

This is the html version of the file <http://www.1215.org/lawnotes/lawnotes/landpatent/californialandpatents.rtf>.
Google automatically generates html versions of documents as we crawl the web.

LAND PATENTS

The reason for a **land** patent is this: You must show that you are the actual legal owner of that **land**. A patent is only another name for a **Land** Grant. A patent for public lands is a Government Deed for the Premises. A patent to the **land** is a deed of the government.

EVIDENCE OF TITLE

A Patent of **Land** from the government is the highest evidence of title. It is evidence that all prerequisites have been complied with and cannot be questioned either in a court of law or equity, unless it be on the ground of fraud or mistake, CARTER vs. SPENCER, 5 MISS, (4 How) 42.56, 34 AM. DEC. 106. A Patent to the **land** is a judgement of the **Land** Department and a conveyance of the title in execution of it to the party adjudged entitled. And, when the **land** described was within the jurisdiction and subject to the disposition of the **land** department, it is impervious to collateral attack. WEFF vs. U.S. 165F.263, 277, 91C.C.A. 241. In other words you must have a **Land** Patent on any **land** that you buy. If you don't have this **Land** Patent recorded in your name you really do not own the **land**, That is why if you have the **land** patented and have a homestead on it they cannot get the **land** away from you. The most important thing to do is have that **land** patented in your name when you buy the **land**.

STEPS TO GET THE PATENT

You will take the name of your state, of your county, your section, township, range and numbers. Go to the nearest Bureau of **Land** Management for section, township, and range that you are on -- and then take a photocopy of it and then certify this copy. Have them look up the original **land** patent number. Take to the County Record the certified letter from the Bureau of **Land** Management along with a copy of the **Land** Deeds along with a letter from you stating that you are bringing up the **Land** Patent Number in your name. You will have to pay a fee at the Bureau of **Land** Management office and also at the County Recorder's office.

LAND PATENTS

DEFINITION AND PURPOSE

1. DEFINITION

A Patent is another name for a **land** grant. A Patent for public **land** is a government deed for the premises. A Patent to the **land** to a private citizen is a deed of the government.

2. PURPOSE

In that a Patent of **land** from the government is the very highest evidence of title, you must have one to show that you are the actual owner of the **land**. It is evidence that all prerequisites have been complied with, and cannot be questioned either in a court of law or equity, unless it be on the grounds of fraud or mistake. CARTER vs. SPENCER, 5 MISS (4 HOW) 42, 56, 34 A.M. DEC 106.

HOW TO RECORD A **LAND** PATENT IN CALIFORNIA

This article will explain the steps necessary to record a **Land** Patent in **California**. When I first attempted this, I met with negative results, so I filed a Petition for Writ of Mandamus in Superior Court to compel the County Clerk/Recorder to file and record my **Land** Patent. Needless to say, I was ruled against, the court holding that my Declaration of **Land** Patent was a self-- serving instrument. Further study led me to the method I have used twice in the County of Amador, without sci much as a whimper of objection.

1. Get the legal description of your proper +y---Township number, Range number, and Section number. These numbers may be on your deed, but this is not likely. You may have to go to the County Tax Assessors office to get this information.

2. Next, send a copy of this information to

Bureau of **Land** Management

Federal Office Building, Room E--2841

2B00 Cottage Way

Sacramento, **California** 95825. (Phone 916--484--4724)

In your letter to the Bureau of **Land** Management, ask for certified copies of all **Land Patents** or Grants that were issued regarding the property described. The cost for your certified copies is somewhere in the neighborhood of \$5.00 each, so you can send an amount in excess of this to be positive. They will refund the difference, if any. Also, make payment only with a U.S. Postal Money Order.

3. When you receive your certified copies, you will then grant the property from yourself to yourself, using the certified copies as exhibits to your Grant Deed. Most any stationery store has blank "Grant Deeds." Use the one that you got when you bought your property as a reference. Fill out the Grant Deed as usual, except, that in the area for the description of the property, you will insert the following statement:

For Description, see EXHIBIT "A", consisting of one page, and EXHIBIT "B" consisting of ___ page(s), attached hereto and made a part hereof.

If your **land** patent consists of more than one page, insert the total number of pages for Exhibit "B".

4. Exhibit "A" is the revised description of your property. Type up the description of your property as it appears on the deed you got when you bought the

property. Immediately below this description, insert the following:

ALSO TOGETHER WITH assignment of any and all Rights, Title, Interests, Privileges, and Immunities, as Assign(ee)(s), of the Original Patentee(s) or Grantee(s) to that portion or those portions of United States Land Patent No. _____, a Certified Copy of which is attached hereto as Exhibit "B" and incorporated hereat by reference, dated _____, originally recorded by on _____, in Book _____, at page _____, of _____ County Patents, as the same concern the herein described real property.

Note: The above is a general form and you should change the wording to show the type of interest you have in the property and the "Book" the patent was originally recorded in. You can find the original book and page by looking up the name(s) of the original Patent Holder(s) for your property in the County Recorder's office. Also, if more than one patent applies to your property, list each as part of the above paragraph,

5. Take your completed unsigned Grant Deed, with attached exhibits to a Notary Public for execution.

6. You are now ready to have your Land Patent recorded and bro'ught forward in your name. One additional point that I might add is that, according to the owner of the title company where I had my Grant Deed notarized, a future purchaser will have a hard task, if not an impossible one, getting title insurance on the property. Isn't that too bad!

7. Take your notarized Grant Deed and exhibits to the County Recorder's office for recordation. If they ask you what you are doing, you can just tell them something on the order of "I'm just protecting my interests in my property."

Yours for a Constitutional republic!!!

Robert D. Ferlingere

(209) 296-7146