cannot be ascertained by plaintiff, or, if ascertained, the places of residence of said defendants are beyond the territorial limits of personal service as provided in Rule 71A, Federal Rules of Civil Procedure.

Names of Defendants. _____

United States Attorney.

Address_____

Dated_____

Form No. 9

CERTIFICATE OF PUBLICATION AND MAILING

(Caption as in
Complaint)

_____, Attorney for plaintiff, hereby certifies that he caused the publication once a week for three successive weeks in the (here insert name of newspaper)¹ of the notice, a printed copy of which with the name and dates of the newspaper marked thereon is attached hereto and that prior to the date of last publication of said notice, he caused a copy thereof to be mailed to the defendants named therein at their last known places of residence.

United States Attorney.

Address_____

Dated_____

Form No. 10

MOTION FOR ORDER FOR DELIVERY OF POSSESSION

(Caption as in
Complaint)

Plaintiff moves the Court for an order requiring all defendants to this action and any and all persons in possession or control of the property described in the complaint filed herein to surrender possession of the said property, to the extent of the estate to be condemned, to plaintiff (on or before _____) (immediately)

(Here insert date)

and as grounds therefor plaintiff states:

¹Publication must be in a newspaper published in the county where the property is located, or if there is no such newspaper, then in a newspaper having a general circulation where the property is located.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

1. (Here insert title of the official of the acquiring agency requesting condemnation) has found and determined that it is necessary and advantageous to the interests of plaintiff to acquire such possession.
2. Plaintiff is entitled to such possession as a matter of right.

Form No. 11

ORDER FOR DELIVERY OF POSSESSION

(Caption as in Complaint)

This action coming on for hearing (ex parte) upon motion of plaintiff for an order for the surrender of possession of the property described in the complaint filed herein to plaintiff, and it appearing that plaintiff is entitled to possession of the said property,

It is this ---- day of -----, 19----, adjudged that all defendants to this action and all persons in possession or control of the property described in the complaint filed herein shall surrender possession of the said property, to the extent of the estate being condemned, to plaintiff (on or before -----) (im-

(Here insert date)

mediately);¹ provided that a copy of this order shall be served upon all persons in possession or control of the said property (on or before -----) (forthwith).¹

(Here insert date)

United States District Judge.

Form No. 12

ANSWER OF DEFENDANT²

(Caption as in Complaint)

1. -----, defendant, (by his attorney, -----,) states that he claims to have an interest in the property described (as Parcel or Tract No. ----- in the complaint filed herein) (as follows: here insert a brief legal description sufficient for identification of property).³

2. The nature and extent of interest so claimed is (here state, as "fee-simple title, subject only to -----," "mortgagee," "owner of easement for private road").

¹ Use words in either set of parentheses, as appropriate.

² Form of Answer is furnished *solely* for convenience of defendants.

³ Use words in either set of parentheses, as appropriate.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

3. The use for which the property is sought to be condemned is not a public use.¹

4. The condemnation of the property is not authorized by law.¹

5. The court lacks jurisdiction because: ¹

Therefore defendant demands:

1. That the complaint be dismissed.¹

2. That just compensation for the taking be ascertained and awarded and for such other relief as may be lawful and proper.

(Signed by defendant or his attorney)

Dated ----- Address -----

Trial by jury of the issue of just compensation is demanded by defendant.²

(Signed by defendant or his attorney)

Form No. 13

ANSWER OF TAX COLLECTOR AS TO TRACT(S)
NO(S). -----

Defendant, Tax Collector in and for -----, hereby appears in this proceeding, waives issuance of any and all service of process and all notices, and for his answer alleges that the land designated in this proceeding as Tract(s) No(s). -----, which at the time of the taking, -----, was assessed to -----, is located within -----, and that all taxes, including those for the year 19___, and all prior years which have been assessed against said property have been paid heretofore, or are due as shown below:

The total amount of taxes assessed against said property which has not been paid, as set forth above, is the sum of \$-----, which should be paid to this defendant in his capacity as Tax Collector.

Wherefore, defendant prays that this court enter an order disbursing out of the funds on deposit to the credit of the aforesaid tract(s) the amount of \$----- to said defendant in payment of all taxes against said property.

Dated this the ----- day of -----, 19___.

Tax Collector in and for -----

(Address)

¹ For use where defendant has some legal objection or defense to the taking.

² For use where desired.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 14

ANSWER OF LIENHOLDER AS TO TRACT(S)
NO(S). -----

1. -----, defendant (by his attorney,
-----) states that he claims to have a lien
against the property described as Tract(s) No(s). ----- in
the Complaint filed herein.

2. The nature and extent of the lien so claimed is:

3. At the time of the filing of the Declaration of Taking, -----
-----, in this proceeding, there was due and owing upon the indebted-
ness secured by said lien the sum of \$-----.

4. There is now due and owing upon said indebtedness the sum of
\$-----.

Wherefore, defendant prays that this court enter an order disburs-
ing to him out of the funds on deposit to the credit of the aforesaid
tract(s) the amount of \$-----.

Dated this the ----- day of -----, 19---

(Signed by defendant lienholder or his attorney)

(Address)

Form No. 15

NOTICE OF APPEARANCE OF DEFENDANT¹

(Caption as in Complaint)

-----, defendant, (by his attorney,
-----,) states that he claims to have an
interest as (here indicate nature of interest as "owner," "mortgagee,"
"owner of easement for private road") in the property described (as
Parcel or Tract No. ----- in the complaint filed herein) (as
follows: here insert a brief legal description sufficient for the identifi-
cation of property).²

Wherefore defendant demands that he receive notice of all proceed-
ings affecting said property.

(Signed by owner or his attorney)

Dated ----- Address -----

Trial by jury of the issue of just compensation is demanded by
defendant.³

(Signed by owner or his attorney)

¹ Form of Notice of Appearance is furnished solely for convenience of dependants.

² Use words in either set of parentheses, as appropriate.

³ For use where desired.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 16

WAIVER OF SERVICE AS TO TRACT(S) NO(S). -----

-----, defendant in the above-entitled and numbered cause, hereby enters his appearance generally in this proceeding for all purposes, waives any and all service of notice of the filing of this proceeding, says that he is fully advised in the premises and waives all further notice or service of process herein.

Dated this the ----- day of -----, 19---

(Defendant)

(Address)

Form No. 17

APPLICATION FOR WITHDRAWAL OF ESTIMATED COMPENSATION AS TO TRACT NO. -----

-----, hereinafter referred to as applicant, whether one or more, shows the Court:

1. At the time of the filing of the Declaration of Taking in this cause he was the owner of (or the owner of an estate or interest in) Tract No. -----, more particularly described in the Declaration of Taking hereinbefore mentioned;

2. Said Declaration of Taking included the above-mentioned tract of land, subject to the exceptions noted therein, and the sum of \$----- was deposited in the registry of the Court as estimated compensation for the taking thereof;

3. He is entitled to receive said deposit, no part or portion thereof has been paid to him, and the entire amount thereof remains in the registry of this Court, except:

4. He was the owner of an interest or estate in said tract of land on the date of taking, as follows:

5. Applicant prays the Court to order the disbursement of \$----- of said deposit to him, subject to the following conditions:

(a) That out of said deposit all valid taxes, liens and encumbrances first shall be paid.

(b) That any amount paid to him from said deposit, and any sums paid therefrom to others for taxes, liens and encumbrances, shall be in part payment of any award finally made as to such tract if such award exceeds said sums.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

(c) That in case it finally is determined that applicant is not entitled to receive said deposit, or any part thereof, he agrees to refund into the registry of this Court said sum paid to him, or such part thereof as the Court may direct with interest at 6 percent per annum thereon; and further, that in the event a final judgment is entered herein for an amount less than that which has been expended for taxes, liens and encumbrances and that which has been paid directly to him, he agrees to refund into the registry of this Court the amount by which such payments exceed said judgment, with interest at 6 percent per annum thereon.

(d) That this application is made without prejudice to applicant's right to claim additional compensation for the taking of said tract of land.

6. Applicant hereby expressly enters his appearance in the above proceeding for all purposes and waives the issuance, service and return of all process herein.

(Applicant)

(Applicant):

Subscribed and sworn to before me this ___ day of _____, 19__

Notary Public in and for -----

Approved:

United States Attorney.

Form No. 18

MOTION TO DISBURSE FUNDS AS TO TRACT NO.-----

Plaintiff, United States of America, moves the Court for an order directing the Clerk of the Court to make the following disbursement(s) out of funds now in the registry of the Court to the credit of Tract No. -----:

Movant would show the Court that after making the disbursement(s) hereby requested, there then will remain in the registry of the Court to the credit of the above-mentioned tract of land the sum of \$-----, which is ample to discharge any and all liens, encumbrances and charges upon said land.

Attached to this motion is an application for the withdrawal of funds which has been executed and sworn to by the aforementioned defendant(s) in this civil action.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Wherefore, movant prays the Court to enter an order directing the Clerk of the Court to make the disbursement(s) above set forth, and further directing the Clerk of the Court to credit such disbursement(s) to the funds now on deposit in the registry of the Court for Tract No. -----; and movant further prays that said disbursement(s) be made without prejudice to the right of said defendant(s) to demand and receive additional compensation for the taking of said tract of land.

United States Attorney.

Form No. 19

ORDER TO DISBURSE FUNDS AS TO TRACT NO. -----

Plaintiff, United States of America, having moved the Court for an order directing the Clerk of the Court to disburse funds out of the registry of the Court to the defendant(s) -----, and to credit said disbursement(s) to the funds now on deposit in the registry of the Court to the credit of Tract No. -----, and the Court having considered said motion and having read the application(s) of said defendant(s) is of the opinion that said motion should be granted.

It is, therefore, ordered that the Clerk of this Court be and he hereby is directed to make the following disbursement(s) out of the funds in the registry of the Court:

It is further ordered that said disbursement(s) be credited to Tract No. -----, that said disbursement(s) be without prejudice to the right of said defendant(s) to demand and receive additional compensation for the taking of said tract of land, and that should the compensation finally determined to be due to said defendant(s) be less than the amount hereby disbursed; the United States shall have the right to recover the difference between the amount disbursed pursuant hereto and the amount of the final judgment determining compensation, with interest at 6 percent per annum thereon.

Entered the ----- day of -----, 19---

United States District Judge.

Approved:

United States Attorney.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 20

APPLICATION FOR WITHDRAWAL OF ESTIMATED COMPENSATION AS TO TRACT NO. ----- AND MOTION AND ORDER THEREON

-----, defendant(s) herein, respectfully represent(s) to this Court as follows:

1. That (he is) (they are) the owner(s) and claimant(s) of the fund deposited as estimated just compensation in the above entitled proceeding for the land herein identified as Tract(s) No(s.) -----, more particularly described in the Declaration of Taking filed in this proceeding.

2. That the owner(s) of the fee simple title thereto (is) (are) as follows:

3. That there are no liens, encumbrances or charges upon said land, except as follows:

4. That the amount of taxes due and exigible against said land with all improvements, is the sum of \$-----.

5. That no agreement has been reached between the United States of America and the undersigned applicant(s), but that applicant(s) desire(s) to withdraw from the funds deposited in this court the amount of just compensation deposited therein, without prejudice to applicant's(s') right to have the sum of just compensation adjudicated, as by statute in such case provided (40 U.S.C.A. 258a).

6. That the amount of money which applicant(s) desire(s) to withdraw from said funds is the sum of \$----- which said sum is not in excess of the amount of money allocated and deposited with the Declaration of Taking filed in this proceeding for the land herein described.

7. The undersigned hereby agree(s) to repay to the United States all or any part of any sums of money withdrawn by order of this Court, if it is determined by this Court that another person or persons is entitled to all or a part of said sums of money, and said repayment shall be made in whatever amounts and in whatever manner is directed by this Court, with interest at 6 percent per annum thereon. The undersigned agree(s) that if the judgment of this Court fixes the valuation of the land herein described at an amount or amounts less than the amount of money withdrawn by the undersigned by order of this Court, to repay to the United States an amount of money equal to the difference between the said valuation and the said amount withdrawn by such order with interest at 6 percent per annum thereon.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Wherefore, your petitioner(s) pray(s) for an order of this Court directing the disbursement of the funds as follows:

(Applicant)

(Applicant)

MOTION

Plaintiff, United States of America, moves that the Court issue its order in accordance with the prayer of the foregoing petition.

United States Attorney.

ORDER

Upon the foregoing petition and the representations therein made, the Court being duly advised in the premises, it is

Ordered that the Clerk of this Court be and he hereby is directed to disburse the sum of \$----- of the funds allocated and deposited with the Declaration of Taking filed in this case for said Tract(s) No(s.) ----- as follows:

said disbursement being without prejudice, as prayed for in the foregoing application.

Entered the ----- day of -----, 19---

United States District Judge.

Form No. 21 (front)

**UNITED STATES DEPARTMENT OF JUSTICE NOTICE OF
ORDER APPOINTING CONDEMNATION COMMISSION AND
ESTIMATE OF EXPENSE TO BE INCURRED**

(Form USA-41)

(Ed. 6-15-66)

----- District of -----

(Place and date)

To: The Assistant Attorney General for Administration, Washington,
D.C. 20530

From: ----- D.J. File No. -----
(Name, please type)

----- Re: -----
(Title)

(Signature)

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

NOTICE

Pursuant to Order, dated....., a copy of which is attached, the Honorable....., United States District Judge, appointed a Commission under Rule 71A(h) of the Federal Rules of Civil Procedure to determine the issue of just compensation in the action described above.

It is expected that the Commission will incur expenses as follows:

ESTIMATED EXPENSES

Compensation:

Chairman,	days at \$.....	per day \$.....
Member,	days at \$.....	per day
Member,	days at \$.....	per day
Total compensation.....		\$.....

Other expenses:

Transportation.....
Subsistence.....
Other (explain).....
Estimated total expense.....	\$.....

PAYMENT

Date

Fees and expenses incurred under the cited Order are payable from the appropriation 15 0322, upon submission to this Office of duly executed vouchers supported by a copy of the Court Order fixing the compensation and expenses of the Commission and a copy of this Form.

.....
Assistant Attorney General
for Administration.

Form No. 21 (back)

INSTRUCTIONS

1. This form should be prepared and submitted to the Department *immediately* upon issuance of a Court Order appointing a Commission.
2. Expenses should be computed as carefully as possible. If no fees or allowances are specified in the Order appointing the Commission, the amounts should be based on rates and expenses previously allowed in your district for such purposes. Otherwise please consult the appointing judge for assistance in arriving at a reasonable approximation of the fees and expenses to be incurred. This is important as the Department will use this information to obligate

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

(reserve) the funds needed to pay the Commissioners upon completion of their services.

3. Submit original and four copies of form. The original and one copy will be returned—the original to be attached to the voucher when submitted for payment, the copy to be retained for your files.

Form No. 22

**MEMORANDUM OF COMPROMISE SETTLEMENT
LAND CONDEMNATION**

Department file: _____ Tract or Parcel Number: _____
 U. S. District Court for _____
 Civil Case Number: _____ Case title: U. S. vs. _____
 Former owner (s): _____
 Amount Deposited with D/T: \$ _____
 Range of Appraisals: \$ _____ to \$ _____
 Amount of Settlement: \$ _____, inclusive of interest.
 Agency Approval in Writing: Yes No
 (Must be "Yes" if settlement exceeds deposit)
 Appraisal reports forwarded herewith: (Identify by name and date)
 Deficiency check (if any): \$ _____ [] Has been requested directly
 Remarks: [] You are requested to obtain

Dated at _____ 195..

United States Attorney.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 23

(Form No. USA-157)

(Ed. 8-9-63)

**BACKGROUND DATA FOR LANDS' APPRAISERS
(TO BE ATTACHED TO FORM 25B)**

NOTE.—“Not to be used when requesting expert witness fees. Any data requested which appears on the form 25B may be omitted.”

File No. ----- Civil No. ----- Tract or related tract
Nos. -----

Type of estate and nature of property taken (residential, office bldg.,
farm, commercial, etc., fee simple, flowage easement, term, etc.) ---

Acreage of square feet ----- Probable trial date -----

1. Present appraisals:

Appraiser	Estimate of value	Staff or contract (check 1)	Will you use him at trial?		
			Yes	No	If not, why?

SECURED BY ACQUIRING AGENCY

A.	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECURED BY DEPARTMENT OF JUSTICE

D.	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E.	\$	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Have defects in the agency appraisals or appraisers been called to
the attention of the local agency representative?

Yes No Attach a copy of any written communica-
tion.

3. What is the range of the customary local rates for subject service?
\$----- to \$-----

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

4. Appraiser information:

A. Work personally known:
 Yes No

B. Heard him testify:
 1. Frequently Occasionally Never
 2. For government Against government Both

C. Majority of awards were: At or near appraiser's testimony substantially different from appraiser's testimony

5. If flat fee is being paid, estimate the number of days required to make the appraisal -----
6. What is the total dollar volume of contracts your office has made for appraisals with subject appraiser in the past 12 months? \$----- Period covered ----- to -----
7. Describe status of settlement negotiations-----

8. If known, landowner's: Testimony \$----- Claim \$-----
 Lowest settlement offer \$-----
9. Make a short statement in justification of the need for this appraisal.

Form No. 24

(Form No. USA-156)
 (Ed. 11-1-62)

D.J. File: 33-

To: Assistant Attorney General, Land and Natural Resources Division

From: -----, U.S. Attorney, ----- District of -----
 -----, Asst. U.S. Atty., City -----

Re: Proposed settlement
 Civil No. ----- Tract(s) No(s). -----
 Project and Agency-----

The following information is submitted (in triplicate) in connection with the proposed settlement of the Government's liability in the above condemnation proceeding:

SUMMARY OF OFFER

1. Offer: \$-----, inclusive of interest. (If revestment or right to remove improvements is involved, attach detailed explanation.)
2. Former owner(s) :
3. Landowner's attorney :
4. Interests and estate included in offer :

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Offers not including all interests in a tract will be approved only in exceptional cases, and should be explained and justified fully.

5. Deposit: \$-----
6. Is the Government in possession?
7. Percent increase over Government's proposed high testimony:
8. In event of trial and a deficiency, interest runs from:

DESCRIPTION OF LAND AND ESTATE

9. Date proceeding filed:
10. Estate condemned:
11. Use to which property was devoted:
12. Highest and best use:
13. General location:
14. Number of acres: Taken:
 Remaining:
 Total:
15. Nature of improvements:

VALUATION SUMMARY

16. Government appraisers and amounts of appraisals:
17. Breakdown:
 - (a) Value of land taken----- \$----- to \$-----
 - (b) Value improvements taken \$----- to \$-----
 - (c) Severance Appraisal----- \$----- to \$-----
 - (d) Offsetting benefits, if any_ \$----- to \$-----
18. Owner's evidence or claim,
if known----- \$-----

OTHER INFORMATION

19. Setting or anticipated trial date:
20. Type of trial expected: (court) (jury) (commission).
21. Deadline on acceptance of offer, if any:
22. Unusual legal or factual issues, if any: (Explain in detail under recommendation).
23. Local representative of acquiring agency recommends (Acceptance) (Rejection). (Attach all agency recommendations.)

APPRAISALS

24. The following appraisals are attached:
25. Appraisers who would be used as witnesses in event of trial (if any appraiser will not be used as a witness, explain reasons):

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

RECOMMENDATION OF U.S. ATTORNEY

I recommend that the proposed settlement be (accepted) (rejected).
A statement of my reasons for such recommendation is attached.

United States Attorney.

(Date

Form No. 25

JUDGMENT AS TO TRACT NO. -----

This cause coming on to be heard on the motion of the United States of America, plaintiff herein, and -----, defendant(s), and upon the stipulation of the parties filed herewith, and the Court being fully advised in the premises,

Finds that these proceedings have been conducted according to law, that this Court has jurisdiction of the parties and the subject matter and that the said ----- (was) (were) the sole owner(s) on the date of taking of Tract No. ----- and (is) (are) entitled to the compensation therefor.

It therefore is ordered, adjudged and decreed by the Court that the just compensation which the United States of America shall pay for the taking of the real estate described in the Declaration of Taking herein as Tract No. ----- is the sum of \$-----, inclusive of interest.

It is further ordered that the United States of America shall pay into the registry of the Court the sum of \$-----, and that the Clerk shall disburse said sum (together with \$----- now on deposit in the registry of the Court) (the sum of \$----- having been disbursed heretofore to said defendant(s)) to the said -----; and that title to the estate set forth in the Declaration of Taking, in the land described herein as Tract No. ----- is vested in the United States of America.

Entered this ----- day of -----, 19---

United States District Judge.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 26

STIPULATION AS TO COMPENSATION FOR TRACT
NO. -----

Comes now the United States of America and the defendant(s) -----, former owner(s) of Tract No. ----- herein, more particularly described in the Declaration of Taking filed herein; and

It is stipulated and agreed by and between the parties hereto that the full just compensation payable by plaintiff, the United States of America, for the taking of the said tract, together with all improvements thereon and appurtenances thereunto belonging, shall be the sum of \$-----, inclusive of interest; and

It is further stipulated and agreed that the said sum of \$----- shall be subject to all liens, encumbrances and charges of whatsoever nature existing against the said lands at the time of vesting of title thereto in the United States of America and that all such liens, encumbrances and charges of whatsoever nature shall be payable and deductible from the said sum; and

It is further stipulated and agreed that the said sum shall be full and just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States of America by reason of the taking of the said lands and all appurtenances thereunto belonging; and

The said parties hereby consent to the entry of any and all orders and judgments necessary to effectuate this stipulation and agreement.

United States Attorney.

Defendant.

Defendant.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 27

FINAL JUDGMENT AS TO TRACT NO. _____

On _____ came the United States of America, by its attorney, and in accordance with its Complaint in Condemnation prayed the Court for a determination of the just compensation to be awarded the former owners of Tract No. _____, which is more particularly described in the Declaration of Taking filed herein:

Whereupon, it appearing to the Court that the said Declaration of Taking was duly filed, that all proper process and notice required by law were given the said owners as the defendants herein, the Court thereupon proceeding to hear the whole matter of law and fact, and on the evidence adduced, having found the sum of \$_____ to be full, fair and just compensation for the interest taken by the United States in the property designated as Tract No. _____;

It is accordingly ordered and adjudged that the sum of \$_____ is the full, fair and just compensation for the interest taken by the United States of America in said Tract No. _____, as said interest and said tract are described in the Complaint and Declaration of Taking filed herein.

And it being represented to the Court that the sum of \$_____ has been deposited heretofore in the registry of the Court by the United States of America as estimated compensation for the property taken in this proceeding and designated as Tract No. _____;

And it being further represented that by order of this Court entered on _____, the funds on deposit were distributed to the parties entitled thereto, leaving on deposit the sum of \$_____ as the share due _____;

It is therefore, ordered that if the sum of \$_____ for _____, shall remain so deposited in this Court for five years from the date of this order unclaimed by the persons entitled thereto, the Clerk of the Court is hereby directed and authorized, without further order of this Court, to draw his check therefor and deposit it in the Treasury of the United States to the credit of the United States in the manner provided in Title 28, United States Code, Section 2042.

And it being represented to the Court that nothing further remains to be done as to this tract, it is ordered that Tract No. _____ be closed and stricken from the docket in this proceeding, subject to reinstatement in the manner provided in said Section 2042.

Entered this _____ day of _____, 19___.

United States District Judge.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 28

STIPULATION FOR JUDGMENT REVESTING TITLE TO
TRACT NO. -----

Whereas, by reason of the filing of a Declaration of Taking and the depositing of \$----- as estimated just compensation on -----, the United States of America was vested on said date with an estate in Tract No. -----, as said estate and said tract are described in the Complaint and Declaration of Taking herein; and

Whereas, it has been determined that the above-described tract of land ¹ is not necessary for the ----- Project and that title thereto may be revested in the former owner(s);

Whereas, it has been agreed by the defendant(s) ----- that, in consideration of the United States of America revesting said title to the above-described tract of land in the former owner(s), the sum of \$----- heretofore withdrawn by the said defendant(s) will be redeposited in the registry of the court simultaneously with the execution of this stipulation; and that said sum so redeposited, together with the balance of all moneys remaining on deposit in the registry of the Court to the credit of said tract, to wit, the total sum of \$-----, shall be returned to the United States of America.

Now, therefore, it is stipulated and agreed by and between the United States of America, plaintiff, and ----- defendant(s), as follows:

1. That all right, title and interest of the Plaintiff in and to any and all portions of Tract No. ----- as set forth in the Complaint in Condemnation and the Declaration of Taking heretofore filed in this proceeding, shall be excluded from the proceeding and such title to said tract shall be revested in the former owner(s) thereof as it existed at the time of the filing of the Declaration of Taking and vesting of such title in the United States.

2. That with respect to the aforementioned land, the title to which is being revested in the former owner(s), the defendant(s) hereby agree(s) to accept such revestment of title, and expressly waive(s) any and all claims for compensation of any nature by reason of the filing of the Declaration of Taking herein or by reason of the occupation, possession or use of said land by the United States of America subsequent to the institution of these proceedings.

¹ If a part only of the tract is to be revested, such part must be described with particularity.

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

3. That judgment shall be entered pursuant hereto vesting title to the above-described tract of land in the said defendant(s) and adjudging that all sums of money heretofore paid said defendant(s), together with all sums of moneys remaining on deposit in the registry of the Court, shall be returned to the United States of America.

4. That this stipulation is intended as a voluntary appearance by the undersigned and an express waiver of service of notice, and of all other process and pleading, and waiver of a hearing before the court or a commission and trial by jury.

Wherefore, the parties hereto pray for judgment as appropriate to effectuate this stipulation.

Dated this ----- day of -----, 19---

United States Attorney.

Defendant.

Defendant.

NOTE:

In the event a particular tract of land being revested in the former owners has oil and gas leases, vendors' liens, etc., in the chain of title, a paragraph as follows should be inserted after Paragraph 3, above, and the persons therein named should join in the stipulation:

4. That at the time of the institution of this action and of the filing of the Declaration of Taking herein the following person(s) or corporation(s) claimed an interest in and to said property as follows:

NAME	INTEREST HERE CLAIMED
------	-----------------------

5. It is expressly understood and agreed that the former owner(s) of the interest(s) set forth in Paragraph 4 above, shall be revested with all the right, title and interest in and to Tract No. ----- with which (said defendant) (each of said defendants) was vested at the time title to said tract was taken in this proceeding by the United States of America, as above set forth.

Form No. 29

**STIPULATION AND JOINT MOTION TO DISMISS AS TO
 TRACT(S) NO(S). -----**

Whereas plaintiff, United States of America, and defendant(s), ----- stipulate and agree as follows:

1. The interests included in Tract(s) No(s). ----- in the above proceeding are no longer required by the plaintiff.

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

2. No Declaration of Taking has been filed in this suit and title to the estate described in the Complaint filed herein has not vested in the United States of America.

3. An order of this Court previously has been entered giving plaintiff possession of the land and estate described in the Complaint; however, the United States has not taken actual possession of the property of said defendant(s), and the plaintiff and defendant(s) stipulate and agree that the Court may vacate such order of possession as to Tract(s) No(s). ----- and any other order giving plaintiff possession or an interest in said tract(s).

4. There are no existing claims for compensation with respect to said tract(s) of land.

Therefore, plaintiff and defendant(s) agree that this proceeding should be dismissed and defendant(s) hereby consent(s) to the entry by the Court of all orders, judgments and decrees necessary and appropriate to effectuate this stipulation and agreement without further notice to said defendant(s).

Wherefore, premises considered, plaintiff, United States of America, and ----- defendant(s) in Tract(s) No(s). ----- in the above styled and numbered cause, move that the order of possession entered in such cause as to Tract(s) No(s). ----- be vacated; and that the Court enter an order of dismissal as to said tract(s) in this proceeding, of which motion plaintiff and defendant(s) pray for judgment of the Court.

Dated this ----- day of -----, 19---

United States Attorney.

Defendant.

Defendant.

Form No. 30

ORDER OF DISMISSAL AS TO TRACT(S) NO(S). -----

On this day came on to be heard the stipulation and joint motion of the plaintiff, United States of America, and defendant(s) ----- for an Order of Dismissal as to Tract(s) No(s). ----- in this proceeding; and it appearing to the Court that:

1. This suit was instituted by Complaint, that no Declaration of Taking has been filed, and that title to the estate described in said Complaint has not vested in the United States; and

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

2. On _____, the Court entered its Order giving possession to the plaintiff of the estate described in the Complaint; however, the United States no longer requires such estates in Tract(s) No(s). _____; and

3. Both the plaintiff and defendant(s) herein have stipulated that the Court may vacate such Order of Possession; and, it is the opinion of the Court that such Order should be vacated; and

It further appearing to the Court that there are no existing claims for compensation with respect to said tract(s) of land, and that both plaintiff and defendant(s) have stipulated and jointly moved that said tract(s) be dismissed from this proceeding, and that such motion should be granted.

It is therefore ordered, adjudged and decreed that the Order of Possession entered herein be vacated as to Tract(s) No(s). _____

It is further ordered, adjudged and decreed by the Court that this proceeding be and it is hereby dismissed as to said tract(s).

Entered this _____ day of _____, 19___.

United States District Judge.

Form No. 31

CERTIFICATE OF TITLE

Name of title company _____ Address _____

To (_____ and) United States of America :

The _____, a Corporation organized and existing under the laws of the State of _____, with its principal office in the city of _____, certifies that it has [made] [obtained a report showing] a thorough search of the title to the property described in Schedule A hereof, beginning with the _____ day of _____, 1_____, and hereby certifies that the title to said property was indefeasibly vested in fee simple of record in _____ as of the _____ day of _____, 19____, free and clear of all encumbrances, defects, interests, and all other matters whatsoever, either of record or otherwise known to the corporation, impairing or adversely affecting the title to said property, except as shown in Schedule B hereof.

The maximum liability of the undersigned under this certificate is limited to the sum of _____.

In consideration of the premium paid, this certificate is issued for the use and benefit of (said _____ and) the United States of America (and each of them).

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

In Witness Whereof, said Corporation has caused these presents to be signed in its name and behalf, sealed with its corporate seal, and delivered by its proper officers thereunto duly authorized, as of the date last above mentioned.

 (Name of title company)
 By -----
 (Title of executing officer)

Attest:

 (Title of attesting officer)

SCHEDULE A

The property covered by this certificate is accurately and fully described as follows -----

SCHEDULE B

The property described in Schedule A hereof is free and clear from all interests, encumbrances, and defects of title and all other matters whatsoever of record, or which, though not of record, are known to this corporation to exist impairing or adversely affecting the title to said property, except the following:

Form No. 32

AFFIDAVIT OF HEIRSHIP

I, -----, residing at
 (Name of affiant)
 -----, in -----
 (Street and number)
 -----, -----, -----
 (City of town) (County) (State)
 being of full legal age, for the purpose of establishing the legal ownership of certain land in -----
 (City or town)
 -----, -----, pro-
 (County) (State)
 posed to be purchased by the United States of America from all the lawful heirs of ----- late
 (Name of decedent)
 of -----,
 (City or town) (County)
 -----, who died on the ----- day
 (State)
 of -----, 19-----, at the age of ----- years,

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

a resident of _____, _____,
 _____ (City or town) _____ (County)
 _____, on oath depose and say as follows:
 _____ (State)

(1) That I was personally acquainted with the above-named decedent for the period of _____ years from _____ 19_____, until his death, and that my relationship to said decedent was _____.

(2) That said decedent was married to _____ (Spouse) _____ at _____, in 19_____, who (survived) (predeceased). (The affiant should cross out any statement enclosed in brackets which is not applicable to said decedent.)

(3) That the following is a list of the full names, relationships to the decedent, ages, marital status, and addresses of all surviving issue or other heirs of said decedents:

Full name	Relationship to decedent	Age	Married to	Address
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----

(4) (That said decedent left no will, no issue, or no collateral heirs other than those named above and no unpaid debts or claims except as stated below.) (All statements made by the affiant will be considered to be made on the affiant's personal knowledge unless the contrary is expressly indicated.) (That I have made careful inquiry and that to the best of my information and belief said decedent left no will, no issue, or no collateral heirs other than those named above, and no unpaid debts or claims except as stated below.) (The affiant should cross out any statement enclosed in brackets which is not applicable.)

 (Unpaid debts)

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

(5) That the value of the decedent's entire estate at death, including all property, real and personal, then owned by the decedent, did not exceed \$-----.

(6) That I am (not) interested financially or by reason of relationship to said decedent in the proposed conveyance to the United States of America in connection with which this affidavit is furnished, and understand that it is secured for the purpose of inducing the United States to purchase land owned by said decedent.

-----, 19--

-----, ss:

Then personally appeared before me the above-named -----
-----, who subscribed the foregoing affidavit and made oath that the statements contained therein are true.

Form No. 33

DISCLAIMER

State of -----, }
County of -----, } ss.

We (I) ----- (wife) (husband), being first duly sworn, depose and say (deposes and says) that we are. (I am) occupying all (a part) of the land (proposed to be) acquired by the United States of America from-----, described as ----- acres, Tract No. -----, lying in ----- County, State of -----, and do hereby aver that we are (I am) occupying said land as the tenants (tenant) of -----; that we (I) claim no right, title, lien or interest in and to the above-described premises or any part thereof by reason of said tenancy or otherwise and will vacate said premises upon demand for the possession of said lands by the United States of America.

Dated this ----- day of -----, 19--.

Witnesses:

(Tenant)

(Spouse)

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 34

OWNERS TITLE GUARANTEE (INSURANCE) POLICY

POLICY OF TITLE INSURANCE

ISSUED BY

BLANK TITLE INSURANCE COMPANY

Policy Number

Amount

\$-----

Blank Title Insurance Company, a blank corporation, herein called the Company, for a valuable consideration

HEREBY INSURES

THE UNITED STATES OF AMERICA

hereinafter called the Insured, against loss or damage not exceeding

Dollars, together with costs and expenses which the Company may become obligated to pay as provided in the Conditions and Stipulations hereof, which the Insured shall sustain by reason of:

Any defect in or lien or encumbrance on the title to the estate or interest covered hereby in the land described or referred to in Schedule A, existing at the date hereof, not shown or referred to in Schedule B or excluded from coverage by the General Exceptions;

all subject, however, to the provisions of Schedule A and B and to the General Exceptions and to the Conditions and Stipulations hereto annexed; all as of the ----- day of ----- 19----, the effective date of this policy.

In witness whereof, Blank Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

Countersigned: BLANK TITLE INSURANCE COMPANY,

----- By-----

President

----- By-----

Secretary

SCHEDULE A

1. The estate or interest in the land described or referred to in this schedule covered by this policy is:

(Will be shown as a fee or such lesser estate or interest owned by the person or party named in paragraph 2 of this Schedule.)

2. Title to the estate or interest covered by this policy at the date hereof is vested in:

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

3. The land referred to in this policy is situated in the County of _____, State of _____, and is described as follows:
 (This phraseology may be modified to eliminate a specific description by including it by reference to the description as contained in a specific instrument.)

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

1. Current and delinquent taxes and assessments as follows:

(List all taxing districts in which the land is situated and other taxing authorities that have jurisdiction over said land for the levy of taxes; showing lien date for each and amounts for all such assessments that have not been paid on the date of the policy.)

2. (Continue with the Special Exceptions such as recorded easements, liens, etc., showing in addition the persons or parties holding such interests of record, and who the Company would require to convey such interest or who would be the proper parties defendant in a condemnation proceeding to eliminate such matter.

The write-up could be substantially as follows:

An easement for road purposes conveyed to _____,
 by deed recorded _____.)

Governmental Powers

1. Because of limitations imposed by law on ownership and use of property, or which arise from governmental powers, this policy does not insure against:

(a) consequences of the future exercise or enforcement or attempted exercise or enforcement of police power, bankruptcy power, or power of eminent domain, under any existing or future law or governmental regulations; (b) consequences of any law, ordinance or governmental regulation, now or hereafter in force, (including building and zoning ordinances) limiting or regulating the use or enjoyment of the property, estate or interest described in Schedule A, or the character, size, use or location of any improvement now or hereafter erected on said property.

Matters Not of Record

2. The following matters which are not of record at the date of this policy are not insured against:

(a) rights or claims of parties in possession not shown of record;

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

(b) questions of survey; (c) easements, claims of easement or mechanics' liens where no notice thereof appears of record; and (d) conveyances, agreements, defects, liens or encumbrances, if any, where no notice thereof appears of record; provided, however, the provisions of this subparagraph 2(d) shall not apply if title to said estate or interest is vested in the United States of America on the date hereof.

Matters Subsequent to Date of Policy

3. This policy does not insure against loss or damage by reason of defects, liens or encumbrances created subsequent to the date hereof.

Refusal to Purchase

4. This policy does not insure against loss or damage by reason of the refusal of any person to purchase, lease or lend money on the property, estate or interest described in Schedule A.

CONDITIONS AND STIPULATIONS**Notice of Actions**

1. If any action or proceeding shall be begun or defense asserted which may result in an adverse judgment or decree resulting in a loss for which this Company is liable under this policy, notice in writing of such action or proceeding or defense shall be given by the Attorney General to this Company within 90 days after notice of such action or proceeding or defense has been received by the Attorney General; and upon failure to give such notice then all liability of this Company with respect to the defect, claim, lien or encumbrance asserted or enforced in such action or proceeding shall terminate. Failure to give notice, however, shall not prejudice the rights of the party insured, (1) if the party insured shall not be a party to such action or proceeding, or (2) if such party, being a party to such action or proceeding be neither served with summons therein nor have actual notice of such action or proceeding, or (3) if this Company shall not be prejudiced by failure of the Attorney General to give such notice.

Notice of Writs

2. In case knowledge shall come to the Attorney General of the issuance or service of any writ of execution, attachment or other process to enforce any judgment, order or decree adversely affecting the title, estate or interest insured said party shall notify this Company thereof in writing within 90 days from the date of such knowledge; and upon a failure to do so, then all liability of this Company in con-

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

sequence of such judgment, order or decree or matter thereby adjudicated shall terminate unless this Company shall not be prejudiced by reason of such failure to notify.

Defense of Claims

3. This Company agrees, but only at the election and request of the Attorney General of the United States, to defend at its own cost and expense the title, estate or interest hereby insured in all actions or other proceedings which are founded upon or in which it is asserted by way of defense, a defect, claim, lien or encumbrance against which this policy insures, provided, however, that the request to defend is given within sufficient time to permit the Company to answer or otherwise participate in the proceeding. If any action or proceeding shall be begun or defense be asserted in any action or proceeding affecting or relating to the title, estate or interest hereby insured and the Attorney General elects to defend at the Government's expense, the Company shall upon request, cooperate and render all reasonable assistance in the prosecution or defense of such proceeding and in prosecuting appeals.

If the Attorney General shall fail to request and permit the Company to defend, then all liability of the Company with respect to the defect, claim, lien or encumbrance asserted in such action or proceeding shall terminate; provided, however, that if the Attorney General shall give the Company timely notice of all proceedings and an opportunity to suggest such defenses and actions as it shall conceive should be taken and the Attorney General shall present the defenses and take the actions of which the Company shall advise him in writing, then the liability of the Company shall continue; but in any event the Company shall permit the Attorney General without cost or expense to use the information and facilities of the Company for all purposes which he thinks necessary or incidental to the defending of any such action or proceeding or any claim asserted by way of defense therein and to the prosecuting of an appeal.

Compromise of Adverse Claims

4. Any compromise, settlement or discharge by the United States or its duly authorized representative of an adverse claim, without the consent of this Company shall bar any claim against the Company hereunder. Provided, however, that the Attorney General may at his election submit to the issuing company for approval or disapproval any proposed compromise, settlement or discharge of any adverse claim and in the event of the consent of the issuing company to the

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

proposed compromise, settlement or discharge it shall be liable for the payment of the full amount paid.

Statement of Loss

5. A statement in writing of any loss or damage sustained by the party insured, and for which it is claimed this Company is liable under this policy, shall be furnished by the Attorney General to this Company within 90 days after said party has notice of such loss or damage and no right of action shall accrue under this policy until 30 days after such statement shall have been furnished. No recovery shall be had under this policy unless suit be brought thereon within one year after said period of 30 days. Failure to furnish such statement of loss or to bring such suit within the times specified shall not affect the Company's liability under this policy unless this Company has been prejudiced by reason of such failure to furnish a statement of loss or to bring such suit.

Policy Reduced by Payments of Loss

6. All payments of loss under this policy shall reduce the amount of this policy pro tanto.

Amendment of Policy

7. No provision or condition of this policy can be waived or changed except by writing endorsed hereon or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

Notice, Where Sent

8. All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at (insert proper address).

ENDORSEMENT

ATTACHED TO POLICY No.

ISSUED BY

BLANK TITLE INSURANCE COMPANY

1. Schedule A of the above policy is hereby amended in the following particulars:

(a) Paragraph 1 of Schedule A is hereby deleted and the following is substituted:

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

1. The estate or interest in the land described or referred to in this Schedule covered by this policy is:

(An easement for -----)

(b) Paragraph 2 of Schedule A is hereby deleted and the following is substituted:

2. Title to the estate or interest covered by this policy at the date hereof is vested in:

THE UNITED STATES OF AMERICA

(follow with appropriate reference to Declaration of Taking or Deed.)

(c) Paragraph 3 of Schedule A is hereby deleted and the following is substituted:

3. The land referred to in this policy is situated in the County of -----, State of -----, and is described as follows:

(here give description of land actually acquired.)

2. Schedule B of the above policy is hereby amended in the following particulars:

(a) Paragraphs numbered -----, -----, ----- and ----- of Schedule B are hereby deleted.

(enumerate those paragraphs eliminated by proper releases, conveyances, etc.)

(b) Schedule B of the above policy is amended by adding the following paragraphs numbered ----- to -----, inclusive.

3. Subparagraph 2(d) of the General Exceptions of the above policy is hereby deleted.

4. The effective date of the above policy is hereby extended to -----

(date of recording of Deed or Notice of Action, since no insurance is to be afforded as to regularity of proceedings.)

The total liability of the Company under said policy and this endorsement thereto shall not exceed, in the aggregate, the sum of \$----- and costs which the Company is obligated under the Conditions and Stipulations thereof to pay.

This endorsement is made a part of said policy and is subject to the Schedules, General Exceptions and the Conditions and Stipulations therein, except as modified by the provisions hereof.

Dated.

BLANK TITLE INSURANCE COMPANY,

By-----
(Authorized Officer)

April 1, 1967

TITLE 5: LAND AND NATURAL RESOURCES DIVISION

Form No. 35

CLOSING STATEMENT

Seller..... Date of closing 194...
 Address or description of property:
 Sale price.....
 Address.....
 City..... State..... County..... State.....

Sale price..... * * * * *
 * * * * *
 * * * * *

Payment in full of principal of existing first mortgage }
 To..... } \$..... * * * * *
 Interest thereon from..... to..... } * * * * *

Payment in full of principal of existing second mort- }
 gage..... } * * * * *
 To..... } * * * * *
 Interest thereof from..... to..... } * * * * *

Payment of other liens to..... * * * * *
 * * * * *

Delinquent taxes for year..... paid to County
 Treasurer..... * * * * *
 Taxes..... * * * * *

Recording fees..... * * * * *
 Revenue stamps..... * * * * *
 Real estate sale commission..... * * * * *
 * * * * *
 * * * * *
 * * * * *
 * * * * *

Balance due seller..... * * * * *
 Balance due United States of America..... * * * * *

Total..... \$..... \$.....

The above is a complete, true and correct account of funds received and disbursed by me in closing the sale of property described at the head of this Statement.

 (Closing attorney)

I/We have examined the above Statement and find it correct. This acknowledges that \$..... has been disbursed as above with my/our approval and for my/our account and benefit, which said sum is the sale price set forth in my/our Option Agreement with the United States of America, and I/We acknowledge receipt of the balance due me/us as shown above.

TITLE 5: LANDS DIVISION**Form No. 36**

(Form No. USA-155)

(Ed. 6-10-60)

MEMORANDUM OF CONDEMNATION COMPROMISE SETTLEMENT
LAND AND NATURAL RESOURCES DIVISION

Department file _____ Tract of Parcel No. _____

U.S. District Court for _____

Civil Case No. _____ Case title: U.S. v. _____

Former owner(s) _____

Amount deposited with D/T: \$ _____

Range of Government's testimony: \$ _____ to \$ _____

Defendant's(s) claim (if known): \$ _____

Amount of settlement: \$ _____, inclusive of interest.

Agency approval in writing: Yes ____ No ____

(Must be "Yes" if settlement exceeds deposit.)

Appraisal reports forwarded herewith:

(Identify by name and date.)

Deficiency check (if any): \$ _____

 Has been requested directly. You are requested to obtain.

Remarks:

Dated at _____, 196___

United States Attorney.