MINUTE ITEM

6/23/71
LHG

12. AUTHORIZATION TO CANCEL APPLICATION EXCHANGE 59, SAN BERNARDINO COUNTY, AND REFUND THE APPLICANTS' DEPOSIT THROUGH APPROPRIATE PROCEDURE; R. E. KEANE, I. R. BROMBERG, AND H. C. FRIESEKE - EXCHANGE 59.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES:

1. THE CANCELLATION OF THE APPLICATION OF R. E. KEANE, I. R. BROMBERG, AND H. C. FRIESEKE UNDER EXCHANGE SELECTION NO. 59;

2. THE REFUND OF THE REMAINING DEPOSIT OF $9,912.82 TO THE PARTIES ENTITLED THERETO; AND

3. IN THE EVENT THAT THE IDENTITY OF THE PARTY OR PARTIES ENTITLED THERETO IS NOT ESTABLISHED WITH REASONABLE CERTAINTY, THE STATE LANDS DIVISION TO BRING AN ACTION IN INTERPLEADER, TO DEPOSIT THE MONEY IN COURT, AND TO LET THE COURT DETERMINE THE PARTIES ENTITLED THERETO.

Attachment:
Calendar Item 14 (3 pages)

CALENDAR ITEM

6/71
Exchange 59
LHG

14.

AUTHORIZATION TO CANCEL APPLICATION EXCHANGE 59, SAN BERNARDINO COUNTY, AND REFUND THE APPLICANTS' DEPOSIT THROUGH APPROPRIATE PROCEDURE.

In March of 1955, under rules then in effect, an application was received from Messrs. R. E. Keane, I. R. Bromberg, and H. C. Frieseke, requesting the State Lands Commission to acquire certain lands of the Federal Government through the medium of exchange for ultimate sale to them. The regulations then in effect afforded the applicants the right to meet the highest bid received and thereby purchase the land. The applicants deposited with the State Lands Commission $10,126.90 on account of their offer to purchase the land to be acquired from the Federal Government, an expense deposit of $250, and a filing fee of $5. This money was received from and receipted to the three applicants without any designation of their respective interests. Because of the complexity of the exchange medium and the size of the transaction (2,494.14 acres of selected Federal land and 6,876.20 acres of offered State lands), negotiations were not completed until 1968. On April 25, 1968 (Minute Item 47), the Commission approved the exchange and authorized the acceptance of the lands described in Exhibit "A" attached hereto and incorporated herein by this reference. The Commission also authorized sale of the land under regulations in effect as of 1955.

In attempting to locate the applicants, Keane, Bromberg, and Frieseke, it was found that Keane and Frieseke were deceased. Apparently neither of these men had disposed of his interest by will, and questions have been raised concerning whether an assignment was made during their lifetimes. It was found also that the interest in the application had been the subject of many private transactions purporting to sell partial interests of the original applicants to third parties. The State Lands Division has been unable to determine from the available documentary evidence which parties, if any, have interests in the application at this date. It is the Division's opinion that expending further time to define the interests in this application is not justified, and that those claiming interests should settle the matter between themselves, or the State Lands Division should file a case in interpleader and permit a court to determine the parties entitled to a refund of the $9,912.82 that the Division is holding. This figure reflects expenses incurred to date of $214.08.

The State Lands Division has received a letter from William Parr, as assignee of I. R. Bromberg, asking that the application be cancelled and that the deposit be refunded to him. To date, he has not been able to provide documents establishing with certainty his claim of title through the estates of R. E. Keane and H. C. Frieseke.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE:

1. THE CANCELLATION OF THE APPLICATION OF R. E. KEANE, I. R. BROMBERG, AND H. C. FRIESEKE UNDER EXCHANGE SELECTION NO. 59;

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2. THE REFUND OF THE REMAINING DEPOSIT OF $9,912.82 TO THE PARTIES ENTITLED THEREETO; AND

3. IN THE EVENT THAT THE IDENTITY OF THE PARTY OR PARTIES ENTITLED THERETO IS NOT ESTABLISHED WITH REASONABLE CERTAINTY, THE STATE LANDS DIVISION TO BRING AN ACTION IN INTERPLEADER, TO DEPOSIT THE MONEY IN COURT, AND TO LET THE COURT DETERMINE THE PARTIES ENTITLED THERETO.

Attachment: Exhibit "A"

EXHIBIT "A"

SELECTED FEDERAL LANDS

Subdivision	Sec.	Twp.	Rge.	Mer.	Acres
All	6	6 N.	1 W.	S.B.	574.14
NE¼	7	6 N.	1 W.	S.B.	160.00
All	8	6 N.	1 W.	S.B.	640.00
SW¼ and E½	10	6 N.	1 W.	S.B.	480.00
NW¼	11	6 N.	1 W.	S.B.	160.00
W½	15	6 N.	1 W.	S.B.	320.00
SE¼	22	6 N.	1 W.	S.B.	160.00
				Total	2,494.14