



CONTACT INFORMATION
Mining Records Curator
Arizona Geological Survey
416 W. Congress St., Suite 100
Tucson, Arizona 85701
602-771-1601
<http://www.azgs.az.gov>
inquiries@azgs.az.gov

The following file is part of the A. F. Budge Mining Ltd. Mining Collection

ACCESS STATEMENT

These digitized collections are accessible for purposes of education and research. We have indicated what we know about copyright and rights of privacy, publicity, or trademark. Due to the nature of archival collections, we are not always able to identify this information. We are eager to hear from any rights owners, so that we may obtain accurate information. Upon request, we will remove material from public view while we address a rights issue.

CONSTRAINTS STATEMENT

The Arizona Geological Survey does not claim to control all rights for all materials in its collection. These rights include, but are not limited to: copyright, privacy rights, and cultural protection rights. The User hereby assumes all responsibility for obtaining any rights to use the material in excess of "fair use."

The Survey makes no intellectual property claims to the products created by individual authors in the manuscript collections, except when the author deeded those rights to the Survey or when those authors were employed by the State of Arizona and created intellectual products as a function of their official duties. The Survey does maintain property rights to the physical and digital representations of the works.

QUALITY STATEMENT

The Arizona Geological Survey is not responsible for the accuracy of the records, information, or opinions that may be contained in the files. The Survey collects, catalogs, and archives data on mineral properties regardless of its views of the veracity or accuracy of those data.

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

2600 NORTH CENTRAL AVENUE, SUITE 1600
PHOENIX, ARIZONA 85004-3016
(602) 248-0036

EVO DeCONCINI (1901-1986)
JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD LUIS A. OCHOA
GARY CLIFFORD KORN

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DINO DeCONCINI
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DAWN A. McGUFFIE
SHARON M. HENSLEY
DONNA L. HYLARIDES

January 19, 1987

PLEASE REPLY TO TUCSON

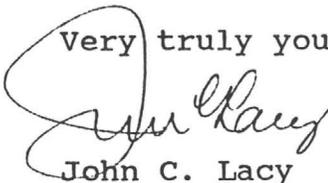
Hon. I. Sylvan Brown
Judge of Maricopa County
101/201 West Jefferson
Phoenix, Arizona 85003

Re: In Re The Townsite of Vulture City
Maricopa County Cause No. C578525

Dear Judge Brown:

Enclosed is a copy of my approval of the form of the papers submitted by counsel for V.M.P., Inc. The original was mailed this date to the Clerk.

Very truly yours,



John C. Lacy

jk

Enc.

c w/enc.: W. Scott Donaldson, Esq.
bc w/enc.: Carole A. O'Brien

0116870420.jcl1.860020

DMEA LTD.

JAN 20 1987

RECEIVED

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
3 TUCSON, ARIZONA 85701
(602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

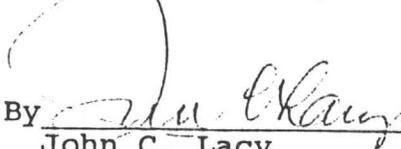
5
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 In Re:)	
	)	No. C578525
9 TOWNSITE OF VULTURE CITY,)	
10 being a portion of Section	)	Approval of Form of Order
36, Township 6 North, Range	)	Confirming Application for
6 West, and Section 1,	)	Preferential Purchase of
11 Township 5 North, Range 6	)	Pit Gold Patented Mining
West, G&SRM, Maricopa County	)	Claim and Quitclaim Deed to
	)	Unclaimed Townsite Lot

12
13 The applicant, Ben F. Dickerson, III, by and through his
14 counsel does hereby approve the form of the Order Confirming
15 Application for Preferential Purchase of Pit Gold Mining Claim
16 under A.R.S. § 9-1132 and the form of Quitclaim Deed to unclaimed
17 Townsite Lot filed by Vulture Mines Properties, Inc., an Arizona
18 corporation, attached to a letter dated January 5, 1987, by Scott
19 W. Donaldson, Esq., its counsel.

20 DATED this 16th day of January, 1987.

21 DeCONCINI McDONALD BRAMMER
22 YETWIN & LACY, P.C.

23 BY 
24 John C. Lacy
25 240 North Stone Avenue
26 Tucson, Arizona 85701-1295
Attorneys for Petitioner

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 Copy of the foregoing mailed
2 this 16th day of January,
1987, to:

3 W. Scott Donaldson, Esq.
4 2916 North 7th Avenue
5 Suite 100
6 Phoenix, Arizona 85013
7 Attorney for Applicant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 0116870400.jcl1.860020

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI (1901-1986)

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD LUIS A. OCHOA
GARY CLIFFORD KORN

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DINO DECONCINI
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DAWN A. MCGUFFIE
SHARON M. HENSLEY
DONNA L. HYLARIDES

November 25, 1986

PLEASE REPLY TO: Tucson

DMEA LTD.

NOV 29 1986

RECEIVED

Judge I. Sylvan Brown
Maricopa County Superior Court
101/201 West Jefferson
Phoenix, Arizona 85003

Re: In Re One Townsite of Vulture City; Maricopa County
Cause No. C578525

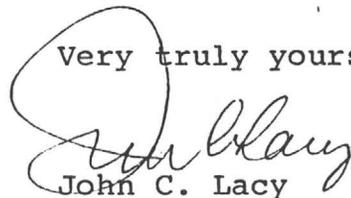
Dear Judge Brown:

I have enclosed for your consideration an Order Confirming Sale of Unsold Portions of the Townsite under A.R.S. §9-1131 together with a Quitclaim Deed to effect the transfer to the Petitioner.

As evidence of the payment of the purchase price to the Superior Court, I have enclosed for filing with the Order the original receipt for the payment of the funds to the Clerk of the Superior Court.

One of the outstanding items that we discussed at the hearing was the disposal of funds. I had initially thought that it might be appropriate to place these instructions in the Order Confirming Sale, but I understand that as yet the Attorney General's Office has not provided you with guidance. I have, therefore, simply stated in paragraph 3 of the operative portion of the Order Confirming Sale that the Clerk shall dispose of the funds pursuant to A.R.S. §9-1133 and the further order of the Court.

Very truly yours,


John C. Lacy

el
Enclosures

c w/enc.; Ben F. Dickerson, III
Scott Donaldson, Esq.

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 In re) No. C578525
9)
10 THE TOWNSITE OF VULTURE)
CITY, being a portion) ORDER CONFIRMING SALE
11 of Section 36, Township) OF UNSOLD PORTIONS OF
6 North, Range 6 West) TOWNSITE UNDER
12 and Section 1, Township) A.R.S. § 9-1131
5 North, Range 6 West,)
G&SRM, Maricopa County)

13
14 THE MATTER OF THE PETITION FOR SALE OF UNSOLD PORTIONS
15 OF THE TOWNSITE OF VULTURE CITY, having come before this
16 Court at its regularly scheduled time of 9:30 a.m., on
17 November 7, 1986, pursuant to order of this Court, the Court
18 finds as follows:

19 1. That the lands sought to be sold pursuant to A.R.S.
20 § 9-1131 were acquired by the Probate Judge of Maricopa
21 County prior to February 14, 1914;

22 2. That this Court has deemed it advisable to sell
23 those portions of the Townsite of Vulture City that remain
24 unsold;

25 3. That Walter D. Armer, Jr., Thomas F. Archer and
26 Duayne Webb, three disinterested appraisers, having been duly

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 appointed and having provided this Court an appraisal under
2 oath of those portions of the Townsite of Vulture City that
3 remain unsold;

4 4. That a notice of a public auction sale was made by
5 publication in the Wickenburg Sun, for a period of once per
6 week for two consecutive weeks, which dates were October 2,
7 1986, and October 9, 1986, offering the property for sale to
8 the highest bidder at public auction at the time and place
9 fixed for the hearing, but for not less than the appraised
10 value thereof;

11 5. That the value of the unsold portions of the
12 Townsite of Vulture City, as determined by the appraisers
13 appointed herein, is \$150.00 per acre;

14 6. That the remaining unsold acreage within the
15 Townsite of Vulture City consists of 109.239 acres;

16 7. That the value of such unsold acreage is therefore
17 determined to be \$16,385.85;

18 8. That at the hearing BEN F. DICKERSON, III, the
19 Petitioner herein, tendered a bid to purchase the unsold
20 portions of the Townsite of Vulture City for \$16,400.00;

21 9. That no other parties interested in submitting bids
22 attended the hearing and no other bids were received; and

23 10. That the bid for such purchase tendered by the
24 Petitioner is in excess of the appraisal.

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE COURT THEREFORE ORDERS:

1. That the bid of BEN F. DICKERSON, III, the Petitioner herein, to purchase the unsold portions of the Townsite of Vulture City for the sum of \$16,400.00 is hereby accepted;

2. That the Petitioner shall pay the purchase price to the Clerk of the Superior Court of Maricopa County by cashier's check; and

3. That the Clerk shall dispose of such funds in accordance with the provisions of A.R.S. § 9-1133 and the further order of this Court.

DONE IN OPEN COURT this _____ day of _____, 1986.

Honorable I. Sylvan Brown
Judge of the Superior Court

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
3 TUCSON, ARIZONA 85701
4 (602) 623-3411

5 John C. Lacy, Esq.
6 Attorney for Petitioner

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9	In re	)	No. C578525
10	THE TOWNSITE OF VULTURE	)	QUITCLAIM DEED
11	CITY, being a portion	)	TO UNCLAIMED
12	of Section 36, Township	)	TOWNSITE LOTS
13	6 North, Range 6 West)	
14	and Section 1, Township)	
15	5 North, Range 6 West,)	
16	G&SRM, Maricopa County)	

17 THE UNDERSIGNED, as the grantor pursuant to A.R.S.
18 § 9-1131, and based upon the proceedings held at a hearing in
19 open court on November 7, 1986, does hereby quitclaim to BEN
20 F. DICKERSON, III, an unmarried man, the grantee herein, all
21 of the right, title, and interest of the Superior Court, as
22 the Trustee designated under that certain act of the United
23 States Congress entitled "An Act for the relief of
24 inhabitants of cities and towns upon the public lands,"
25 approved March 2, 1867, and as successor Trustee to Thomas G.
26 Greenshaw, Probate Judge of Maricopa County, Arizona
Territory, under that certain patent dated June 20, 1882,
recorded in Book 8 of Deeds, Page 467 of the official records
of Maricopa County, in and to those portions of the Townsite

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 of Vulture City more particularly described in Exhibit A
2 attached hereto and incorporated herein by this reference, it
3 being the intent of the grantor to convey to the grantee all
4 remaining unsold portions of such Townsite of Vulture City to
5 the grantee.

6 The grantor in making the conveyance described above
7 makes no warranties or representations of title, and such
8 grant is made only in the capacity as successor Trustee and
9 none other.

10 DATED this _____ day of _____, 1986.

11
12
13 Honorable I. Sylvan Brown
14 Judge of the Superior Court

15 STATE OF ARIZONA)
16 County of Maricopa) ss.
17)

18 The foregoing instrument was acknowledged before me this
19 _____ day of _____, 1986, by I. Sylvan Brown,
20 Judge of the Superior Court, as successor Trustee to the
21 Probate Judge of Maricopa County pursuant to A.R.S. § 9-1131.

22 My commission expires: _____ Notary Public
23 _____
24
25
26

EXHIBIT A

The real property conveyed hereby consists of those portions of the Townsite of Vulture City not previously sold, being a portion of the Southwest Quarter of Section 36, Township 6 North, Range 6 West, and the Northeast Quarter of Section 1, Township 5 North, Range 6 West, G&SRM, Maricopa County, Arizona, more particularly described in that certain patent issued by the United States of America to Thomas G. Greenshaw, Probate Judge of Maricopa County, Arizona Territory, dated June 20, 1882, and recorded in Book 8 of Deeds, Page 467 of the official records of Maricopa County, less:

1. Those three parcels previously conveyed by the Superior Court to D. D. Blair under Maricopa County Superior Court Cause No. 143114 consisting of:

Parcel a. That portion of the plat of Vulture City lying South of the center line of Yuma Street and West of the center line of Hayes Street;

Parcel b. That portion lying South of the center line of Prescott Street, and East of the center line of the North-South alleys through Blocks 39 and 46 and West of the center line of Hancock Street; and

Parcel c. That part North of the center line of Phoenix Street and East of the center line of Hancock Street.

Which streets and blocks are shown on a plat of the Townsite of Vulture City recorded in Book 1 of Maps, Page 2 of the official records of Maricopa County.

2. The Pit Gold Patented Lode Mining Claim.

RECIFORM 81809/01808

VIVIAN KRINGLE, CLERK

RECEIVED

DATE 11-7 1986 No. 1818

RECEIVED FROM A.F. Bridge LTD (for BEN F. DICKERSON, III)

ADDRESS The Townsite of Vulture City

Sixteen thousand four hundred DOLLARS 16,400⁰⁰

FOR C 578525

CR# 34934181 11/5/86

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<input checked="" type="checkbox"/>
BALANCE DUE		MONEY ORDER	

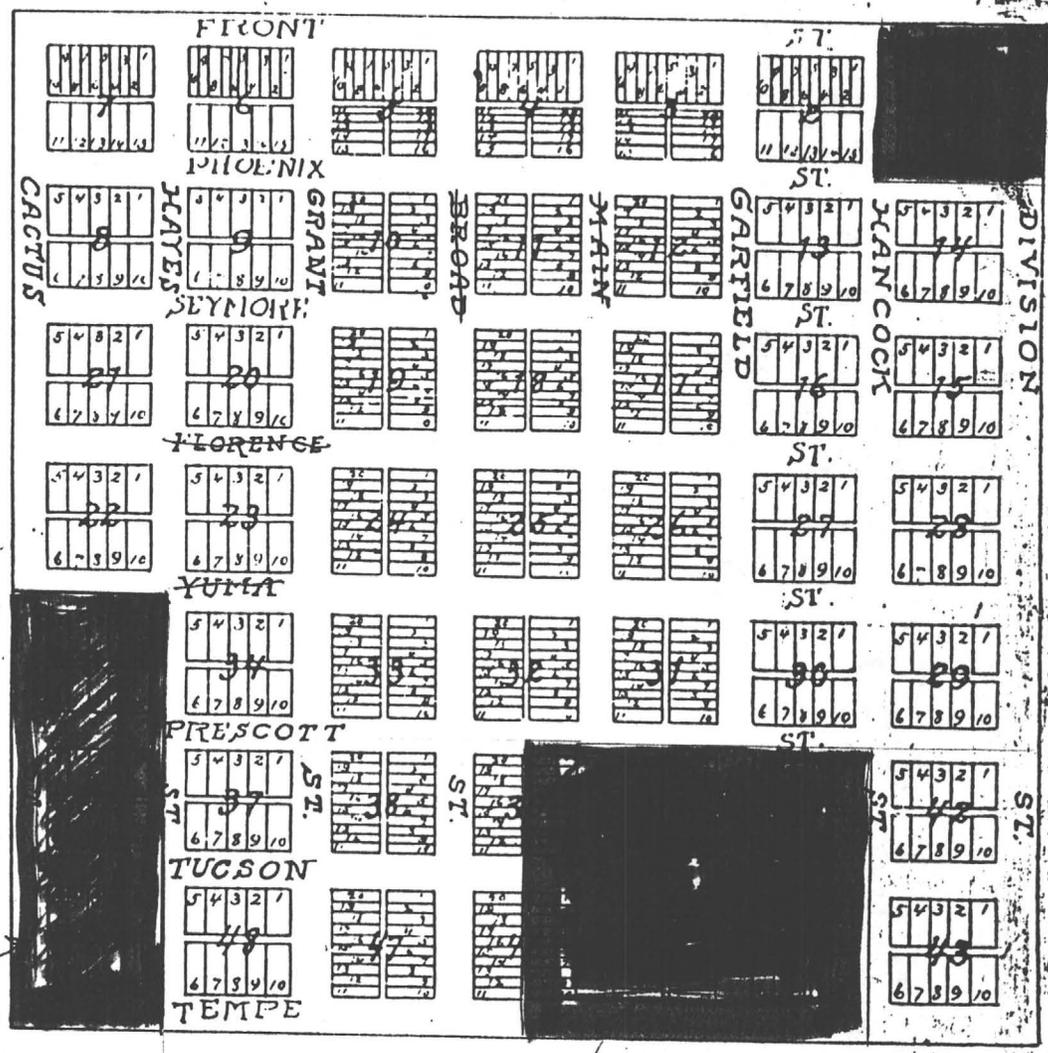
BY K. Murphy

12 1/2 to Ed + Nicole Moomjian
 1 " 3/4 John + Donna McClamr h. Jr.
 25 7/8 Bernard + Ruth Miller
 50 7/8

Jan. 29/65
 recorded

9/49 lots

3.491
 1160 acres
 132
 22.0
 19.6
 2.40



Parcel C
 1 lot

Parcel A
 3 lots

Parcel B
 5 lots

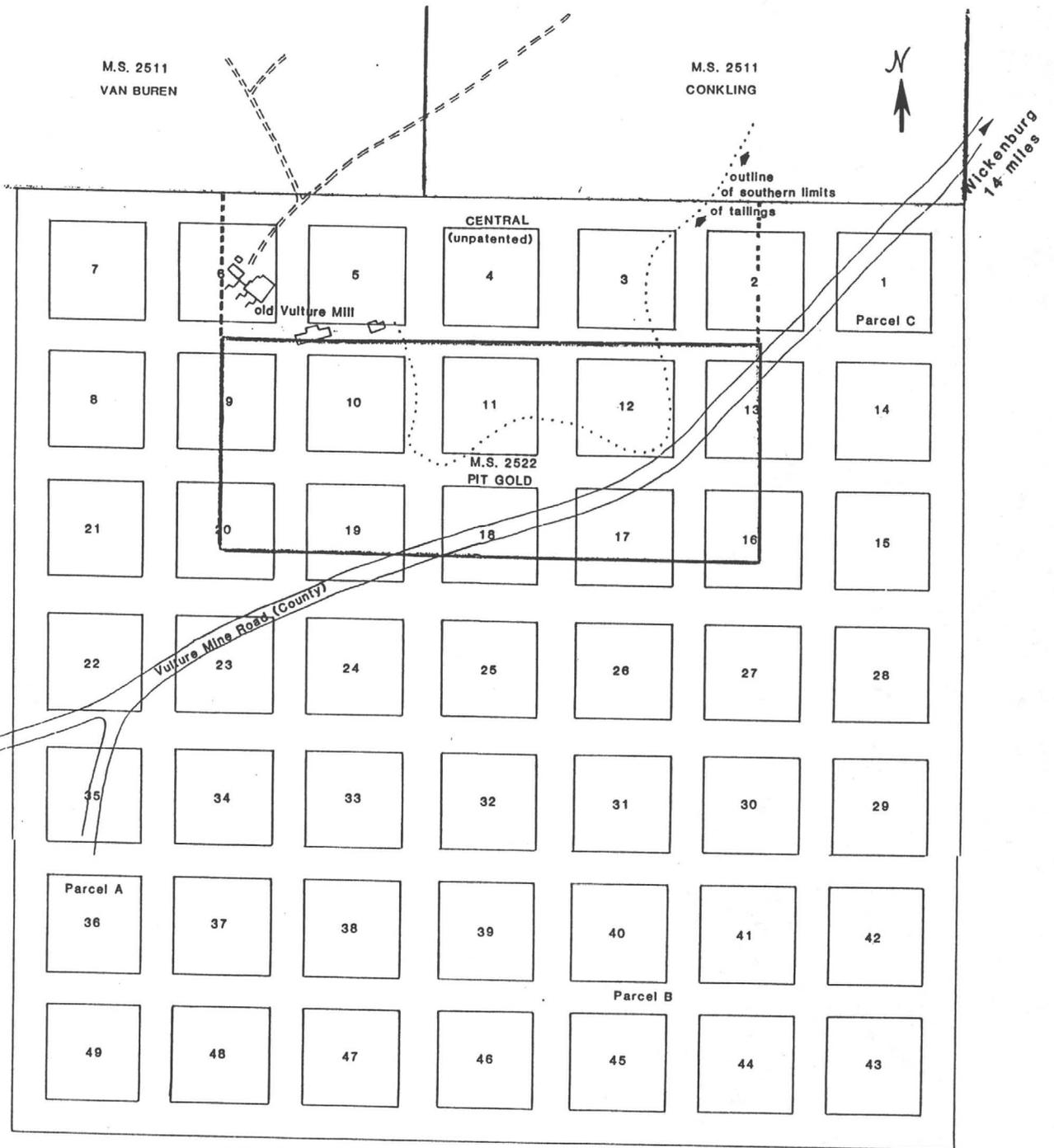
EXPLANATORY
 Townsite 1/2 mile (2640ft) Square
 Including 160 Acres -
 All Streets are 90ft wide.
 Except MAIN, BROAD, FLORENCE
 and YUMA which are 105.
 All Alleyways are 20ft. wide.
 Interior Business Lots are 25x125ft.
 Corner " " 35 x 125ft. Except lots 15 and 16
 in blocks 3, 4 and 5 which are 25ft. x 125ft.
 Interior Resident lots are 50ft. x 125ft.
 Corner " " 60ft x 125ft.

VULTURE CITY

Maricopa Co. ARIZONA

Surveyed by
 Herbert R. Patrick,
 SURVEYOR.

Book 1 Maps, page 2.



M.S. 2511
VAN BUREN

M.S. 2511
CONKLING



Wickenburg
14 miles

outline
of southern limits
of tailings

CENTRAL
(unpatented)

Parcel C

M.S. 2522
PIT GOLD

Vulture Mine Road (County)

Parcel A

Parcel B

Vulture Townsite
shown in
approximate
relation to
mill, tailings,
road, etc.



DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI (1901-1986)
JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DINO DeCONCINI
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DAWN A. McGUFFIE

October 20, 1986

Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

OCT 22 1986

RECEIVED

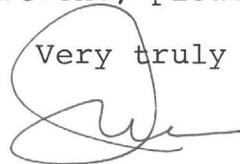
Re: Vulture Townsite Sale

Dear Ben:

I have enclosed a copy of the paperwork filed by Scott Donaldson on behalf of Larry Beal to exercise a preferential right of the owner of the Pit Gold to have a patent issued to the surface of that claim. The application will be heard at the same time as the sale, and it is my feeling that the existence of this preferential right will also have the effect of scaring off any potential competitive bids.

If you have any questions, please feel free to call.

Very truly yours,



John C. Lacy

kaw
Enclosures

1 W. SCOTT DONALDSON
2 Attorney-at-Law
3 2916 North 7th Avenue, Suite 100
4 Phoenix, Arizona 85013
5 (602) 277-4441

6 Attorney for Affiant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR THE COUNTY OF MARICOPA

9 In re)

No. C578525

10 THE TOWNSITE OF VULTURE CITY,)
11 being a portion of Section 36,)
12 Township 6 North, Range 6 West)
13 and Section 1, Township 5)
14 North, Range 6 West, G&SRM,)
15 Maricopa County)

STATEMENT OF OWNERSHIP
OF PIT GOLD
PATENTED MINING CLAIM

16 PURSUANT to A.R.S. Sec. 9-1132, affiant, V.M.P., Inc.
17 an Arizona corporation, by and through its President, Larry W.
18 Beal, being first duly sworn upon oath, avows and deposes as
19 follows:

20 1. Affiant is President of Vulture Mine Properties,
21 Inc., an Arizona corporation (hereinafter referred to as
22 "V.M.P."). Said corporation was incorporated on February 19,
23 1982.

24 2. V.M.P. owns the Pit Gold patented mining claim
25 which is located in Section 36 of Township 6 North, Range 5 West,
26 G. & S.R.B. & M., Maricopa County, State of Arizona (hereinafter
27 referred to as the "Pit Gold").

28 3. The United States of America issued the Pit Gold
mineral patent to the Vulture Mining Company on May 12, 1910.

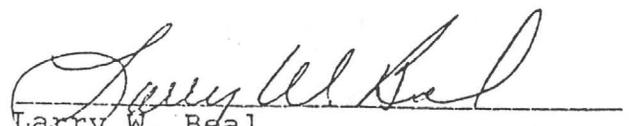
1 Said mineral patent describes an area of 20.661 acres. A copy of
2 the patent is attached hereto and incorporated herein as Exhibit
3 A.

4 4. V.M.P. obtained full ownership of the Pit Gold
5 through a Warranty Deed, dated March 14, 1982. A copy of said
6 Warranty Deed is attached hereto and incorporated herein as
7 Exhibit B.

8 5. V.M.P., and its predecessors-in-interest, have paid
9 taxes to Maricopa County, State of Arizona, for at least the
10 years of 1981, 1982, 1983, 1984, and 1985 as and for the Pit
11 Gold. Attached hereto and incorporated herein as Exhibit C are
12 copies of the pertinent Maricopa County Tax Roll statements from
13 said years.

14 6. V.M.P., and its predecessors-in-interest and
15 lessees, have been in actual, open, and exclusive possession of
16 the Pit Gold for the above-identified years.

17 DATED this 14th day of October, 1986.

18
19
20 
21 Larry W. Beal
22 President, V.M.P., Inc.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this 14th day of
October, 1986, by Larry W. Beal, President of V.M.P.,
INC.

Willie J. Bowler
Notary Public

My Commission Expires:

October 30, 1986.

1 W. SCOTT DONALDSON
2 Attorney-at-Law
3 2916 North 7th Avenue, Suite 100
4 Phoenix, Arizona 85013
5 (602) 277-4441

6 Attorney for Applicant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8
9 IN AND FOR THE COUNTY OF MARICOPA

10 In re)

11) No. C578525

12 THE TOWNSITE OF VULTURE CITY,)
13 being a portion of Section 36,)
14 Township 6 North, Range 6 West)
15 and Section 1, Township 5 North,)
16 Range 6 West, G.& S.R.B.& M.,)
17 Maricopa County)

18 ORDER OF HEARING AND
19 PREFERENTIAL PURCHASE OF
20 PIT GOLD PATENTED
21 MINING CLAIM

22 THE COURT having been advised of the need to conduct a
23 sale of the preferential rights remaining in the Pit Gold
24 patented mining claim, and good cause appearing, it is hereby
25 ORDERED:

26 1. That hearing, pursuant to A.R.S Sec. 9-1132.C.,
27 upon applicant's request for preferential purchase of the Pit
28 Gold patented mining claim, is hereby set for November 7, 1986,
at the hour of 9:30 o'clock a.m., in Courtroom 12A of the Central
Courts Building of Maricopa County, 101/201 West Jefferson,
Phoenix, Arizona.

29 2. That notice of a hearing for preferential sale be
30 made by publication in the Wickenburg Sun, for a period of once
31 per week for two consecutive weeks describing the application for
32 preferential sale.

STATE OF ARIZONA
COUNTY OF MARICOPA

DKT 15948 PG 848
I hereby certify that the within instrument was filed and recorded
in DOCKET 15948 - 848 - 849
and indexed in DEEDS
APR 9 - 1982 - 2 45

DEED (D)
Fee No.

108473

at the request of L.W. Beal

When recorded, mail to:
L.W. Beal
P.O. Box 1853
Wickenburg, Arizona 85358

Witness my hand and official seal.

BILL HENRY
COUNTY RECORDER

B. Henry

Deputy Recorder

Compared

Photostated

Fees 5.00

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we, L. Wayne Beal, and M. Jeanette Beal, husband and wife, do hereby convey to V.M.P., INC., an Arizona corporation,

the following real property situated in Maricopa County, Arizona:

Refer to Exhibit "A" attached hereto and incorporated herein by this reference.

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever.

Dated this 14 day of March, 1982.

L. Wayne Beal
L. WAYNE BEAL

M. Jeanette Beal
M. JEANETTE BEAL

STATE OF ARIZONA
County of Maricopa } ss.

This instrument was acknowledged before me
this 14 day of March, 19 82 by
L. Wayne Beal, and M. Jeanette Beal.

B. Bourgeois
Notary Public

My commission will expire 2-3-86

STATE OF ARIZONA
County of } ss.

This instrument was acknowledged before me
this _____ day of _____, 19 _____ by

Notary Public
My commission will expire

DESCRIPTION

PARCEL NO. 1: HAMILTON, ASTOR, TALMAGE, CONKLING, CUSTER, SHERMAN, VAN BUREN, ELMORE, JANE ELMORE and SHERIDAN Lode Mining Claims, in Sections 35, and 36, Township 6 North, Range 6 West of the Gila and Salt River Base and Meridian, and in Section 31, Township 6 North, Range 5 West of the Gila and Salt River Base and Meridian in the Vulture Mining District, being shown on Mineral Survey No. 2511 on file in the Bureau of Land Management as granted by Patent recorded July 1, 1924 in Book 186 of Deeds, page 259, records of Maricopa County, Arizona.

PARCEL NO. 2: PIT GOLD Lode Mining Claim in the Southeast quarter of Section 36, Township 6 North, Range 6 West of the Gila and Salt River Base and Meridian in the Vulture Mining District, being shown on Mineral Survey No. 2522 on file in the Bureau of Land Management as granted by Patent recorded July 1, 1924 in Book 186 of Deeds, page 257, records of Maricopa County, Arizona.

PARCEL NO. 3: VULTURE EXTENSION Lode Mining Claim in the South half of the Northwest quarter of Section 31, Township 6 North, Range 5 West of the Gila and Salt River Base and Meridian in the Vulture Mining District, being shown on Mineral Survey No. 3146, on file in the Bureau of Land Management as granted by Patent recorded November 17, 1924 in Book 187 of Deeds, page 441, records of Maricopa County, Arizona.

PARCEL NO. 3-A:

GOLD NUGGET LODE & CANON CITY LODE #1 Mining claim, in Vulture District in Section Sixteen (16), Township Six (6) North, Range Five (5) West, being shown on Mineral Survey No. 1797, on file in the Bureau of Land Management, as granted by Patent recorded February 21, 1974, in Docket 10526, page 323, records of Maricopa County, Arizona.

RECEIVED
OCT 20 1986

1 W. SCOTT DONALDSON
2 Attorney-at-Law
3 2916 North 7th Avenue, Suite 100
4 Phoenix, Arizona 85013
5 (602) 277-4441

DeCONCINI, McDONALD, BRAMMER,
YETWIN & LACY, P.C.
240 N. Stone Tucson, AZ 85701

6 Attorney for Applicant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8
9 IN AND FOR THE COUNTY OF MARICOPA

10 In re)

) No. C578525

11 THE TOWNSITE OF VULTURE CITY,)
12 being a portion of Section 36,)
13 Township 6 North, Range 6 West)
14 and Section 1, Township 5 North,)
15 Range 6 West, G. & S.R.B. & M.,)
16 Maricopa County)

17 APPLICATION OF V.M.P.,)
18 INC. FOR PREFERENTIAL)
19 PURCHASE OF PIT GOLD)
20 PATENTED MINING CLAIM)
21 AND REQUEST FOR HEARING)

22 PURSUANT TO A.R.S. Sec. 9-1132, Applicant, V.M.P.,
23 Inc., by and through its counsel undersigned, hereby applies for
24 a preferential right to purchase the Pit Gold patented mining
25 claim. Said patented mining claim is located within the confines
26 of the Townsite of Vulture City.

27 This application is made for the reason that applicant,
28 and its predecessors in interest, have, for a period of more than
five years immediately preceding the application herein, been in
actual and constructive possession of and paid taxes on said Pit
Gold patented mining claim. Attached hereto and incorporated
herein as Exhibit A is a "Statement of Ownership of Pit Gold
patented mining claim" describing the possession.

Sale of the other unclaimed townsite lots within the
Townsite of Vulture City is currently set for 9:30 a.m.,

1 November 7, 1986. Applicant also requests that the Court set
2 hearing of this Application at the same time and date as above.
3 Applicant also requests that the Court immediately authorize
4 publication of the notice in this matter so that publication of
5 said notice can be commenced in a timely manner.

6 RESPECTFULLY SUBMITTED this 17th day of October 1986.

7
8 

9 W. Scott Donaldson, Esq.
10 Attorney for Applicant

11
12 Copy of the foregoing
13 mailed this 17th day of
14 October, 1986 to:

15 Mr. John C. Lacy, Esq.
16 DeConcini, McDonald, Brammer,
17 Yetwin & Lacy, P.C.
18 240 North Stone Avenue
19 Tucson, Arizona 85701
20
21
22
23
24
25
26
27
28

1 W. SCOTT DONALDSON
2 Attorney-at-Law
3 2916 North 7th Avenue, Suite 100
4 Phoenix, Arizona 85013
5 (602) 277-4441

6 Attorney for Applicant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8
9 IN AND FOR THE COUNTY OF MARICOPA

10 In re

11) No. C578525

12) THE TOWNSITE OF VULTURE CITY,
13) being a portion of Section 36,
14) Township 6 North, Range 6 West
15) and Section 1, Township 5 North,
16) Range 6 West, G. & S.R.B. & M.,
17) Maricopa County

18) TOWNSITE TRUSTEE'S NOTICE
19) OF HEARING OF APPLICATION
20) FOR PREFERENTIAL PURCHASE
21) OF PIT GOLD PATENTED
22) MINING CLAIM

23 PUBLIC NOTICE IS HEREBY GIVEN:

24 That on the 7th day of November, 1986, at the hour of
25 9:30 o'clock a.m., in Courtroom 12A of the Central Courts
26 Building of Maricopa County, 101/201 West Jefferson, Phoenix,
27 Arizona, pursuant to an Order for Hearing and Preferential
28 Purchase entered in these proceedings on the 20th day of October,
1986, this Court, as the successor townsite trustee of the
Townsite of Vulture City, will hear the application of V.M.P.,
Inc. for preferential purchase of the Pit Gold patented mining
claim in accordance with the provisions of A.R.S. Sec. 9-1132.

This notice of a public hearing on a application for
preferential purchase of said patented mining claim shall be made
by publication in the Wickenburg Sun, for a period of once per
week for two consecutive weeks.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DONE IN OPEN COURT this 20th day of October, 1986.

The Honorable I. Sylvan Brown
Judge of the Superior Court

1981
MARICOPA COUNTY
TAX ROLL
MARICOPA COUNTY
TREASURER

ROOM 101
 1118 2ND AVE
 PHOENIX, AZ 85003

PROPERTY DESCRIPTION
 CLAIMS VENTURE EXTENSION - TALPAC - JANE E. MOY
 SHERIDAN - ELMORE - VAN BUREN - ASTOR - CONKLIN
 AMITON - CUSTER SHERMAN PIT GOLD SEC 3: 6N 5W S1
 C 36 6N 6W

PROPERTY IDENTIFICATION
 CO 3 PL 6N 5W

BEA... WAYS... M... LEAN...
 ... F... ... HACK...
 ... 17... 250:R

PRIMARY (FULL CASH) VALUATION				PRIMARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE/100	1981 AMT	1980 AMT	
LAND & BLDGS	15450	.60	2470	STATE .95	234	3088	
PERSONAL EXEMPTION				COUNTY 1.50	3962	4347	
PRIMARY TOTAL	15450		2470	CITY 4.62	1410	1941	
				JR COL .78	1927	2747	
AREA CODE 0900				SUB TOTAL	795	20560	

SECONDARY (FULL CASH) VALUATION				SECONDARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1981 AMT	1980 AMT	
LAND	15450	.60	2470	FLOOD .34	840	767	
BLDG. ETC				CANCD .03	74	57	
PERSONAL EXEMPTION				BONDS .26	312	397	
SECONDARY TOTAL	15450		2470	OVERRIDE			
				SUB TOTAL .63	4026	5122	

IF NOT PAID BY DELINQUENT DATES WRITE OR CALL (602) 262-8511 FOR INTEREST AMOUNTS

TOTAL TAX MAY BE PAID IN FULL \$236.62

PAID **PAID**

FIRST HALF TAX DUE OCT 1 1981 DELINQUENT AFTER NOV 2 1981
 JAN 6 '82 Interest 3.55

SECOND HALF TAX DUE MARCH 1 1982 DELINQUENT AFTER MAY 3 1982
 JAN 6 '82

Glenn Stapley
 County Treasurer
 Maricopa

Glenn Stapley
 County Treasurer
 Maricopa

1982

MARICOPA COUNTY

TAX ROLL
MARICOPA COUNTY
TREASURER

ROOM 101
1115 JRD AVE
PHOENIX AZ 85003

208930

506 99 005

PROPERTY DESCRIPTION

CLAIMS VENTURE EXTENSION - TALMAGE - JANE ELMORE
SHERIDAN - ELMORE - VAN BUREN - ASTOR - CONKLIN W
MILTON - CUSTER SHERMAN PIT GOLD SEC 3: 6N 5W SE
C 36 6N 6W

SEALED WAYNE E. WICKENBUR
PO BOX 1853
WICKENBUR ARIZONA 85358

PRIMARY LIMITED VALUATION				PRIMARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1982 AMT	1981 AMT	
LAND & BLDGS	3450	.80	2470	.75	853	234	
PERSONAL				.57	387	395	
EXEMPTION							
PRIMARY TOTAL	3450		2470		886	410	
AREA CODE 0900				SUB TOTAL	67	1674	19636
SECONDARY FULL CASH VALUATION				SECONDARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1982 AMT	1981 AMT	
LAND & BLDGS	3450	.60	2470	.50	236	840	
PERSONAL				.03	74	74	
EXEMPTION				.98	2420	3112	
SECONDARY TOTAL	3450		2470		3730	4026	
SPECIAL DISTRICT VALUE OR ACRES							
IF NOT PAID BY DELINQUENT DATES WRITE UP FULL				TOTAL TAX			\$203.04
PAID				MAY BE PAID IN FULL			
FIRST HALF TAX DUE OCT 1 1982				SECOND HALF TAX DUE MARCH 1 1983			
DELINQUENT AFTER NOV 1 1982				DELINQUENT AFTER MAY 2 1983			
10/10 '82 Interest 102				MAY 3 '83			

Stapley
County Treasurer
Maricopa

Stapley
County Treasurer
Maricopa

1983
 MARICOPA COUNTY
 TAX ROLL
 MARICOPA COUNTY TREASURER
 ROOM 101
 111 S. 3RD AVE
 PHOENIX, AZ. 85003

215007 NBR 506 99 005 1
 PARCEL NUMBER

PROPERTY DESCRIPTION
 SEC 31 TWN 6N TR 5W
 CLAIMS VITURE EXTENSION - TALMAGE - JANE ELMORE
 SHERIDAN - ELMORE - VAN BUREN - ASTOR - CONKLIN H
 AMILTON - CUSTER SHERMAN PIT GOLD SEC 31 6N 5W SE
 C 36 6N 6W

V M P INC
 PO BOX 20202
 WICKENBURG AZ 85358

PRIMARY (LIMITED) VALUATION				TAX			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE/100	1983 AMT	1982 AMT	
LAND & BLDGS	15450	160	2470	STATE 75	1853	1853	1853
PERSONAL EXEMPTION				COUNTY 153	3779		3878
PRIMARY TOTAL	15450		2470	CITY SCHOOL 402	9928		8867
				JR COL 77	1902		1976
AREA CODE 0200				SUB TOTAL	707	17462	16574
SECONDARY (FULL CASH) VALUATION				SECONDARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1983 AMT	1982 AMT	
LAND & BLDGS	15450	160	2470	FLOOD 48	1186		1236
PERSONAL EXEMPTION				ROAD 05	124		74
SECONDARY TOTAL	15450		2470	BONDS 70	1730		2420
				OVERRIDES			
				SUB TOTAL	123	3040	3730
SPECIAL DISTRICT VALUE OR ACRES							
IF NOT PAID BY DELINQUENT DATES WRITE OR CALL (602) 262-6811 FOR INTEREST AMOUNT				TOTAL TAX MAY BE PAID IN FULL \$205.02			
PAID				PAID			
FIRST HALF TAX DUE OCT. 3, 1983 DELINQUENT AFTER NOV. 1, 1983		10251		SECOND HALF TAX DUE MARCH 1, 1984 DELINQUENT AFTER MAY 1, 1984		10251	
<i>11/18/84</i>		<i>213</i>		<i>11/16/84</i>			

CL PAID 1 01/18 32 0508 2.73
 L. Glenn SD. County Treasurer Maricopa PAID 2 06/06 21 14137
 County Treasurer Maricopa

1984 708384 506 99 005 1

MARICOPA COUNTY
TAX ROLL
MARICOPA COUNTY
TREASURER

ROOM 101
111 S. 3RD AVE
PHOENIX, AZ 85003

PROPERTY DESCRIPTION
SEC 31 TWN 6N R3
LOT 3 BLK 6N TR 5W
CLAIMS VENTURE EXTENSION - TALMAGE - JANE ELMORE
SHERIDAN - ELMORE - VAN BUREN - ASTOR - CONKLIN H
AMILTON - CUSTER SHERMAN PIT. GOLD SEC 31 6N 5W SE
C 36 6N 6W

PARCEL NUMBER

V M P INC
PO BOX 20202
WICKENBURG AZ 85358

PRIMARY (LIMITED) VALUATION				PRIMARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE/100	1984 AMT	1983 AMT	
LAND & BLDGS					988	1853	
PERSONAL EXEMPTION				COUNTY 150	3705	3779	
PRIMARY TOTAL	15450		2470	CITY 345	8522	9928	
				SCHOOL 75	1853	1902	
				SUB TOTAL 610	15068	17462	
AREA CODE 0900							
SECONDARY (FULL CASH) VALUATION				SECONDARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1984 AMT	1983 AMT	
LAND & BLDGS	15450	160	2470	FLOOD 50	1236	1186	
PERSONAL EXEMPTION				CAWCO 07	172	124	
PRIMARY TOTAL	15450		2470	BOND'S 53	1310	1730	
				OVERIDES			
				SUB TOTAL 110	2718	3040	
SPECIAL DISTRICT VALUE OR ACRES							
IF NOT PAID BY DELINQUENT DATES WRITE OR CALL 18023 262-8811 FOR INTEREST AMOUNT				TOTAL TAX MAY BE PAID IN FULL \$177.86			
FIRST HALF TAX DUE OCT 1, 1984 DELINQUENT AFTER NOV. 1, 1984		PAID 8893		SECOND HALF TAX DUE MARCH 1, 1985 DELINQUENT AFTER MAY 1, 1985		PAID 8893	

JUN 22 '85
LAND 00
Glenn Stapley
County Treasurer
Maricopa

PAID 1 06/28 05 24568 .00
PAID 2 06/28 05 24568 11.86

JUN 28 '85
Interest 11.86
Glenn Stapley
County Treasurer
Maricopa

1985

MARICOPA COUNTY
TAX ROLL
MARICOPA COUNTY TREASURER

ROOM 101
111 S. 2ND AVE
PHOENIX, AZ 85003

PROPERTY DESCRIPTION
506-99-005
101 3 1/2 AC 6N TO SW
CLAIMS VITURE EXTENSION - TALMAGE - JANE ELMORE
SHERIDAN - ELMORE - VAN BUREN - ASTOR - CONKLIN H
MILTON - CUSTER SHERMAN PIT GOLD SEC 31 6N SW SE
C 36 6N 6W

V M P INC
PO BOX 20202
WICKENBURG

AZ 85358

PRIMARY (LIMITED) VALUATION				PRIMARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE/100	1985 AMT	1984 AMT	
LAND & BLDGS	15450	60	2470	STATE 40	988	988	
PERSONAL				COUNTY 145	3582	3705	
DESCRIPTION				CITY			
PRIMARY TOTAL	15450		2470	SCHOOL 519	12818	8522	
				A COL 71	1754	1853	
				SUB TOTAL 775	19142	15089	
AREA CODE 0900							
SECONDARY FULL CASH VALUATION				SECONDARY TAX DISTRIBUTION			COMPARATIVE
TYPE	FULL CASH	%	ASSESSED	RATE	1985 AMT	1984 AMT	
LAND & BLDGS	15450	60	2470	ADDED 30	1235	1235	
PERSONAL				CANCELLED 07	172	172	
DESCRIPTION				BONDS 61	1506	1370	
PRIMARY TOTAL	15450		2470	CHANGES			
				SUB TOTAL 118	2914	2778	
<p>IF ANY PART OF THESE TAXES ARE PAID BY OTHER THAN THE TAXPAYER, THE TAXPAYER MUST FILE A STATEMENT WITH THE COUNTY CLERK'S OFFICE.</p>				<p>PAID</p>			
<p>PAID</p>				<p>PAID</p>			
<p>NOV 22 1985</p>				<p>JUL 16 '86</p>			
<p>Glenn Stapley County Treasurer Maricopa</p>				<p>Glenn Stapley County Treasurer Maricopa</p>			

NOV 22 1985
P1 11/21/85 110.28
Glenn Stapley
County Treasurer
Maricopa

JUL 16 '86
Interest 294
Glenn Stapley
County Treasurer
Maricopa
TRAN# 05 29466

General Land Office

Mineral Certificate

No.

Phoenix 05130.

The United States of America,

Do hereby certify that

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there have been surveyed and patented lands of the United States the Plat and Field Notes of survey and the description thereon filed in the office of the Land Office at Phoenix, in the Territory of Arizona, accompanied by other evidence, whereby it appears that the Vulture Mine

did, on the sixteenth day of September, A. D. 1881, pay for that certain mining claim or premises, known as the Elk Gold Lode

designated by the Surveyor General as Survey No. 3522, situated in the unswayed public domain in the Vulture Mining District, in the County of Maricopa, and Territory of Arizona,

in the District of Lands subject to sale at Phoenix and bounded, described, and plotted as follows, with one side of the same being five minutes east:

Beginning at corner No. 1, $\frac{1}{2}$ mile west four feet from the corner marked P. O. 3522, with mound of stone and corral, on a line which bears north three degrees, forty-five minutes east one hundred and sixty-nine hundredths feet distance, and thence by said line south twenty-nine degrees, west three hundred and thirty feet distance

123576

Thence, first course, north 89° 15' 00" west, 214 hundred feet to corner No. 2, a plain post 2 1/2 inches square, marked P. O. 2 - 2522, with mound of stone and ash;

Thence, second course, north 89° 15' 00" west, 1500 hundred feet to corner No. 3, a plain post 4 inches square, marked P. O. 3 - 2522;

Thence, third course, north 89° 15' 00" west, 600 hundred feet to corner No. 4, a plain post 4 inches square, marked P. O. 4 - 2522, with mound of stone and ash;

Thence, fourth course, north 89° 15' 00" west, 1500 hundred feet to corner No. 5, a plain post 4 inches square, marked Survey No. 2522 extending one thousand five hundred feet to the old Gale vein or lode; the proceeds, herein stated, shall be used to pay the amount sixty-one thousandths of the above sum of 10000.

//

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

2600 NORTH CENTRAL AVENUE, SUITE 1600
PHOENIX, ARIZONA 85004-3016
(602) 248-0036

EVO DECONCINI (1901-1986)
JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD LUIS A. OCHOA
GARY CLIFFORD KORN

January 19, 1987

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DINO DECONCINI
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DAWN A. MCGUFFIE
SHARON M. HENSLEY
DONNA L. HYLARIDES

PLEASE REPLY TO TUCSON

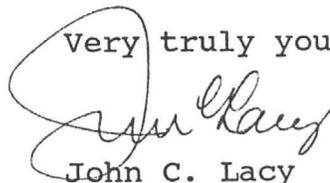
Hon. I. Sylvan Brown
Judge of Maricopa County
101/201 West Jefferson
Phoenix, Arizona 85003

Re: In Re The Townsite of Vulture City
Maricopa County Cause No. C578525

Dear Judge Brown:

Enclosed is a copy of my approval of the form of the papers submitted by counsel for V.M.P., Inc. The original was mailed this date to the Clerk.

Very truly yours,



John C. Lacy

jk

Enc.

c w/enc.: W. Scott Donaldson, Esq.
bc w/enc.: Carole A. O'Brien

0116870420.jcl1.860020

DMEA LTD.

JAN 20 1987

RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

John C. Lacy, Esq.
Attorney for Petitioner

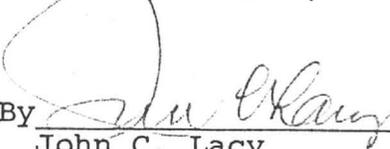
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

In Re:)	
	)	No. C578525
TOWNSITE OF VULTURE CITY,)	
being a portion of Section	)	Approval of Form of Order
36, Township 6 North, Range	)	Confirming Application for
6 West, and Section 1,	)	Preferential Purchase of
Township 5 North, Range 6	)	Pit Gold Patented Mining
West, G&SRM, Maricopa County	)	Claim and Quitclaim Deed to
	)	Unclaimed Townsite Lot

The applicant, Ben F. Dickerson, III, by and through his counsel does hereby approve the form of the Order Confirming Application for Preferential Purchase of Pit Gold Mining Claim under A.R.S. § 9-1132 and the form of Quitclaim Deed to unclaimed Townsite Lot filed by Vulture Mines Properties, Inc., an Arizona corporation, attached to a letter dated January 5, 1987, by Scott W. Donaldson, Esq., its counsel.

DATED this 16th day of January, 1987.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

By 
John C. Lacy
240 North Stone Avenue
Tucson, Arizona 85701-1295
Attorneys for Petitioner

.....

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Copy of the foregoing mailed
this 16th day of January,
1987, to:

W. Scott Donaldson, Esq.
2916 North 7th Avenue
Suite 100
Phoenix, Arizona 85013
Attorney for Applicant

0116870400.jc11.860020

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI (1901-1986)
JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD LUIS A. OCHOA
GARY CLIFFORD KORN

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DINO DeCONCINI
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DAWN A. McGUFFIE
SHARON M. HENSLEY
DONNA L. HYLARIDES

November 25, 1986

PLEASE REPLY TO: Tucson

DMEA LTD.

NOV 29 1986

RECEIVED

Judge I. Sylvan Brown
Maricopa County Superior Court
101/201 West Jefferson
Phoenix, Arizona 85003

Re: In Re One Townsite of Vulture City; Maricopa County
Cause No. C578525

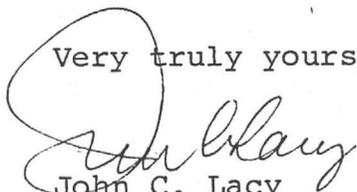
Dear Judge Brown:

I have enclosed for your consideration an Order Confirming Sale of Unsold Portions of the Townsite under A.R.S. §9-1131 together with a Quitclaim Deed to effect the transfer to the Petitioner.

As evidence of the payment of the purchase price to the Superior Court, I have enclosed for filing with the Order the original receipt for the payment of the funds to the Clerk of the Superior Court.

One of the outstanding items that we discussed at the hearing was the disposal of funds. I had initially thought that it might be appropriate to place these instructions in the Order Confirming Sale, but I understand that as yet the Attorney General's Office has not provided you with guidance. I have, therefore, simply stated in paragraph 3 of the operative portion of the Order Confirming Sale that the Clerk shall dispose of the funds pursuant to A.R.S. §9-1133 and the further order of the Court.

Very truly yours,


John C. Lacy

el
Enclosures

c w/enc.; Ben F. Dickerson, III
Scott Donaldson, Esq.

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.
ATTORNEYS AT LAW
2 240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner
5

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 In re) No. C578525
9)
10 THE TOWNSITE OF VULTURE)
CITY, being a portion) ORDER CONFIRMING SALE
11 of Section 36, Township) OF UNSOLD PORTIONS OF
6 North, Range 6 West) TOWNSITE UNDER
and Section 1, Township) A.R.S. § 9-1131
12 5 North, Range 6 West,)
G&SRM, Maricopa County)
13

14 THE MATTER OF THE PETITION FOR SALE OF UNSOLD PORTIONS
15 OF THE TOWNSITE OF VULTURE CITY, having come before this
16 Court at its regularly scheduled time of 9:30 a.m., on
17 November 7, 1986, pursuant to order of this Court, the Court
18 finds as follows:

19 1. That the lands sought to be sold pursuant to A.R.S.
20 § 9-1131 were acquired by the Probate Judge of Maricopa
21 County prior to February 14, 1914;

22 2. That this Court has deemed it advisable to sell
23 those portions of the Townsite of Vulture City that remain
24 unsold;

25 3. That Walter D. Armer, Jr., Thomas F. Archer and
26 Duayne Webb, three disinterested appraisers, having been duly

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 appointed and having provided this Court an appraisal under
2 oath of those portions of the Townsite of Vulture City that
3 remain unsold;

4 4. That a notice of a public auction sale was made by
5 publication in the Wickenburg Sun, for a period of once per
6 week for two consecutive weeks, which dates were October 2,
7 1986, and October 9, 1986, offering the property for sale to
8 the highest bidder at public auction at the time and place
9 fixed for the hearing, but for not less than the appraised
10 value thereof;

11 5. That the value of the unsold portions of the
12 Townsite of Vulture City, as determined by the appraisers
13 appointed herein, is \$150.00 per acre;

14 6. That the remaining unsold acreage within the
15 Townsite of Vulture City consists of 109.239 acres;

16 7. That the value of such unsold acreage is therefore
17 determined to be \$16,385.85;

18 8. That at the hearing BEN F. DICKERSON, III, the
19 Petitioner herein, tendered a bid to purchase the unsold
20 portions of the Townsite of Vulture City for \$16,400.00;

21 9. That no other parties interested in submitting bids
22 attended the hearing and no other bids were received; and

23 10. That the bid for such purchase tendered by the
24 Petitioner is in excess of the appraisal.

25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE COURT THEREFORE ORDERS:

1. That the bid of BEN F. DICKERSON, III, the Petitioner herein, to purchase the unsold portions of the Townsite of Vulture City for the sum of \$16,400.00 is hereby accepted;

2. That the Petitioner shall pay the purchase price to the Clerk of the Superior Court of Maricopa County by cashier's check; and

3. That the Clerk shall dispose of such funds in accordance with the provisions of A.R.S. § 9-1133 and the further order of this Court.

DONE IN OPEN COURT this _____ day of _____, 1986.

Honorable I. Sylvan Brown
Judge of the Superior Court

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 In re) No. C578525
9)
10 THE TOWNSITE OF VULTURE) QUITCLAIM DEED
CITY, being a portion) TO UNCLAIMED
11 of Section 36, Township) TOWNSITE LOTS
6 North, Range 6 West)
and Section 1, Township)
12 5 North, Range 6 West,)
G&SRM, Maricopa County)
13

14 THE UNDERSIGNED, as the grantor pursuant to A.R.S.
15 § 9-1131, and based upon the proceedings held at a hearing in
16 open court on November 7, 1986, does hereby quitclaim to BEN
17 F. DICKERSON, III, an unmarried man, the grantee herein, all
18 of the right, title, and interest of the Superior Court, as
19 the Trustee designated under that certain act of the United
20 States Congress entitled "An Act for the relief of
21 inhabitants of cities and towns upon the public lands,"
22 approved March 2, 1867, and as successor Trustee to Thomas G.
23 Greenshaw, Probate Judge of Maricopa County, Arizona
24 Territory, under that certain patent dated June 20, 1882,
25 recorded in Book 8 of Deeds, Page 467 of the official records
26 of Maricopa County, in and to those portions of the Townsite

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 of Vulture City more particularly described in Exhibit A
2 attached hereto and incorporated herein by this reference, it
3 being the intent of the grantor to convey to the grantee all
4 remaining unsold portions of such Townsite of Vulture City to
5 the grantee.

6 The grantor in making the conveyance described above
7 makes no warranties or representations of title, and such
8 grant is made only in the capacity as successor Trustee and
9 none other.

10 DATED this _____ day of _____, 1986.

11 _____
12 Honorable I. Sylvan Brown
13 Judge of the Superior Court
14

15 STATE OF ARIZONA)
16) ss.
17 County of Maricopa)

18 The foregoing instrument was acknowledged before me this
19 _____ day of _____, 1986, by I. Sylvan Brown,
20 Judge of the Superior Court, as successor Trustee to the
21 Probate Judge of Maricopa County pursuant to A.R.S. § 9-1131.

22 My commission expires: _____ Notary Public
23 _____
24
25
26

EXHIBIT A

The real property conveyed hereby consists of those portions of the Townsite of Vulture City not previously sold, being a portion of the Southwest Quarter of Section 36, Township 6 North, Range 6 West, and the Northeast Quarter of Section 1, Township 5 North, Range 6 West, G&SRM, Maricopa County, Arizona, more particularly described in that certain patent issued by the United States of America to Thomas G. Greenshaw, Probate Judge of Maricopa County, Arizona Territory, dated June 20, 1882, and recorded in Book 8 of Deeds, Page 467 of the official records of Maricopa County, less:

1. Those three parcels previously conveyed by the Superior Court to D. D. Blair under Maricopa County Superior Court Cause No. 143114 consisting of:

Parcel a. That portion of the plat of Vulture City lying South of the center line of Yuma Street and West of the center line of Hayes Street;

Parcel b. That portion lying South of the center line of Prescott Street, and East of the center line of the North-South alleys through Blocks 39 and 46 and West of the center line of Hancock Street; and

Parcel c. That part North of the center line of Phoenix Street and East of the center line of Hancock Street.

Which streets and blocks are shown on a plat of the Townsite of Vulture City recorded in Book 1 of Maps, Page 2 of the official records of Maricopa County.

2. The Pit Gold Patented Lode Mining Claim.

REC'D FORM 8L80801808

VIVIAN KRINGLE, CLERK

RECEIPT

DATE 11-7 1986 No. 1818

RECEIVED FROM A. F. Budge LTD (for BEN F. DICKERSON III)

ADDRESS The Townsite of Vulture City

Sixteen thousand four hundred DOLLARS \$16,400⁰⁰

FOR C 578525

CR# 34934181 11/5/86

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<input checked="" type="checkbox"/>
BALANCE DUE		MONEY ORDER	

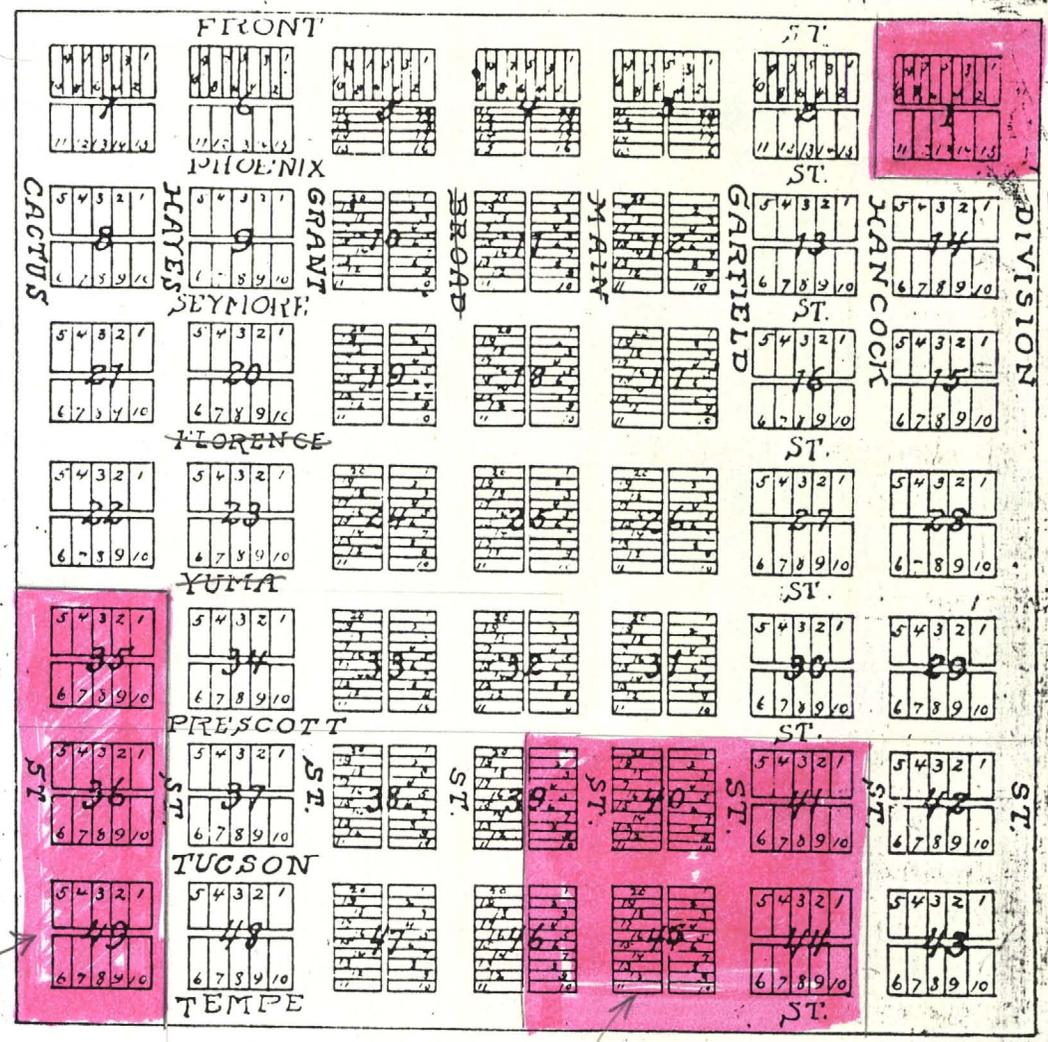
BY K. Murphy

12 1/2% Ed + Nicole Moomjian
 1 1/4% John + Donna McClamr... h, Jr.
 25% Bernard + Ruth Miller
 50%

Quit Claim Deeds
 recorded
 Jan. 29/65

9/49 lots

3.441
 160 acres
 138
 22.0
 196
 240



Parcel C
 1 lot

Parcel A
 3 lots

Parcel B
 5 lots

EXPLANATORY

Townsite 1/2 mile (2640ft) square
 Including 160 Acres -
 All Streets are 90ft wide.
 Except MAIN, BROAD, FLORENCE
 and YUMA which are 105.
 All Alleyways are 20ft. wide.
 Interior Business Lots are 25 x 125ft.
 Corner " " " 35 x 125ft. Except lots 15 and 16
 in blocks 3, 4 and 5 which are 25ft. x 125ft.
 Interior Resident lots are 50ft. x 125ft.
 Corner " " " 60ft x 125ft.

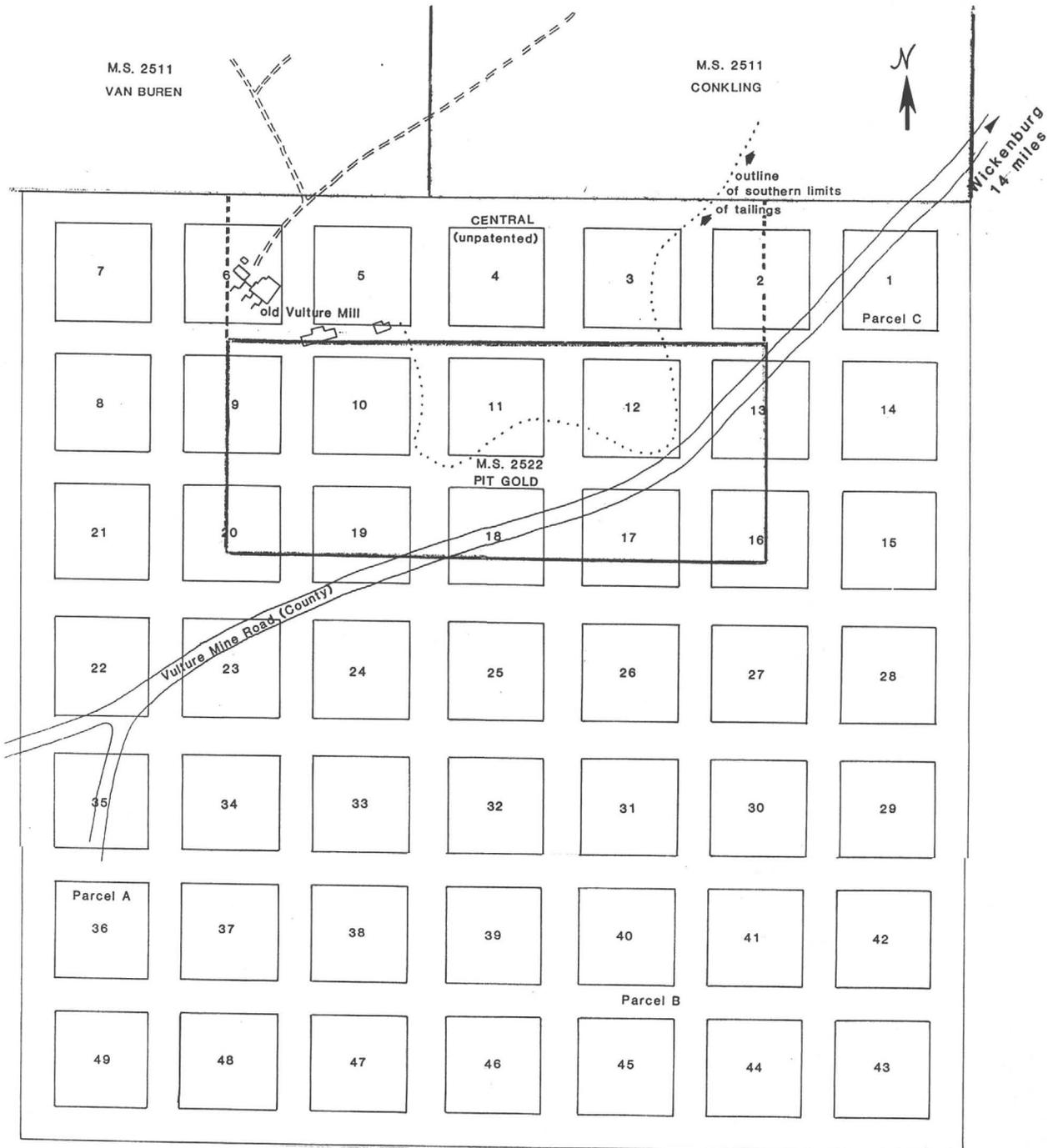
VULTURE CITY

Maricopa Co. ARIZONA

surveyed by
 Herbert R. Patrick.
 SURVEYOR.

Book 1 Maps, page 2.

THE VALLEY ABSTRACT CO. PHOENIX ARIZONA.



M.S. 2511
VAN BUREN

M.S. 2511
CONKLING



Wickenburg
14 miles

outline
of southern limits
of tailings

CENTRAL
(unpatented)

old Vulture Mill

Parcel C

M.S. 2522
PIT GOLD

Vulture Mine Road (County)

Parcel A

Parcel B

Vulture Townsite
shown in
approximate
relation to
mill, tailings,
road, etc.



DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

EVO DECONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DECONCINI, OF COUNSEL

September 4, 1986

PLEASE REPLY TO: TUCSON

W. Scott Donaldson, Esq.
2916 North 7th Avenue
Suite 100
Phoenix, Arizona 85013

Re: Vulture City Townsite Purchase

Dear Scott:

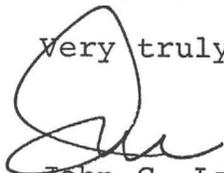
In the process of preparing for the public auction sale of the remaining unsold portions of the Vulture City Townsite, I noted a special right of preference that applies to Mr. Beal's interest in the Pit Gold patented mining claim.

This provision is contained in A.R.S. § 9-1132 and provides that a person who has been in possession of and paid taxes on a parcel of land included within a townsite entered prior to February 14, 1912, may purchase the title or claim thereto by making application to the trustee (i.e., the Maricopa County Superior Court). This application must contain a detailed statement under oath as to the possession of the payment of taxes and be accompanied by a filing fee of \$1.00 for the application and an additional \$5.00 as the purchase price for the parcel. All contiguous lots or portion of lots included in a single application are deemed to be one parcel of land.

Upon the filing of the application, the judge is required to have a hearing and give a two-week public notice of the applicant's right of preference.

Therefore, it appears that the issue of the right of ownership of land encompassed with the Pit Gold patented mining claim can be resolved by purchasing the property for a total of \$6.00.

Very truly yours,


John C. Lacy

jk

c: Ben F. Dickerson, III

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

September 3, 1986

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DECONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

Hon. I. Sylvan Brown
Judge of the Maricopa County
Superior Court
101/201 West Jefferson
Phoenix, Arizona 85003

DMEA LTD.
SEP 4 1986
RECEIVED

Re: In Re The Townsite of Vulture City
Maricopa County Cause No. C-578525

Dear Judge Brown:

As I indicated to you on the telephone the other day, one of the specified dates of publication for the Order for sale in the referenced case was missed because of a delay in my receiving a copy of the formal Order. In further reviewing the matter, however, I have noted that A.R.S. § 9-1131B requires a two-week publication "in a newspaper of general circulation within the city or town, or if there is none, then in a newspaper of general circulation published nearest the land to be sold." In this particular case, since there are no inhabitants of Vulture City, Wickenburg is the nearest town with a newspaper of general circulation. Thus, the original Order directing publication in the Arizona Business Gazette was improper. The Wickenburg Sun therefore appears to be the appropriate newspaper for publication. Their deadline for legal advertising is on Mondays for Thursday publication.

Aside from the publication question, there are two other minor corrections and clarifications that would seem appropriate. These are as follows:

a. The original Petition and Order of Disposal cites A.R.S. § 9-1117 as the authority for sale. The appropriate reference should have been A.R.S. § 9-1131 since the property in question was acquired prior to February 14, 1912.

b. I have had questions posed to me by my client regarding the method of payment and the procedure that would be followed if

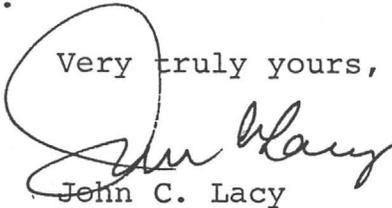
DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.
ATTORNEYS AT LAW

Hon. I. Sylvan Brown
September 3, 1986
Page Two

a competitive bidding situation arose. I therefore have suggested by way of the proposed Amended Order that the cash payment could be in the form of a cashier's check payable to the Clerk of the Superior Court, and that any winning bid amount in excess of the appraisal could be made up within five business days after the sale.

I have therefore enclosed a copy of a proposed Amended Order and Public Notice to accomplish the foregoing. I have lodged the originals with the Clerk with instructions that they be provided to you. If the documents are acceptable, I would appreciate it if your Clerk would telephone my office with the dates of publication and the hearing date.

Very truly yours,



John C. Lacy

jk
Enc.

c w/enc.: Ben F. Dickerson, III

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

September 3, 1986

DINO DECONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

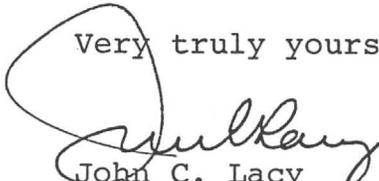
Ms. Vivian Kringle
Clerk of the Superior Court
of Maricopa County
101/201 West Jefferson
Phoenix, Arizona 85003

Re: In Re The Townsite of Vulture City; Maricopa County
Cause No. C-578525

Dear Ms. Kringle:

Please lodge the enclosed Amended Order of Disposal of Unclaimed Townsite Lots Under A.R.S. § 9-1131 and Townsite Trustee's Notice of Sale of Unclaimed Townsite Lots. This cause is assigned to Judge I. Sylvan Brown, and I would appreciate your furnishing the originals to him.

Very truly yours,


John C. Lacy

jk
Enc.

c w/enc.: Hon. I. Sylvan Brown

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8	In re	)	No. C578525
)	
9	THE TOWNSITE OF VULTURE	)	TOWNSITE TRUSTEE'S
10	CITY, being a portion	)	NOTICE OF SALE OF UNCLAIMED
	of Section 36, Township	)	TOWNSITE LOTS
11	6 North, Range 6 West)	
	and Section 1, Township)	
12	5 North, Range 6 West,)	
	G&SRM, Maricopa County)	
)	

13
14 PUBLIC NOTICE IS HEREBY GIVEN:

15 That on the _____ day of _____, 1986, at the hour
16 of _____ o'clock ____M., in Courtroom _____ of the
17 Central Courts Building of Maricopa Courty, 101/201 West
18 Jefferson, Phoenix, Arizona, pursuant to an Amended Order for
19 Sale entered in these proceedings on the _____ day of
20 _____, 1986, this Court, as the successor townsite
21 trustee of the Townsite of Vulture City, will sell all of the
22 remaining unsold portions of the Vulture City Townsite to the
23 highest bidder at a public auction sale in accordance with
24 the provisions of A.R.S. § 9-1131;

25 That such sale be for cash (which may be a cashier's
26 check made payable to the Clerk, Maricopa County Superior

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Court), so long as the bid is not less than the appraised value thereof according to the appraisal on file in these proceedings, and provided that the successful bidder may pay any remaining amount bid in excess of the appraised amount within five business days after the date of sale; and

That this notice of a public auction sale be made by publication in the Wickenburg Sun, for a period of once per week for two consecutive weeks.

DONE IN OPEN COURT this _____ day of _____, 1986.

Hon. I. Sylvan Brown
Judge of the Superior Court

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
3 TUCSON, ARIZONA 85701
(602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8	In re	)	No. C578525
9	THE TOWNSITE OF VULTURE	)	AMENDED ORDER OF DISPOSAL
10	CITY, being a portion	)	OF UNCLAIMED TOWNSITE LOTS
11	of Section 36, Township	)	UNDER A.R.S. § 9-1131
12	6 North, Range 6 West)	
	and Section 1, Township)	
	5 North, Range 6 West,)	
	G&SRM, Maricopa County)	

13
14 The Court having been advised of the need to amend and
15 clarify the Order dated June 25, 1986, and good cause
16 appearing, it is hereby ORDERED:

17 a. That the sale of the unclaimed townsite lots by
18 public auction set for September 11, 1986, is hereby VACATED,
19 and a new date for such sale is hereby set for _____,
20 1986, at the hour of _____ o'clock ____M., in Courtroom
21 _____ of the Central Courts Building of Maricopa
22 Courty, 101/201 West Jefferson, Phoenix, Arizona.

23 b. That notice of a public auction sale be made by
24 publication in the Wickenburg Sun, for a period of once per
25 week for two consecutive weeks offering the property for sale
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 to the highest bidder but for not less than the appraised
2 value thereof;

3 c. That the unsold lots within the Vulture City
4 Townsite be sold to the highest bidder at such public auction
5 for cash (which may be a cashier's check made payable to the
6 Clerk, Maricopa County Superior Court), so long as the bid is
7 not less than the appraised value thereof, and provided that
8 the successful bidder may make up any amount bid in excess of
9 the appraised amount within five business days after the date
10 of sale; and

11 d. That the funds generated from such sale shall be
12 disposed of in accordance with the provisions of A.R.S.
13 § 1133.

14 DONE IN OPEN COURT this _____ day of _____, 1986.

15
16 _____
17 Hon. I. Sylvan Brown
18 Judge of the Superior Court
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

August 25, 1986

DINO DECONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

AUG 26 1986

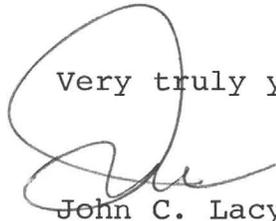
RECEIVED

Re: Clearwater Mining Corporation v. V.M.P., Inc.

Dear Ben:

I have enclosed a conformed copy of an Order dismissing the referenced litigation in accordance with the Stipulation I sent you earlier.

Very truly yours,



John C. Lacy

jk

Enc.

RECEIVED
AUG 22 1985

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
2 ATTORNEYS AT LAW
3 240 NORTH STONE AVENUE
4 TUCSON, ARIZONA 85701
5 (602) 623-3411

DeCONCINI, McDONALD, BRAMMER,
YETWIN & LACY, P.C.
240 N. Stone Avenue, Tucson, Arizona 85701

4 John C. Lacy, Esq.
5 Attorney for Plaintiff/Counterdefendant

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION,)
9 an Arizona corporation, as nominee)
10 of A.F. BUDGE (MINING LIMITED), a)
11 foreign corporation,)
12)
13 Plaintiff,)
14 vs.)
15 V.M.P., INC., an Arizona)
16 corporation,)
17)
18 Defendant.)

No. C 562598
ORDER

16 The Court having reviewed the foregoing Stipulation of
17 the parties, and good cause appearing therefor,

18 IT IS HEREBY ORDERED: that

19 1. All actions undertaken by the Plaintiff through its
20 agents and independent contractors to correct defects in the
21 location notices or the posting of those certain unpatented
22 mining claims situated in the Vulture Mining District,
23 Maricopa County, Arizona, as described in that certain Option
24 and Lease Agreement dated July 1, 1984, as amended effective
25 February 1, 1985 (described therein as the "Property") shall
26 be paid as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

a. Plaintiff shall pay all costs of amending and relocating the Property exceeding \$17,500.00.

b. With regard to the first \$17,500.00 of such cost, Plaintiff shall, pay 25% (\$4,375.00) and Defendant shall pay 75% (\$13,125.00).

c. Plaintiff may recover such costs owing it under this Order from advance minimum royalties due Defendant by the terms of subsection a of Section 3 of the Option and Lease Agreement, as amended.

2. This Order relates only to amendments to and relocations of the unpatented mining claims included within the Property as undertaken by Harvey Smith, Mineral Surveyor, and shall not limit any further obligations of the Lessor relating to title or other representations under the terms of the Option and Lease Agreement.

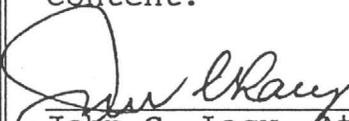
3. The above-entitled cause is hereby dismissed with prejudice. Each party shall bear its own costs, expenses and attorneys' fees.

DATED this day of May, 1986.

MARILYN A. RIDDEL

Judge of the Superior Court

Approved as to form and content:


John C. Lacy, Attorney for Plaintiff


W. Scott Donaldson, Attorney for Defendant

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

EVO DeCONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DeCONCINI, OF COUNSEL

August 15, 1986

PLEASE REPLY TO: TUCSON

DMEA LTD.

Ms. Vivian Kringle
Clerk
Maricopa County Superior Court
101/201 West Jefferson
Phoenix, Arizona 85003

AUG 16 1986

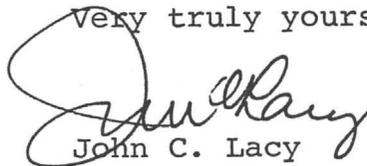
RECEIVED

Re: Clearwater Mining Corporation v. V. M. P., Inc.
Maricopa County Cause No. C 562598

Dear Ms. Kringle:

I have enclosed a Stipulation executed by counsel for Plaintiff and Defendant to which is attached an Order dismissing the above-entitled matter. I would appreciate being furnished with a copy of the Order after it has been signed.

Very truly yours,


John C. Lacy

jk
Enc.

c: Scott Donaldson, Esq.
Ben F. Dickerson, III (w/enc.)

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Plaintiff/Counterdefendant

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION,)
an Arizona corporation, as nominee)
9 of A.F. BUDGE (MINING LIMITED), a)
foreign corporation,)

10 Plaintiff,)

11 vs.)

12 V.M.P., INC., an Arizona)
13 corporation,)

14 Defendant.)

No. C 562598

STIPULATION

15
16 The Plaintiff and Defendant, by and through their
17 undersigned counsel, hereby stipulate as follows:

18 1. The parties agree that all actions undertaken by
19 the Plaintiff through its agents and independent contractors
20 to correct defects in the location notices or the posting of
21 those certain unpatented mining claims situated in the
22 Vulture Mining District, Maricopa County, Arizona, as
23 described in that certain Option and Lease Agreement dated
24 July 1, 1984, as amended effective February 1, 1985
25 (described therein as the "Property"), shall be paid as
26 follows:

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 a. Plaintiff shall pay all costs of amending and
2 relocating the Property exceeding \$17,500.00.

3 b. With regard to the first \$17,500.00 of such
4 cost, Plaintiff shall, pay 25% (\$4,375.00) and Defendant
5 shall pay 75% (\$13,125.00).

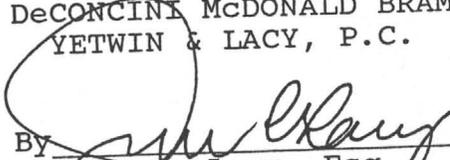
6 c. Plaintiff may recover such costs owing it
7 under the provisions of this Stipulation from advance minimum
8 royalties due Defendant by the terms of subsection a of
9 Section 3 of the Option and Lease Agreement as amended.

10 2. The parties agree that the foregoing Stipulation
11 relates only to the question of amendments and relocations of
12 the unpatented mining claims included within the Property as
13 undertaken by Harvey Smith, Mineral Surveyor, and shall not
14 limit any further obligations of the Lessor relating to title
15 or other representations under the terms of the Option and
16 Lease Agreement.

17 3. The above-entitled cause may be dismissed with
18 prejudice and each party shall bear its own costs, expenses
19 and attorneys' fees.

20 DATED this 15th day of May, 1986.

21 DeCONCINI McDONALD BRAMMER
22 YETWIN & LACY, P.C.

23 BY 
24 John C. Lacy, Esq.
25 Attorneys for Plaintiff/
26 Counterdefendant
240 N. Stone Avenue
Tucson, Arizona 85701

DATED this 13th day of ~~May~~ August, 1986.



W. Scott Donaldson, Esq.
Attorney for Defendant/
Counterclaimant
2916 N. Seventh Avenue,
Suite 100
Phoenix, Arizona 85013

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.
2 ATTORNEYS AT LAW
3 240 NORTH STONE AVENUE
4 TUCSON, ARIZONA 85701
5 (602) 623-3411

6 John C. Lacy, Esq.
7 Attorney for Plaintiff/Counterdefendant

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF MARICOPA

10 CLEARWATER MINING CORPORATION,)
11 an Arizona corporation, as nominee)
12 of A.F. BUDGE (MINING LIMITED), a)
13 foreign corporation,)

14 Plaintiff,)

15 vs.)

16 V.M.P., INC., an Arizona)
17 corporation,)

18 Defendant.)

No. C 562598

ORDER

19 The Court having reviewed the foregoing Stipulation of
20 the parties, and good cause appearing therefor,

21 IT IS HEREBY ORDERED: that

22 1. All actions undertaken by the Plaintiff through its
23 agents and independent contractors to correct defects in the
24 location notices or the posting of those certain unpatented
25 mining claims situated in the Vulture Mining District,
26 Maricopa County, Arizona, as described in that certain Option
and Lease Agreement dated July 1, 1984, as amended effective
February 1, 1985 (described therein as the "Property") shall
be paid as follows:

1 a. Plaintiff shall pay all costs of amending and
2 relocating the Property exceeding \$17,500.00.

3 b. With regard to the first \$17,500.00 of such
4 cost, Plaintiff shall, pay 25% (\$4,375.00) and Defendant
5 shall pay 75% (\$13,125.00).

6 c. Plaintiff may recover such costs owing it
7 under this Order from advance minimum royalties due Defendant
8 by the terms of subsection a of Section 3 of the Option and
9 Lease Agreement, as amended.

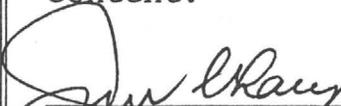
10 2. This Order relates only to amendments to and
11 relocations of the unpatented mining claims included within
12 the Property as undertaken by Harvey Smith, Mineral Surveyor,
13 and shall not limit any further obligations of the Lessor
14 relating to title or other representations under the terms of
15 the Option and Lease Agreement.

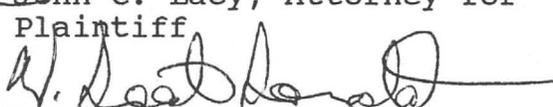
16 3. The above-entitled cause is hereby dismissed with
17 prejudice. Each party shall bear its own costs, expenses and
18 attorneys' fees.

19 DATED this ____ day of May, 1986.

20
21 Judge of the Superior Court

22 Approved as to form and
23 content:

24 
25 John C. Lacy, Attorney for
Plaintiff

26 
W. Scott Donaldson, Attorney
for Defendant

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

EVO DECONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DECONCINI, OF COUNSEL

August 15, 1986

PLEASE REPLY TO: TUCSON

Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

AUG 20 1986

RECEIVED

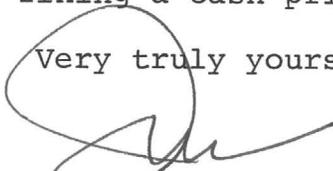
Re: Vulture Appraisal

Dear Ben:

I have enclosed the appraisal for the Vulture City Townsite together with Wally Armer's statement. Please let me know if you want us to take care of this statement and bill Budge for it or if you want to pay it directly.

Please note that the estimated value of the property was fixed at \$150 per acre based on a cash down payment with the balance amortized over a 15 to 20-year period. I will try to obtain a supplemental report fixing a cash price.

Very truly yours,


John C. Lacy

jk

Enc.

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

EVO DeCONCINI
1901-1986

JOHN R. McDONALD J. WM. BRAMMER, JR.
RICHARD M. YETWIN JOHN C. LACY
ROBERT M. STRUSE WILLIAM B. HANSON
JOHN C. RICHARDSON DAVID C. ANSON
DEBORAH OSERAN JAMES A. JUTRY
SPENCER A. SMITH MICHAEL R. URMAN
DENISE M. BAINTON BERNARD C. OWENS
KAREN J. NYGAARD

4041 NORTH CENTRAL AVENUE, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

July 25, 1986

DINO DeCONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

Ms. Carole A. O'Brien
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

JUL 26 1986

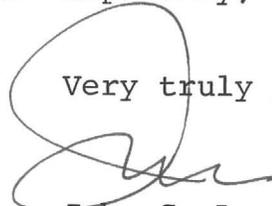
RECEIVED

Re: Vulture Mine

Dear Carole:

I have enclosed a copy of a document that we prepared and filed in the above case to place the matter back on the active calendar. My thinking is that this will generate some sort of response from Mr. Beal. I have talked with Scott Donaldson about it and he, as you know, is also having difficulty getting communicating with Mr. Beal. Hopefully, this will generate some interest.

Very truly yours,



John C. Lacy

jk

Enc.

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
3 640 GREAT WESTERN BANK PLAZA
4 4041 NORTH CENTRAL AVENUE
5 PHOENIX, ARIZONA 85012-3398
6 (602) 248-0036

RECEIVED
JUL 25 1986

4 Kenneth C. Sundlof, Jr.
5 Attorneys for Plaintiff

DECONCINI, McDONALD, BRAMMER,
YETWIN & LACY, P.C.
240 N. Stone Tucson, AZ 85701

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION, an)
9 Arizona corporation, as nominee)
10 of A. F. BUDGE (MINING LIMITED),)
11 a foreign corporation,)

11 Plaintiff,)

12 v.)

13 V.M.P., INC., an Arizona)
14 corporation,)

14 Defendant.)

NO. C562598

PLAINTIFF'S LIST OF WITNESSES
AND EXHIBITS

(Assigned to the Honorable
Marilyn Riddel)

16 Pursuant to Uniform Rule 5, Plaintiff files their
17 List of Witnesses and Exhibits.

18 WITNESSES

- 19 1. Carole O'Brien
- 20 2. Harvey Smith
- 21 3. John Osborne
- 22 4. All witnesses listed by all other parties

23 . . .

24 . . .

25 . . .

26 . . .

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU YAELI BERNARD C. OWENS
KAREN J. NYGAARD

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

June 26, 1986

DINO DeCONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

Mr. Walter D. Armer, Jr.
2880 North Longhorn Drive
Tucson, Arizona 85715

Re: Vulture Townsite Appraisal

Dear Wally:

Judge Rebecca Albrecht in Division 41 of the Maricopa County Superior Court has signed an Order appointing you, Thomas Archer, and Dwayne Webb to appraise the remaining unsold portions of the Vulture City Townsite.

The Order directs that the appraisal be returned to the Superior Court on or before August 1, 1986. For your assistance, I have enclosed a map showing the unsold portions of the townsite. Please also note that the map shows the extent of the Pit Gold patented mining claim that theoretically also includes some portion of the "unsold" portions of the townsite. The area of the Pit Gold has thus been "sold" by the United States under the provisions of the mining laws. Each patent obviously thus constitutes a cloud on the title of the other. We may wish to discuss the legalities of this conflicting grants for purposes of some comment in the final appraisal.

Very truly yours,

John C. Lacy

jk
Enc.

c: Ben F. Dickerson, III

DMEA LTD.

JUN 27 1986

RECEIVED

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU YAELI BERNARD C. OWENS
KAREN J. NYGAARD

June 5, 1986

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DeCONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

Mr. Walter D. Armer, Jr.
2880 North Longhorn Drive
Tucson, Arizona 85715

DMEA LTD.

JUN 6 1986

RECEIVED

Re: Vulture City Townsite

Dear Wally:

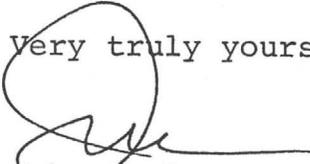
The hearing on the application of Mr. Dickerson to purchase the Vulture City Townsite has been set for June 25, 1986, at 4:00 p.m. in Phoenix. It will not be necessary for you to attend this hearing as I am simply requesting the Court to appoint the appraisers at that hearing.

For your consideration in making the appraisal, there are some features of title to the property that are worthy of mention in addition to the standard criteria. These points are as follows:

a. Because of the "floating" nature of the Townsite between 1880 and 1965, a number of mining claims were established (and even patented) in the interim that may or may not have a legal basis. These claims have nonetheless been maintained by essentially the same entity. Thus between the maintenance of mining claims and the dumping of tailings on the surface of the townsite, it is possible that a claim of adverse possession may exist.

b. Hydrologic testing indicates that any groundwater at the property is more than 600 feet beneath the surface. It may thus be impractical to obtain water on the property itself and the nearest otherwise available source of water may have to be considered.

Very truly yours,


John C. Lacy

jk

c: Ben F. Dickerson, III

DMEA Ltd.
Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251-3335
(602) 945-4630
Telex: 75-1739

June 5, 1986

John Osborne
P.O. Box 1869
Wickenburg, AZ 85358

Dear John:

Enclosed are copies of a Notice of Hearing and a Petition regarding the Vulture City Townsite. Would you please post them somewhere along the road within the limits of the townsite (south of the tailings area) where the public may see them.

Thank you.

Sincerely,


Carole A. O'Brien

encls.

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU Yaeli BERNARD C. OWENS
KAREN J. NYGAARD

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER

DINO DeCONCINI, OF COUNSEL

June 2, 1986

PLEASE REPLY TO: TUCSON

Mr. Ben F. Dickerson, III
DMEA, Ltd.
7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251

DMEA LTD.

JUN 4 1986

RECEIVED

RE: Vulture City Townsite Purchase

Dear Mr. Dickerson:

Enclosed are two copies of the Notice of Hearing and Petition which is set for hearing on June 25, 1986 at 4:00 p.m., Division 41, Maricopa County Superior Court in Phoenix.

Please arrange to have one copy of the Notice of Hearing and Petition posted somewhere on the property.

Please telephone if you have any questions.

Sincerely yours,



Bernard C. Owens

BCO: jmp
Enclosures

Aug. 9, 86

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

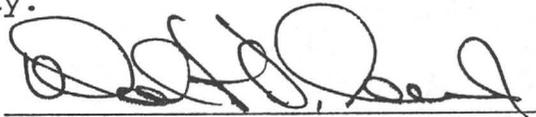
John C. Lacy, Esq.
Attorney for Petitioner

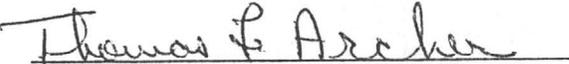
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

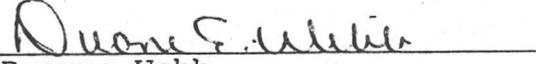
In re	)	No. C578525
)	
THE TOWNSITE OF VULTURE	)	APPRAISAL OF
CITY, being a portion	)	UNCLAIMED TOWNSITE LOTS
of Section 36, Township	)	UNDER A.R.S. § 9-1117A
6 North, Range 6 West)	
and Section 1, Township)	
5 North, Range 6 West,)	
G&SRM, Maricopa County)	

STATE OF ARIZONA)	
	)	ss. OATH OF APPRAISERS
County of Pima)	

WALTER D. ARMER, JR., THOMAS F. ARCHER, and DWAYNE WEBB,
the duly appointed appraisers of the matter of the Town of
Vulture City, being duly sworn, each for himself says: That
he will truly, honestly and impartially appraise the property
described in the Petition on file herein according to the
best of his knowledge and ability.


Walter D. Armer, Jr., MAI


Thomas F. Archer


Dwayne Webb

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Subscribed and sworn to before he this 9th day of August, 1986, by Walter D. Armer, Jr., Thomas F. Archer, and Dwayne Webb.

Virginia B. Armer
Notary Public

My commission expires:
May 8, 1990

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

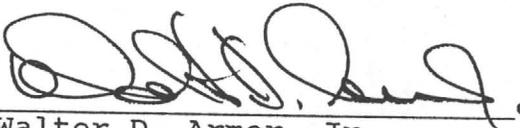
1 IN THE MATTER OF THE TOWNSITE OF VULTURE CITY.

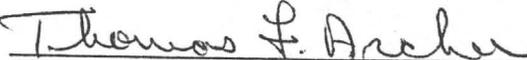
2 To WALTER D. ARMER, JR., THOMAS F. ARCHER, and DWAYNE
3 WEBB, appraisers. Compensation for services in appraising
4 said real property as follows: One day's service at \$5.00
5 per day each, \$15.00.

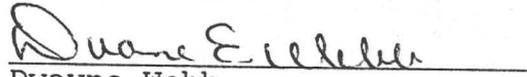
6 Necessary disbursements as follows: Additional fees of
7 \$1,500.00 to the appraisers have been paid by Petitioner.

8
9 STATE OF ARIZONA)
10 County of Pima) ss.

11 WALTER D. ARMER, JR., THOMAS F. ARCHER, and DWAYNE WEBB,
12 the Appraisers above named, being duly sworn, each for
13 himself says: That the foregoing bill is correct and just,
14 and that the services have been duly rendered as therein set
15 forth.

16 
17 Walter D. Armer, Jr.

18 
19 Thomas F. Archer

20 
21 Dwayne Webb

22 Subscribed and sworn to before me this 9th day of
23 August, 1986, by Walter D. Armer, Jr., Thomas F. Archer and
24 Dwayne Webb.

25 
26 Virginia B. Armer
Notary Public

My commission expires:

May 8, 1990

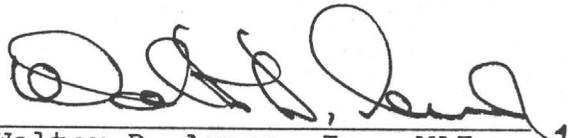
.....

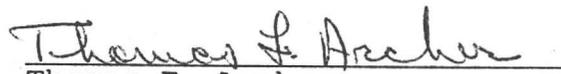
DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

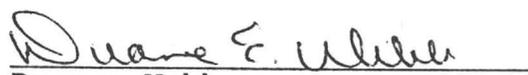
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE MATTER OF THE TOWNSITE OF VULTURE CITY.

WALTER D. ARMER, JR., THOMAS F. ARCHER, and DWAYNE WEBB,
the duly appointed appraisers of the property in the
above-captioned matter, hereby certify that the property
referred to in the Petition (constituting the unsold portions
of the Vulture City Townsite) has been appraised by the
undersigned and the values established as set forth in the
attached report.


Walter D. Armer, Jr., MAI


Thomas F. Archer


Dwayne Webb

Dated: August 9, 1986.

DMEA Ltd.
Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251-3335
(602) 945-4630
Telex: 75-1739

May 28, 1986

W. Scott Donaldson, Esq.
2916 N. 7th Avenue
Suite 100
Phoenix, AZ 85013

Re: Clearwater Mining Corporation
vs. V.M.P., Inc.

Dear Mr. Donaldson:

Enclosed are the Stipulation and Order, Ref. No.
C 562598, which John Lacy requested we send you.

Sincerely,

Carole A. O'Brien
Carole A. O'Brien

encls.

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.
2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Plaintiff/Counterdefendant

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION,)
an Arizona corporation, as nominee)
9 of A.F. BUDGE (MINING LIMITED), a)
foreign corporation,)

10 Plaintiff,)

No. C 562598

11 vs.)

STIPULATION

12 V.M.P., INC., an Arizona)
13 corporation,)

14 Defendant.)
15

16 The Plaintiff and Defendant, by and through their
17 undersigned counsel, hereby stipulate as follows:

18 1. The parties agree that all actions undertaken by
19 the Plaintiff through its agents and independent contractors
20 to correct defects in the location notices or the posting of
21 those certain unpatented mining claims situated in the
22 Vulture Mining District, Maricopa County, Arizona, as
23 described in that certain Option and Lease Agreement dated
24 July 1, 1984, as amended effective February 1, 1985
25 (described therein as the "Property"), shall be paid as
26 follows:

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 a. Plaintiff shall pay all costs of amending and
2 relocating the Property exceeding \$17,500.00.

3 b. With regard to the first \$17,500.00 of such
4 cost, Plaintiff shall, pay 25% (\$4,375.00) and Defendant
5 shall pay 75% (\$13,125.00).

6 c. Plaintiff may recover such costs owing it
7 under the provisions of this Stipulation from advance minimum
8 royalties due Defendant by the terms of subsection a of
9 Section 3 of the Option and Lease Agreement as amended.

10 2. The parties agree that the foregoing Stipulation
11 relates only to the question of amendments and relocations of
12 the unpatented mining claims included within the Property as
13 undertaken by Harvey Smith, Mineral Surveyor, and shall not
14 limit any further obligations of the Lessor relating to title
15 or other representations under the terms of the Option and
16 Lease Agreement.

17 3. The above-entitled cause may be dismissed with
18 prejudice and each party shall bear its own costs, expenses
19 and attorneys' fees.

20 DATED this 15th day of May, 1986.

21 DeCONCINI McDONALD BRAMMER
22 YETWIN & LACY, P.C.

23 By 
24 John C. Lacy, Esq.
25 Attorneys for Plaintiff/
26 Counterdefendant
240 N. Stone Avenue
Tucson, Arizona 85701

1 DATED this ____ day of May, 1986.
2
3

4 _____
5 W. Scott Donaldson, Esq.
6 Attorney for Defendant/
7 Counterclaimant
8 2916 N. Seventh Avenue,
9 Suite 100
10 Phoenix, Arizona 85013
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
3 TUCSON, ARIZONA 85701
(602) 623-3411

4 John C. Lacy, Esq.
5 Attorney for Plaintiff/Counterdefendant

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION,)
an Arizona corporation, as nominee)
9 of A.F. BUDGE (MINING LIMITED), a)
foreign corporation,)
10)
Plaintiff,) No. C 562598
11 vs.) ORDER
12)
V.M.P., INC., an Arizona)
13 corporation,)
14 Defendant.)
_____)

15
16 The Court having reviewed the foregoing Stipulation of
17 the parties, and good cause appearing therefor,

18 IT IS HEREBY ORDERED: that

19 1. All actions undertaken by the Plaintiff through its
20 agents and independent contractors to correct defects in the
21 location notices or the posting of those certain unpatented
22 mining claims situated in the Vulture Mining District,
23 Maricopa County, Arizona, as described in that certain Option
24 and Lease Agreement dated July 1, 1984, as amended effective
25 February 1, 1985 (described therein as the "Property") shall
26 be paid as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

a. Plaintiff shall pay all costs of amending and relocating the Property exceeding \$17,500.00.

b. With regard to the first \$17,500.00 of such cost, Plaintiff shall, pay 25% (\$4,375.00) and Defendant shall pay 75% (\$13,125.00).

c. Plaintiff may recover such costs owing it under this Order from advance minimum royalties due Defendant by the terms of subsection a of Section 3 of the Option and Lease Agreement, as amended.

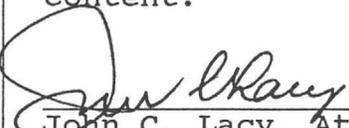
2. This Order relates only to amendments to and relocations of the unpatented mining claims included within the Property as undertaken by Harvey Smith, Mineral Surveyor, and shall not limit any further obligations of the Lessor relating to title or other representations under the terms of the Option and Lease Agreement.

3. The above-entitled cause is hereby dismissed with prejudice. Each party shall bear its own costs, expenses and attorneys' fees.

DATED this ____ day of May, 1986.

Judge of the Superior Court

Approved as to form and content:



John C. Lacy, Attorney for Plaintiff

W. Scott Donaldson, Attorney for Defendant

Dear Carol,

Enclosed find a complete copy of the Answer and Counterclaim. Somehow, in the xeroxing the pages must have gotten mixed up. Please forgive any inconvenience.

Sincerely,

J. D. Hess

RECEIVED JAN 18 1986

May 20, 86

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

John C. Lacy, Esq.
Attorney for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In re	)	No. <u>C578525</u>
)	
THE TOWNSITE OF VULTURE	)	NOTICE OF HEARING PETITION
CITY, being a portion	)	FOR SALE OF UNCLAIMED TOWNSITE
of Section 36, Township	)	LOTS UNDER A.R.S. § 9-1117
6 North, Range 6 West)	
and Section 1, Township)	
5 North, Range 6 West,)	
G&SRM, Mohave County)	
<u>Maricopa</u>)	

NOTICE IS HEREBY GIVEN:

That Ben F. Dickerson, III, has filed in this Court a Petition for Disposal of Unclaimed Townsite Lots Under A.R.S. § 9-1117, requesting that a judge of this Court sell the remaining unsold portions of the Vulture City Townsite, as more particularly described in the Petition, at public auction to the highest bidder for cash, pursuant to and in the manner provided for in A.R.S. § 9-1117, and that the same will be heard on the 25th day of June, 1986, at 4:00 o'clock, 2 .m., in Division 41 of the Maricopa County Superior Court in Phoenix, Arizona, and all persons interested therein are notified then and there to

. . . .

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

appear and show cause, if there be any, why the request of the Petitioner should not be granted.

Dated this 20th day of May, 1986.

Rebecca A. Albrecht
Judge of the Superior Court

RECEIVED
MAY 16 1986
SUPERIOR COURT
JUDGE REBECCA A. ALBRECHT

NOTE: THIS IS A RETURN DATE ONLY
TIME IS 15 MINUTES
COUNSEL MUST NOTIFY THE COURT
IF MORE TIME IS NECESSARY

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU YAELI BERNARD C. OWENS

May 15, 1986

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DINO DeCONCINI, OF COUNSEL

PLEASE REPLY TO: TUCSON

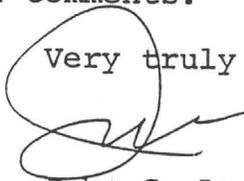
W. Scott Donaldson, Esq.
2916 North Seventh Avenue
Suite 100
Phoenix, Arizona 85013

Re: Clearwater Mining Corporation v. V.M.P.

Dear Scott:

You seem to be as busy as I these days. I have prepared a proposed Stipulation and Order that I have transmitted to my client today. If it meets with their approval I have asked them to forward it to you for your review. Please let me know if you have any questions or comments.

Very truly yours,


John C. Lacy

jk

c: Ben F. Dickerson, III

April 7, 86

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

John C. Lacy, Esq.
Attorney for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

In re	)	No. _____
)	
THE TOWNSITE OF VULTURE	)	PETITION FOR DISPOSAL OF
CITY, being a portion	)	UNCLAIMED TOWNSITE LOTS
of Section 36, Township	)	UNDER A.R.S. § 9-1117
6 North, Range 6 West)	
and Section 1, Township)	
5 North, Range 6 West,)	
G&SRM, Mohave County)	
)	

BEN F. DICKERSON, III, the Petitioner herein, by his
counsel undersigned, states as follows:

1. Petitioner is a single individual, a resident of
Maricopa County, Arizona, residing at 6648 E. Jean Drive,
Scottsdale, Arizona 85254, and is more than 21 years of age.

2. He is familiar with certain real estate in Maricopa
County, Arizona, situated as shown on the public land records
of the United States in Section 36 of Township 6 North, Range
6 West, and Section 1 of Township 5 North, Range 6 West,
G&SRM (the Master Title Plat of the United States Bureau of
Land Management is attached hereto as Exhibit 1),
constituting approximately 160 acres known as the Vulture
City Townsite.

1 3. A patent for the Vulture City Townsite was issued
2 by Certificate No. 171 on June 20, 1882, granting legal title
3 to Thomas G. Greenshaw, Probate Judge of Maricopa County,
4 Arizona Territory, under the authority of the Townsite Laws
5 of the United States (Act of April 24, 1820), to be held in
6 trust "for the several use and benefits of the occupants . .
7 ." (Exhibit 2 attached hereto).

8 4. The Vulture City Townsite was apparently abandoned
9 by the occupants and the records of Maricopa County do not
10 reflect any grants by the trustee to any occupants.

11 5. The judges of the Superior Court of Arizona,
12 Maricopa County, are the successors in interest to the
13 Probate Judge of Maricopa County, Arizona Territory and are
14 the ex officio trustees of the Townsite of Vulture City.

15 6. On October 29, 1964, in Maricopa County Cause
16 Number 143114, pursuant to the application of D. D. Blair, an
17 order for Sale was issued by the Superior Court of Arizona
18 for Maricopa County, whereby Mr. Blair purchased Blocks 1,
19 35, 36, the East Half of 39, 40, 41, 44, 45, the East Half of
20 46 and 49, from the trustee.

21 7. The public records of Maricopa County reflect that
22 no other property within the Vulture City Townsite has been
23 sold.

24 8. A procedure for the disposal of unclaimed lots
25 within townsites is established by Arizona Revised Statutes
26 § 9-1117 which, by its terms:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

a. Permits the sale of unclaimed townsite lots at public auction by the trustee (that is, the Superior Court), if deemed advisable by the Superior Court;

b. Requires the Superior Court to appoint three persons to appraise the lots desired to be sold;

c. Requires the giving of notice of sale by publication and designating a time and place for sale to the highest bidder, but for not less than the appraised value;

d. Establishes a procedure whereby any person having a preference right to any lot may raise such preference;

e. Permits the trustee to execute deeds to applicants; and

f. Requires the proceeds of the sale to be applied for the payment of costs and expenses of the sale and appraisal with the surplus paid into the general funds of Maricopa County.

9. The lands within the Vulture City Townsite, except for the Pit Gold Patented Mining Claim and lands previously sold to Mr. Blair, are unoccupied except that Petitioner is aware of certain possible claims of adverse possession being asserted by owners of adjoining mineral properties and unpatented lode mining claims located on the surface thereof.

. . . .
. . . .

1 10. Petitioner further asserts that the unsold portions
2 of the Vulture City Townsite constitute an unnecessary cloud
3 on real estate rights in the area.

4 11. That Walter D. Armer, Jr., a resident of Tucson,
5 Arizona, Thomas F. Archer, a resident of Tucson, Arizona, and
6 Dwayne Webb, a resident of Phoenix, Arizona, are qualified
7 real estate appraisers, are familiar with real estate values
8 in the area of the Vulture City Townsite, and have no
9 interest in real estate in the area of the Vulture City
10 Townsite. The Superior Court is permitted to pay such
11 appraisers as compensation Five Dollars (\$5.00) per day for
12 each day actually engaged, but the petitioner herein is
13 willing to pay any additional amount required to secure such
14 appraisal.

15 12. The applicant herein desires to purchase the
16 remaining portions of the Vulture City Townsite and does
17 hereby petition the Superior Court of the State of Arizona,
18 in and for the County of Mohave to:

19 a. Appoint Walter D. Armer, Jr., Thomas E.
20 Archer, and Dwayne Webb, three qualified real estate
21 appraisers, to appraise the remaining unsold portions of
22 the Vulture City Townsite and to return such appraisal
23 to the Superior Court;

24 b. Upon the return to such appraisal, require
25 notice of a public auction sale be made by publication
26 as directed by the Court offering the property for sale

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1 to the highest bidder, but for not less than the
2 appraised value thereof; and

3 c. Require the unsold lots within the Vulture
4 City Townsite be sold to the highest bidder at such
5 public auction so long as the bid is not less than the
6 appraised value thereof.

7 Respectfully submitted this _____ day of April, 1986.

8 DeCONCINI McDONALD BRAMMER
9 YETWIN & LACY, P.C.

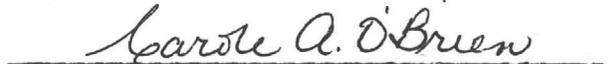
10 By _____
11 John C. Lacy
12 Attorneys for Petitioner

13 STATE OF ARIZONA)
14) ss.
15 County of Maricopa)

16 BEN F. DICKERSON, III, the Petitioner herein, being
17 first duly sworn, deposes and says that he has read the
18 foregoing Petition and knows the contents thereof, and that
19 that the facts recited therein are true to the best of his
20 knowledge and belief.


Ben F. Dickerson, III

21 Subscribed and sworn to before me this 7th day of
22 April, 1986, by Ben F. Dickerson, III.


Notary Public

23 My commission expires:
24 My Commission Expires April 14, 1987

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

2 ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
3 (602) 623-3411

4 John C. Lacy, Esq.
Attorney for Petitioner

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8	In re	)	No. _____
)	
9	THE TOWNSITE OF VULTURE	)	ORDER OF DISPOSAL OF
10	CITY, being a portion	)	UNCLAIMED TOWNSITE LOTS
	of Section 36, Township	)	UNDER A.R.S. § 9-1117
11	6 North, Range 6 West)	
	and Section 1, Township)	
12	5 North, Range 6 West,)	
	G&SRM, Mohave County)	
	_____)	

13 Upon the application of BEN F. DICKERSON, III, and good
14 cause appearing, it is hereby ORDERED:

15 a. Walter D. Armer, Jr., Thomas F. Archer, and Dwayne
16 Webb, be and are hereby appointed to appraise the remaining
17 unsold portions of the Vulture City Townsite and to return
18 such appraisal to the Superior Court on or before
19 _____;

20 b. That upon the return to such appraisal, notice of a
21 public auction sale be made by publication in _____
22 _____ for a period of once per week for
23 four consecutive weeks offering the property for sale to the
24 highest bidder but for not less than the appraised value
25 thereof;
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

c. That such sale be conducted on the front steps of the Maricopa County Courthouse on _____;

d. That the unsold lots within the Vulture City Townsite be sold to the highest bidder at such public auction so long as the bid is not less than the appraised value thereof; and

e. That the funds generated from such sale in excess of the administrative costs thereof be paid to the general funds of Maricopa County.

DATED in open court this _____ day of _____, 1986.

Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

John C. Lacy, Esq.
Attorney for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

In re	)	No. _____
)	
THE TOWNSITE OF VULTURE	)	NOTICE OF HEARING PETITION
CITY, being a portion	)	FOR SALE OF UNCLAIMED TOWNSITE
of Section 36, Township	)	LOTS UNDER A.R.S. § 9-1117
6 North, Range 6 West)	
and Section 1, Township)	
5 North, Range 6 West,)	
G&SRM, Mohave County)	
_____)	

NOTICE IS HEREBY GIVEN:

That Ben F. Dickerson, III, has filed in this Court a
Petition for Disposal of Unclaimed Townsite Lots Under A.R.S.
§ 9-1117, requesting that a judge of this Court sell the
remaining unsold portions of the Vulture City Townsite, as
more particularly described in the Petition, at public
auction to the highest bidder for cash, pursuant to and in
the manner provided for in A.R.S. § 9-1117, and that the same
will be heard on the _____ day of _____, 1986,
at _____ o'clock, _____.m., in Division _____ of the
Maricopa County Superior Court in Phoenix, Arizona, and all
persons interested therein are notified then and there to
.....

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

appear and show cause, if there be any, why the request of
the Petitioner should not be granted.

Dated this _____ day of _____, 1986.

Judge of the Superior Court

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU YAELI BERNARD C. OWENS

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

DINO DeCONCINI, OF COUNSEL

April 3, 1986

PLEASE REPLY TO: TUCSON

Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

APR 5 1986

RECEIVED

Re: Vulture City Townsite Purchase

Dear Ben:

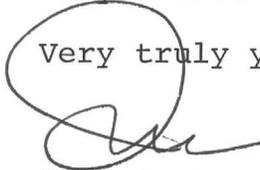
I have enclosed a Petition for disposal of unclaimed townsite lots under A.R.S. § 9-1117, together with some of the ancillary paperwork for your information. Please sign the Petition and return it to me and I will take care of having the papers filed with the Clerk of the Maricopa County Superior Court.

I have discussed value in general terms with Walter D. Armer, Jr., who indicated to me that he doubted that the value could be more than a couple hundred dollars per acre. He did indicate, however, he would give me a ballpark estimate prior to going through the mechanics of the formal appraisal.

After the Petition is filed I would expect that approximately 30 days' notice of the hearing would be given before the matter was presented to a judge of the Superior Court. Thereafter, the time involved would be that required to complete the appraisal and give official notice of the sale.

Please feel free to call if you have any questions.

Very truly yours,


John C. Lacy

jk

Enc.

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DINO DECONCINI
OF COUNSEL

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

March 21, 1986

DMEA LTD.

MAR 22 1986

RECEIVED

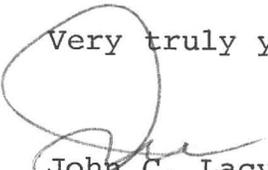
Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

Re: Clearwater v. V.M.P.

Dear Ben:

Scott Donaldson, Larry Beal's lawyer, called me on March 20, 1986, to let me know that Mr. Beal has accepted our latest proposal to fix the initial figure on survey costs at \$17,500.00. He is sending me a confirming letter.

Very truly yours,


John C. Lacy

jk

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

4041 NORTH CENTRAL, SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DeCONCINI JOHN R. McDONALD
J. WM. BRAMMER, JR. RICHARD M. YETWIN
JOHN C. LACY ROBERT M. STRUSE
WILLIAM B. HANSON JOHN C. RICHARDSON
DAVID C. ANSON DEBORAH OSERAN
JAMES A. JUTRY SPENCER A. SMITH
MICHAEL R. URMAN DENISE M. BAINTON
NANCY DARU YAELI BERNARD C. OWENS

DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS
JAMES E. CARTER
DINO DeCONCINI, OF COUNSEL

May 15, 1986

PLEASE REPLY TO: TUCSON

Ms. Carole A. O'Brien
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

DMEA LTD.

MAY 17 1986

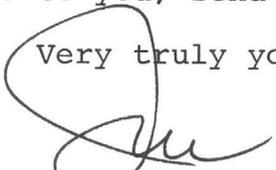
RECEIVED

Re: Clearwater Mining Corporation v. V.M.P.

Dear Carole:

I have enclosed a proposed Stipulation and Order settling the case with Mr. Beal. I would appreciate it if you would review it. If it is acceptable to you, send it to Mr. Donaldson.

Very truly yours,


John C. Lacy

jk

Enc.

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

March 6, 1986

—
DINO DECONCINI
OF COUNSEL

DMEA LTD.

MAR 7 1986

RECEIVED

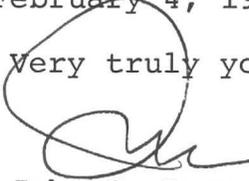
Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

Re: Clearwater Mining Corporation v. V.M.P., Inc.

Dear Ben:

I have enclosed a letter from Scott Donaldson which is a counteroffer to my letter of February 4, 1986.

Very truly yours,


John C. Lacy

jk

Enc.

W. SCOTT DONALDSON
ATTORNEY-AT-LAW
2916 NORTH 7TH AVENUE, SUITE 100
PHOENIX, ARIZONA 85013
TELEPHONE: (602) 277-4441

February 26, 1986

RECEIVED
MAR 03 1986

W. SCOTT DONALDSON, DRAMMER
& LACY, P.C.
240 N. STONE TUCSON, AZ 85701

John C. Lacy
240 N. Stone Avenue
Tucson, Arizona 85701

Re: Clearwater Mining Corp. v. V.M.P., Inc.

John:

I have conferred with my client regarding the settlement offer by A. F. Budge contained in your letter dated February 4, 1986. I feel that we are not far apart in this matter.

My client is willing to settle our differences by paying seventy-five percent (75%) of the first \$15,000.00 incurred by Budge in amending and relocating the claim block described in the agreement. Please communicate this offer to your client.

Very truly yours,



W. Scott Donaldson, Esq.

WSD:dd

cc: Larry Beall

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

—
DINO DECONCINI
OF COUNSEL

February 19, 1986

Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

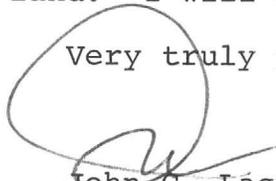
DMEA LTD.
FEB 21 1986
RECEIVED

Re: Vulture City Townsite Purchase

Dear Ben:

I have enclosed a draft of the Petition that shows what we will be telling the Court in conjunction with the Petition for sale of the unclaimed lots in the Vulture City Townsite. As a preliminary to this, I felt it appropriate to go ahead and see what sort of appraisal could be obtained establishing the value of the townsite. As you will note, the statute acquires three appraisers and so I am trying to make a deal with a single appraiser who can get his opinion verified by two other individuals in the area of the land. I will keep you informed.

Very truly yours,


John C. Lacy

jk

Enc.

John: If there's going to be any phoning involved in this - best get office add & phone number included.

John C. Lacy, Esq.
Attorney for Petitioner

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In re) No. _____
)
)
BEN F. DICKERSON, III,) PETITION FOR DISPOSAL OF
) UNCLAIMED LOTS UNDER
) A.R.S. § 9-1117
Petitioner.)
_____)

The Petitioner herein, by his counsel undersigned, states as follows:

1. Petitioner is an ^{single} individual, a resident of Maricopa ^{single?} County, Arizona, residing at 6648 E. Jean Drive, Scottsdale, Arizona ⁸⁵²⁵⁴, and is more than 21 years of age.

2. He is familiar with certain real estate in Maricopa County, Arizona, situated as shown on the public land records of the United States in Section 36 of Township 6 North, Range 6 West, and Section 1 of Township 5 North, Range 6 West, G&SRM (the Master Title Plat of the United States Bureau of Land Management is attached hereto as Exhibit 1), constituting approximately 160 acres known as the Vulture City Townsite.

3. A patent for the Vulture City Townsite was issued by Certificate No. 171 on June 20, 1882, granting legal title

to Thomas G. Greenshaw, Probate Judge of Maricopa County, Arizona Territory, to be held in trust "for the several use and benefits of the occupants . . ." (Exhibit 2 attached hereto).

4. The Vulture City Townsite was apparently abandoned by the occupants and the records of Maricopa County do not reflect any grants by the trustee to any occupants.

5. In _____, 1965, in Maricopa County Cause Number _____, pursuant to the application of D. D. Blair, a single man, Blocks 1, 35, 36, the East Half of 39, 40, 41, 44, 45, the East Half of 46 and 49, were sold by the trustee to Mr. Blair.

6. The public records of Maricopa County reflect that no other property within the Vulture City Townsite has been sold.

7. A procedure for the disposal of unclaimed lots within townsites is established by Arizona Revised Statutes § 9-1117 which, by its terms:

a. Permits the sale of unclaimed townsite lots at public auction by the trustee (that is, the Superior Court), if deemed advisable by the Superior Court;

b. Requires the Superior Court to appoint three persons to appraise the lots desired to be sold;

c. Requires the giving of notice of sale by publication and designating a time and place for sale to the highest bidder, but for not less than the appraised

value;

d. Establishes a procedure whereby any person having a preference right to any lot may raise such preference;

e. Permits the trustee to execute deeds to applicants; and

f. Requires the proceeds of the sale to be applied for the payment of costs and expenses of the sale and appraisal with the surplus paid into the general funds of Maricopa County.

8. The lands within the Vulture City Townsite, except for the Pit Gold Patented Mining Claim and lands previously sold to Mr. Blair, are unoccupied except that petitioner is aware of certain possible claims of adverse possession being asserted by owners of adjoining mineral properties and unpatented lode mining claims located on the surface thereof.

9. Petitioner further asserts that the unsold portions of the Vulture City Townsite constitute an unnecessary cloud on real estate rights in the area.

10. That Walter D. Armer, Jr., _____, and _____, are qualified real estate appraisers and residents of Tucson and Wickenburg, Arizona, are familiar with real estate values in the area of the Vulture City Townsite, and have no interest in real estate in the area of the Vulture City Townsite. The Superior Court is permitted to pay such appraisers as compensation five dollars per day

for each day actually engaged, but the petitioner herein is willing to pay any additional amount required to secure such appraisal.

11. The applicant herein desires to purchase the remaining portions of the Vulture City Townsite and does hereby petition the Superior Court of the State of Arizona, in and for the County of Mohave to:

a. Appoint Walter D. Armer, Jr., _____, and _____, three qualified real estate appraisers to appraise the remaining unsold portions of the Vulture City Townsite and to return such appraisal to the Superior Court;

b. Upon the return to such appraisal, require notice of a public auction sale be made by publication as directed by the Court offering the property for sale to the highest bidder, but for not less than the appraised value thereof; and

c. Require the unsold lots within the Vulture City Townsite be sold to the highest bidder at such public auction so long as the bid is not less than the appraised value thereof.

Respectfully submitted this ____ day of February, 1986.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

By _____
John C. Lacy
Attorneys for Petitioner

of the administrative costs thereof be paid to the general funds of Maricopa County.

DATED in open court this ____ day of _____, 1986.

Judge of the Superior Court

§ 9-1117. Disposal of unclaimed lots

A. The grounds undisposed of within the townsite, the title of which remains in the trustee, may be sold at public auction when he deems it advisable. He shall appoint three persons to appraise the lots he desires to sell, and they shall take oath to faithfully and impartially appraise the value of the lots, and shall each receive five dollars per day for each day actually engaged.

B. Upon making the appraisal the trustee shall give notice of the sale by publication. At the time and place specified in the notice the trustee shall offer the lots for sale separately to the highest bidder, but for not less than the appraised value thereof.

C. Any person who has actually settled and made improvements to the value of not less than one hundred dollars on any lot, may make application to purchase the lot any time before sale, and accompany his application with the amount of the appraised value and five dollars for each lot as compensation for making the deed, which shall be returned by the trustee, if it is finally determined that the party is not entitled to a deed, after first deducting any costs or fees that may be due from the party.

D. The trustee shall hear proof as to the right of preference before executing his deed. If the application is denied, the applicant may bring an action in the superior court against the trustee and any adverse claimant to determine his right to a deed under the application, and the lot shall not be sold until the action is determined.

E. The trustee shall execute a deed to the purchaser upon payment of the purchase price, and five dollars for each lot sold, to be retained by the trustee as his compensation. The fees for the trustee for applications for preferred right shall be twenty cents per folio for filing and recording. Contests between applicants shall be transferred to the superior court for determination.

F. The proceeds of the sales shall be applied to the payment of the costs and expenses of sale and appraisal, and any surplus shall be paid as directed in this article in the case of other surplus funds in the hands of the trustee.

Historical Note

Source:

§ 4094, R.S. '01, am., § 1, Ch. 71, L. '09; §§ 5308, 5309, R.S. '13; § 3206, R.C. '28; 17-1814, C. '39.

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU Yaeli
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

February 5, 1986

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DINO DECONCINI
OF COUNSEL

RECEIVED FEB 7 1986

Mr. Ben F. Dickerson, III
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

Re: Vulture City Townsite; Unsold Lots

Dear Ben:

At our meeting last week you indicated that you would like an explanation of the current status relating to the Vulture City Townsite and an explanation of procedures for the acquisition of that property.

The townsite laws of the United States were a creature of the frontier following the example of the homestead laws and the mining laws. The general procedure for acquiring land for the use as a town was to have various occupants (or proposed occupants) petition for the grant of land from the federal government through either their elected official (i.e., mayor or town council) or in the absence of any formally organized town through the local probate judge. If the petition was approved, the United States issued a patent for the land to such official to be held in trust for the actual occupants or for sale at a public auction sale. A number of the early towns throughout the west, particularly the old mining camps, began as townsites.

It was always conceivable that some portions of the town might not be sold, and state statutes typically provided procedures for the subsequent sale of these town lots. The Arizona procedure is described in A.R.S. § 9-1117 (copy attached). The procedure for making such a sale requires the trustee (i.e., the judge or mayor) to appoint three persons to appraise the lots after which a notice of sale is given by publication advertising the lots for sale separately to the highest bidder, but for not less than the appraised value. Any person who has actually settled and made improvements to the value of not less than \$100.00 on any lot, may purchase the lot for the appraised value plus \$5.00.

*NO.
does lot = block?
probably
so.*

*who does he get
@ \$5.00/day?*

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

Mr. Ben F. Dickerson, III
February 5, 1986
Page Two

on prop.?

The Arizona statute does not specify the time frame for notice, but the time for sale on an original entry requires posting of the notice for 60 successive days. I note also that a separate provision (A.R.S. § 9-1107) limits the number of lots which any one claimant could enter to a maximum of 14,000 square feet. This provision appears only to apply to original claimants and not for the disposal of unclaimed lots.

The procedure to initiate an action for purchase would be to file a petition with the Maricopa County Superior Court asking him to exercise his discretion under the statute to authorize a sale and appoint appraisers. I suspect that this matter could be heard by a judge reasonably quickly, but the appraisal would take several weeks and I also suspect the judge would require at least a 60-day notice of any action by the court in the matter. Therefore, for practical purposes, you are probably looking at something in the neighborhood of six months before an auction could be ordered.

what is Beal or his lawyer doing about this? can we act on Beal's behalf (to purchase Beal)

character? Ben. real estate agent

My recommendation is that the petition be made on behalf of A.F. Budge (or a nominee) so that Larry Beal will still be in a position of asserting his rights of adverse possession to the property and someone could not argue that by virtue of his petitioning the court that he recognizes a superior title.

One potential title problem that arose by virtue of the title examination that was done in conjunction with the appeal of the Bureau of Land Management decision resulted from the determination that the Pit Gold mining claim was located in 1901. This may not have been the original location, but it is the location that was eventually taken to patent. This location and patent are substantially after the date of the townsite patent (i.e., 1882) and was undoubtedly approved because of the "loss" of the townsite patent from the public land records. In a conflict involving the Tombstone Townsite in 1887, the Arizona Supreme Court ruled that where a patent to a townsite and a patent to a mining claim conflicted, the one that first vests rights in the claimant will be sustained. Obviously, if the townsite is in fact where the BLM now says it is, the rights in the townsite would have vested first and the rights of the mining claimant would be considered to have been issued in error.

In this case, however, it would appear that the possession of the mining claim by its patentee for a period in excess of 60 years would probably vest title in the mineral patentee by

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

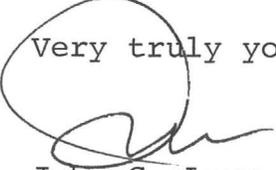
Mr. Ben F. Dickerson, III
February 5, 1986
Page Three

virtue of the rules of adverse possession. It may be open question, however, whether or not adverse possession could run against title held by the Superior Court as is the case with townsite patents prior to the sale of individual lots.

I will await your authorization to proceed before initiating any action to petition the court for such a sale. I might also suggest that an agreement be reached with Mr. Beal regarding the disposition of any rights obtained under any sales of the town-site lots if the project is abandoned by Budge. *150 office covered by the agreement?*

Please feel free to call if you have any further questions.

Very truly yours,


John C. Lacy

jk

Attachment

does lot = block?

§ 9-1117. Disposal of unclaimed lots

A. The grounds undisposed of within the townsite, the title of which remains in the trustee, may be sold at public auction when he deems it advisable. He shall appoint three persons to appraise the lots he desires to sell, and they shall take oath to faithfully and impartially appraise the value of the lots, and shall each receive five dollars per day for each day actually engaged.

B. Upon making the appraisement the trustee shall give notice of the sale by publication. At the time and place specified in the notice the trustee shall offer the lots for sale separately to the highest bidder, but for not less than the appraised value thereof.

C. Any person who has actually settled and made improvements to the value of not less than one hundred dollars on any lot, may make application to purchase the lot any time before sale, and accompany his application with the amount of the appraised value and five dollars for each lot as compensation for making the deed, which shall be returned by the trustee, if it is finally determined that the party is not entitled to a deed, after first deducting any costs or fees that may be due from the party.

D. The trustee shall hear proof as to the right of preference before executing his deed. If the application is denied, the applicant may bring an action in the superior court against the trustee and any adverse claimant to determine his right to a deed under the application, and the lot shall not be sold until the action is determined.

E. The trustee shall execute a deed to the purchaser upon payment of the purchase price, and five dollars for each lot sold, to be retained by the trustee as his compensation. The fees for the trustee for applications for preferred right shall be twenty cents per folio for filing and recording. Contests between applicants shall be transferred to the superior court for determination.

F. The proceeds of the sales shall be applied to the payment of the costs and expenses of sale and appraisal, and any surplus shall be paid as directed in this article in the case of other surplus funds in the hands of the trustee.

Historical Note

Source:

§ 4094, R.S. '01, am., § 1, Ch. 71, L. '09; §§ 5308, 5309, R.S. '13; § 3206, R.C. '28; 17-1814, C. '39.

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DINO DECONCINI
OF COUNSEL

February 4, 1986

RECEIVED FEB 6 1986

W. Scott Donaldson, Esq.
2916 North Seventh Avenue
Suite 100
Phoenix, Arizona 85013

Re: Clearwater Mining Corporation v. V.M.P., Inc.

Dear Scott:

Ken Sundlof has forwarded me a copy of your letter of January 9, 1986, and, based on our earlier conversations related to the possibilities of settlement, I have discussed the matter with Ben Dickerson, who in turn has discussed the matter with Tony Budge. This letter is to convey our collective thoughts.

The problems associated with the V.M.P. property that have been raised in the past by A.F. Budge relate to the unpatented mining claims. The first problem arose out of an alleged claim conflict first brought to the attention of Mr. Dickerson in May of 1985. A letter was sent to Larry Beal asking him for comments related to these conflicts on May 5, 1985, but Mr. Beal did not reply. In order to avoid any possible future problems, Mr. Harvey Smith, a mineral surveyor, was hired to examine the property and make recommendations.

Mr. Smith's initial review of the property indicated that all notices were posted on the centerline. Mr. Beal was called on September 19, 1985, and he at that time suggested that Mr. John Osborne, a watchman on the property, could do the corrective work as Mr. Beal was leaving town. Mr. Osborne, however, indicated to Carole O'Brien that on September 20th he had almost cut off his finger in a washing machine and had spent the entire week on various visits to the doctors office. In the meantime, further examination of property indicated that the improper centerline posting was not the only problem and that many claims were oversize and otherwise improperly located requiring considerable expertise that Mr. Osborne did not have.

Therefore, the essential problem was that after Mr. Beal had been notified of the deficiency he left town, an event that was

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

W. Scott Donaldson, Esq.
February 4, 1986
Page Two

disturbing to my client and consistent with his ignoring a previous request concerning claim conflicts in another portion of the property.

Further, in light of the facts that (1) Mr. Osborne was not a qualified surveyor, (2) the work required was rather involved, and (3) Mr. Osborne's injury, taken together with my opinion that some of the deficiencies were such that portions of the ground were open to location by third parties, action was undertaken to secure the V.M.P. land position.

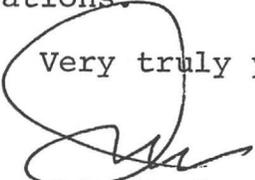
As I indicated to you on the telephone, the reason the lawsuit was filed was because Mr. Beal served A.F. Budge with a Notice of Default and the matter could not be resolved within the 30-day period stated in the contract.

Mr. Budge does not wish to be unreasonable about this matter, and proposes the following:

1. Budge will pay all costs of amending and relocating the claim block described in the agreement exceeding \$20,000.00.
2. Budge will pay 25% of this first \$20,000.00 (\$5,000.00).
3. Costs will include only those sums actually paid or incurred by Budge in the amendment work.

It should also be understood that this settlement proposal relates only to the question of amendments and relocations of the unpatented claims and should not be considered as affecting any further obligations the Lessor has under the contract related to his title or other representations.

Very truly yours,



John C. Lacy

jk

c: Ben F. Dickerson, III
Kenneth C. Sundlof, Jr., Esq.

DMEA Ltd.
Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945- 4630
Telex: 75-1739

January 29, 1986

W. Scott Donaldson, Esq.
2916 North 7th Avenue
Phoenix, AZ 85013

Re: V.M.P., Inc.

Dear Mr. Donaldson:

Enclosed is a copy of the recorded Affidavit of Performance of Annual Labor filed with the Maricopa County Recorder, which we received today.

Sincerely,

Carole A. O'Brien
Carole A. O'Brien

encls.

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

—
EVO DECONCINI
JOHN R. McDONALD
J. WM. BRAMMER, JR.
RICHARD M. YETWIN
JOHN C. LACY
ROBERT M. STRUSE
WILLIAM B. HANSON
JOHN C. RICHARDSON
DAVID C. ANSON
DEBORAH OSERAN
JAMES A. JUTRY
SPENCER A. SMITH
MICHAEL R. URMAN
DENISE M. BAINTON
NANCY DARU YAELI
BERNARD C. OWENS

4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

—
DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

January 22, 1986

—
DINO DECONCINI
OF COUNSEL

PLEASE REPLY TO: PHOENIX

Ms. Carol O'Brien
DMEA LTD.
7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

RECEIVED JAN 23 1986

Re: Clearwater Mining Corporation v. VMP, Inc.

Dear Carol:

Enclosed for your information is our Reply to Counterclaim. Also enclosed is the letter which we received from Scott Donaldson proposing settlement. I will keep you advised of any further developments.

Sincerely yours,



Kenneth C. Sundlof, Jr.

hs
Enclosure

c: John Lacy, Esq., w/o enclosures

W. SCOTT DONALDSON
ATTORNEY-AT-LAW
2916 NORTH 7TH AVENUE, SUITE 100
PHOENIX, ARIZONA 85013
TELEPHONE: (602) 277-4441

RECEIVED

JAN 13 1986

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.
PHOENIX, ARIZONA

January 9, 1986

Kenneth C. Sundlof, Esq.
DeConcini, McDonald, Brammer, Yetwin & Lacy, P.C.
4041 N. Central Avenue, Suite 640
Phoenix, Arizona 85012

Re: Clearwater Mining Corporation v. VMP, Inc.

Mr. Sundlof:

I have been retained by VMP, Inc. to represent that corporation in the above-identified matter. My understanding is that you will not default my client for failure to file an answer until you have spoken with me.

I would like to ascertain whether there is a chance of settling this matter between our clients. My client is primarily concerned with what Del Tierra Engineering and Mining Corporation discovered that required amendment of the mining claims. We would also like to know why my client was not given greater opportunity to correct any deficiencies in the claims prior to Del Tierra's work.

Please telephone or write when you have had an opportunity to consider this matter.

Very truly yours,



W. Scott Donaldson, Esq.

WSD:dd

cc: VMP, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701
(602) 623-3411

Attorney for Plaintiff/Counterdefendant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

CLEARWATER MINING CORPORATION, an)
Arizona corporation, as nominee)
of A. F. BUDGE (MINING LIMITED),)
a foreign corporation,)
Plaintiff,)
vs.)
V.M.P., INC., an Arizona)
corporation,)
Defendant.)

NO. C562598
REPLY TO COUNTERCLAIM

Plaintiff/Counterdefendant (the "Plaintiff" herein), in
reply to the Counterclaim, alleges as follows:

- 1. Admits paragraph I.
- 2. Denies paragraphs II, III and IV.
- 3. Defendant's Counterclaim fails to state a claim upon
which relief can be granted.

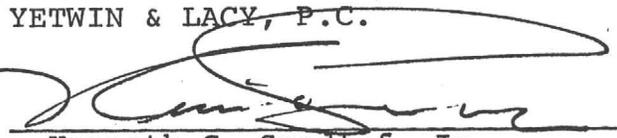
WHEREFORE, Plaintiff prays that the Counterclaim be dismissed,
that the Defendant take nothing thereby, for the costs of this
action and reasonable attorneys' fees therein, and for such other
and further relief as the Court deems just and reasonable.

. . .
. . .

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

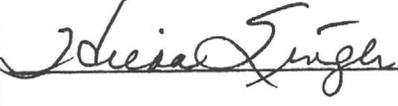
DATED this 16th day of January, 1986.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

By 
Kenneth C. Sundlof, Jr.
Attorneys for Plaintiff/
Counterdefendant

COPY of the foregoing
mailed this 16 day of
January, 1986, to:

W. Scott Donaldson, Esq.
2916 North Seventh Avenue
Phoenix, Arizona 85013
Attorney for Defendant



DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945- 4630
Telex: 75-1739

January 22, 1986

John C. Lacy
DeConcini, McDonald, Brammer
Yetwin & Lacy, P.C.
240 North Stone Avenue
Tucson, AZ 85701-1295

Re: Vulture Claim Amendment
Litigation - Negotiation

Dear John:

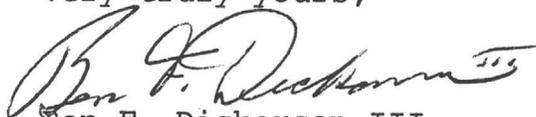
Mr. Budge has left the details of the referenced matter in my hands.

In order to clarify the situation, and to present a definite proposal for Mr. Donaldson's consideration, I suggest the following:

- 1) Budge will agree to pay all costs exceeding \$20,000.00
- 2) Budge will also agree to pay 25% (\$5,000.00) of the amount in (1)
- 3) "costs" will include only those sums actually paid or incurred by Budge in the claim amendment work.
- 4) These proposals apply only to the claim amending. Any other title curative work must be considered separately.

It is to be hoped that these proposals will be carefully considered by Messrs. Donaldson and Beal. I will await their response.

Very truly yours,


Ben F. Dickerson III

BFD:ca

c: A.F. Budge

DECONCINI MCDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411.

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU Yaeli
VIRGINIA BARKLOW
BERNARD C. OWENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DINO DECONCINI
OF COUNSEL

January 15, 1986

RECEIVED JAN 17 1986

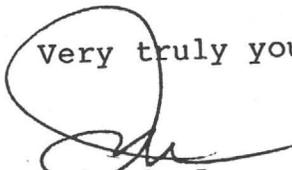
Kenneth C. Sundlof, Jr., Esq.
DeCONCINI MCDONALD BRAMMER
YETWIN & LACY, P.C.
4041 North Central Avenue
Suite 640
Phoenix, Arizona 85012-3398

Re: Clearwater Mining Corporation v. V.M.P., Inc.

Dear Ken:

Enclosed is a draft of a Reply to the Counterclaim. I did not see any other possibilities for affirmative defenses and if you can think of anything extra, feel free to put it in.

Very truly yours,


John C. Lacy

saj

Enclosure

cc: Ben Dickerson

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
2 ATTORNEYS AT LAW
3 240 NORTH STONE AVENUE
4 TUCSON, ARIZONA 85701
5 (602) 623-3411

6 Attorney for Plaintiff/Counterdefendant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9 CLEARWATER MINING CORPORATION, an)
10 Arizona corporation, as nominee)
11 of A. F. BUDGE (MINING LIMITED),)
12 a foreign corporation,)

NO. C562598

13 Plaintiff,)

REPLY TO COUNTERCLAIM

14 vs.)

15 V.M.P., INC., an Arizona)
16 corporation,)

17 Defendant.)

18 Plaintiff/Counterdefendant (the "Plaintiff" herein), in
19 reply to the Counterclaim, alleges as follows:

- 20 1. Admits paragraph I. 22
21 2. Denies paragraphs II, III and IV.
22 3. Defendant's Counterclaim fails to state a claim upon
23 which relief can be granted.

24 WHEREFORE, Plaintiff prays that the Counterclaim be dismissed,
25 that the Defendant take nothing thereby, for the costs of this
26 action and reasonable attorneys' fees therein, and for such other
and further relief as the Court deems just and reasonable.

...

...

1 DATED this _____ day of January, 1986.

2 DeCONCINI McDONALD BRAMMER
3 YETWIN & LACY, P.C.

4 By _____
5 Kenneth C. Sundlof, Jr.
6 Attorneys for Plaintiff/
7 Counterdefendant

8 COPY of the foregoing
9 mailed this _____ day of
10 January, 1986, to:

11 W. Scott Donaldson, Esq.
12 2916 North Seventh Avenue
13 Phoenix, Arizona 85013
14 Attorney for Defendant
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411

—
EVO DECONCINI
JOHN R. McDONALD
J. WM. BRAMMER, JR.
RICHARD M. YETWIN
JOHN C. LACY
ROBERT M. STRUSE
WILLIAM B. HANSON
JOHN C. RICHARDSON
DAVID C. ANSON
DEBORAH OSERAN
JAMES A. JUTRY
SPENCER A. SMITH
MICHAEL R. URMAN
DENISE M. BAINTON
NANCY DARU YAELI
BERNARD C. OWENS

4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

—
DOUGLAS G. ZIMMERMAN
GARY L. LASSEN
DIANE M. MILLER
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

—
DINO DECONCINI
OF COUNSEL

January 13, 1986

PLEASE REPLY TO: PHOENIX

Ms. Carol O'Brien
DMEA LTD.
7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

RECEIVED JAN 14 1986

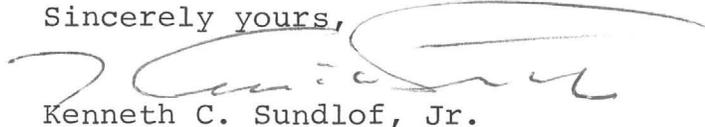
Re: Clearwater Mining Corporation v.
V.M.P., Inc.

Dear Carol:

Enclosed is the Answer to our lawsuit against V.M.P., along with a Counterclaim. The Counterclaim basically alleges that Clearwater Mining owes the \$17,650.00 which has been held back.

We will be filing a Reply to the Counterclaim shortly. Please don't hesitate to contact us if you have any questions.

Sincerely yours,



Kenneth C. Sundlof, Jr.

hs
Enclosure

1 W. SCOTT DONALDSON
2 2916 N. Seventh Avenue
3 Phoenix, Arizona 85013
4 (602) 277-4441

Attorney for Defendant

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
6 IN AND FOR THE COUNTY OF MARICOPA

7 CLEARWATER MINING CORPORATION,)
8 an Arizona corporation, as)
9 nominee of A. F. BUDGE)
(MINING LIMITED), a foreign)
corporation,)

10 Plaintiff,)

11 v.)

12 V.M.P., INC., an Arizona)
13 corporation,)

14 Defendant.)

No. C562598

A N S W E R

AND

C O U N T E R C L A I M

15
16 DEFENDANT COUNTERCLAIMANT (hereinafter "Defendant"), by
17 and through its counsel undersigned, admits, denies, and affirma-
18 tively alleges as follows in response to the allegations in
19 plaintiff's Complaint:

20 I

21 Answering paragraph 1 of the Complaint, Defendant has
22 insufficient information to form an answer thereto and therefore
23 denies same.

24 II

25 Answering paragraphs 2 and 3 of the Complaint, Defendant
26 admits same.

27 III

28 Answering paragraph 4 of the Complaint, Defendant admits
same.

1 able and willing to promptly correct any defects in title to the
2 applicable mining claims.

3 II

4 Plaintiff failed to adequately investigate and ascertain
5 whether Defendant was capable of correcting such title problems
6 prior to incurring the debt of Seventeen Thousand Six Hundred Fifty
7 Dollars (\$17,650.00). *not tech capable*

8 III

9 Prior to Plaintiff's amendment of said mining claims,
10 Defendant was ready, willing and able to perform said corrective
11 measures at its own cost. *proofs*

12 IV

13 Plaintiff should not therefore have deducted said
14 \$17,650.00 from payments to Defendant and is therefore indebted to
15 Defendant in the sum of \$17,650.00.

16 WHEREFORE, Defendant prays for relief as follows:

17 1. For judgment of this Court that Plaintiff is indebted
18 to Defendant in the sum of Seventeen Thousand Six Hundred Fifty
19 Dollars (\$17,650.00).

20 2. For interest thereon until time of payment.

21 3. For costs of suit and reasonable attorney's fees
22 incurred herein; and

23 4. For such other and further relief as this Court deems
24 just and appropriate.

25 DATED this 10th day of January, 1986.

26

27

28

W. Scott Donaldson

W. Scott Donaldson
Attorney for Defendant

1 W. SCOTT DONALDSON
2 2916 N. Seventh Avenue
3 Phoenix, Arizona 85013
4 (602) 277-4441

5 Attorney for Defendant

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 CLEARWATER MINING CORPORATION,)
9 an Arizona corporation, as)
10 nominee of A. F. BUDGE)
11 (MINING LIMITED), a foreign)
12 corporation,)

No. C562598

13 Plaintiff,)

A N S W E R

14 v.)

AND

15 V.M.P., INC., an Arizona)
16 corporation,)

C O U N T E R C L A I M

17 Defendant.)
18)
19)
20)

21 DEFENDANT COUNTERCLAIMANT (hereinafter "Defendant"), by
22 and through its counsel undersigned, admits, denies, and affirma-
23 tively alleges as follows in response to the allegations in
24 plaintiff's Complaint:

I

25 Answering paragraph 1 of the Complaint, Defendant has
26 insufficient information to form an answer thereto and therefore
27 denies same.

II

28 Answering paragraphs 2 and 3 of the Complaint, Defendant
admits same.

III

Answering paragraph 4 of the Complaint, Defendant admits
same.

BEFORE THE INTERIOR BOARD OF LAND APPEALS
UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
4015 Wilson Boulevard
Arlington, Virginia 22203

APPEAL OF

V. M. P., Inc.
Box 20202
Wickenburg, Arizona 85358:

:
:
:
:
:

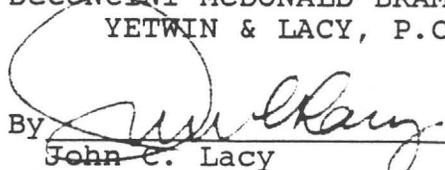
IBLA _____
A MC 246423 et al

Proof of Service

The Appellant, pursuant to the requirements of 43 C.F.R. § 4.401(c)(2), does hereby certify that a copy of the Notice of Appeal filed with the Arizona State Office on January 3, 1986, was mailed by certified mail, return receipt requested, to the Office of the Field Solicitor, 505 North Second Street, Suite 150, Phoenix, Arizona 85004, and the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, California 95825, which copies were received on January 6, 1986, as evidenced by the return receipts attached hereto.

DATED this 15th day of January, 1986.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

By 

John C. Lacy
240 N. Stone Avenue
Tucson, Arizona 85701
Attorneys for Appellant

A copy of the foregoing was mailed
this 15th day of January, 1986,
to the following addresses:

Office of the Field Solicitor
505 North Second Street, Suite 150
Phoenix, Arizona 85004

Office of the Regional Solicitor
 Pacific Southwest Region
 2800 Cottage Way, Room E-2753
 Sacramento, California 95825

Arizona State Office
 Bureau of Land Management
 P. O. Box 16563
 Phoenix, Arizona 85011

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- Show to whom, date and address of delivery.
- Restricted Delivery.

3. Article Addressed to:
 FRITZ F. GOREHAM, ESQ.
 FIELD SOLICITOR
 U.S. DEPT. OF THE INTERIOR
 505 N 2d STREET, SUITE 150
 PHOENIX, ARIZONA 85004

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 052 270 749

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
 X *Cynthia Marshall*

6. Signature - Agent
 X *J. M. [unclear]*

7. Date of Delivery
 1/6/86

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- Show to whom, date and address of delivery.
- Restricted Delivery.

3. Article Addressed to:
 REGIONAL SOLICITOR
 PACIFIC SOUTHWEST REGION
 U.S. DEPT. OF THE INTERIOR
 2800 COTTAGE WAY, ROOM E-2753
 SACRAMENTO, CA 95825

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 052 270 750

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
 X *Ann Egoan*

6. Signature - Agent
 X

7. Date of Delivery
 JAN 8 1986

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

1 W. SCOTT DONALDSON
2916 N. Seventh Avenue
2 Phoenix, Arizona 85013
3 (602) 277-4441

4 Attorney for Defendant

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
6 IN AND FOR THE COUNTY OF MARICOPA

7 CLEARWATER MINING CORPORATION,)
an Arizona corporation, as)
8 nominee of A. F. BUDGE)
(MINING LIMITED), a foreign)
9 corporation,)

10 Plaintiff,)

11 v.)

12 V.M.P., INC., an Arizona)
13 corporation,)

14 Defendant.)

No. C562598

A N S W E R

AND

C O U N T E R C L A I M

15

16 DEFENDANT COUNTERCLAIMANT (hereinafter "Defendant"), by
17 and through its counsel undersigned, admits, denies, and affirma-
18 tively alleges as follows in response to the allegations in
19 plaintiff's Complaint:

20

I

21 Answering paragraph 1 of the Complaint, Defendant has
22 insufficient information to form an answer thereto and therefore
23 denies same.

24

II

25 Answering paragraphs 2 and 3 of the Complaint, Defendant
26 admits same.

27

III

28 Answering paragraph 4 of the Complaint, Defendant admits
same.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV

Answering paragraph 5 of the Complaint, Defendant admits same.

V

Answering paragraph 6 of the Complaint, Defendant has no information regarding the examination of the property by Mineral Surveyor, opinion of counsel, validity of the property of the claims. Defendant therefore denies same. Defendant denies that it did not have the ability to correct deficiencies within a reasonable time frame and affirmatively alleges that Plaintiff violated Section 7.C. of the Agreement by hiring a third party to correct the deficiencies and withholding and deducting the costs of such corrections from payments to Defendant.

VI

Answering paragraph 7 of the Complaint, Defendant admits same.

VII

Answering paragraph 8 of the Complaint, Defendant denies same.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed and that Defendant recover its attorney's fees and costs herein.

COUNTERCLAIM

Defendant, for its counterclaim alleges and avows as follows:

I

By the terms of the agreement described in Plaintiff's Complaint, Plaintiff was obligated to ascertain whether Lessor was

1 able and willing to promptly correct any defects in title to the
2 applicable mining claims.

3 II

4 Plaintiff failed to adequately investigate and ascertain
5 whether Defendant was capable of correcting such title problems
6 prior to incurring the debt of Seventeen Thousand Six Hundred Fifty
7 Dollars (\$17,650.00).

8 III

9 Prior to Plaintiff's amendment of said mining claims,
10 Defendant was ready, willing and able to perform said corrective
11 measures at its own cost.

12 IV

13 Plaintiff should not therefore have deducted said
14 \$17,650.00 from payments to Defendant and is therefore indebted to
15 Defendant in the sum of \$17,650.00.

16 WHEREFORE, Defendant prays for relief as follows:

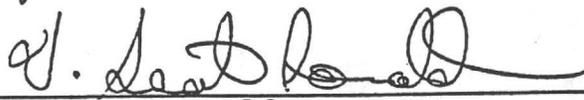
17 1. For judgment of this Court that Plaintiff is indebted
18 to Defendant in the sum of Seventeen Thousand Six Hundred Fifty
19 Dollars (\$17,650.00).

20 2. For interest thereon until time of payment.

21 3. For costs of suit and reasonable attorney's fees
22 incurred herein; and

23 4. For such other and further relief as this Court deems
24 just and appropriate.

25 DATED this 10th day of January, 1986.

26
27 
28 W. Scott Donaldson
Attorney for Defendant

1 W. SCOTT DONALDSON
2 2916 N. Seventh Avenue
3 Phoenix, Arizona 85013
4 (602) 277-4441

Attorney for Defendant

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
6 IN AND FOR THE COUNTY OF MARICOPA

7 CLEARWATER MINING CORPORATION,)
8 an Arizona corporation, as)
9 nominee of A. F. BUDGE)
(MINING LIMITED), a foreign)
corporation,)

10 Plaintiff,)

11 v.)

12 V.M.P., INC., an Arizona)
13 corporation,)

14 Defendant.)

No. C562598

A N S W E R

AND

C O U N T E R C L A I M

15
16 DEFENDANT COUNTERCLAIMANT (hereinafter "Defendant"), by
17 and through its counsel undersigned, admits, denies, and affirma-
18 tively alleges as follows in response to the allegations in
19 plaintiff's Complaint:

20 I

21 Answering paragraph 1 of the Complaint, Defendant has
22 insufficient information to form an answer thereto and therefore
23 denies same.

24 II

25 Answering paragraphs 2 and 3 of the Complaint, Defendant
26 admits same.

27 III

28 Answering paragraph 4 of the Complaint, Defendant admits
same.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV

Answering paragraph 5 of the Complaint, Defendant admits same.

V

Answering paragraph 6 of the Complaint, Defendant has no information regarding the examination of the property by Mineral Surveyor, opinion of counsel, validity of the property of the claims. Defendant therefore denies same. Defendant denies that it did not have the ability to correct deficiencies within a reasonable time frame and affirmatively alleges that Plaintiff violated Section 7.C. of the Agreement by hiring a third party to correct the deficiencies and withholding and deducting the costs of such corrections from payments to Defendant.

VI

Answering paragraph 7 of the Complaint, Defendant admits same.

VII

Answering paragraph 8 of the Complaint, Defendant denies same.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed and that Defendant recover its attorney's fees and costs herein.

COUNTERCLAIM

Defendant, for its counterclaim alleges and avows as follows:

I

By the terms of the agreement described in Plaintiff's Complaint, Plaintiff was obligated to ascertain whether Lessor was

1 able and willing to promptly correct any defects in title to the
2 applicable mining claims.

3 II

4 Plaintiff failed to adequately investigate and ascertain
5 whether Defendant was capable of correcting such title problems
6 prior to incurring the debt of Seventeen Thousand Six Hundred Fifty
7 Dollars (\$17,650.00).

8 III

9 Prior to Plaintiff's amendment of said mining claims,
10 Defendant was ready, willing and able to perform said corrective
11 measures at its own cost.

12 IV

13 Plaintiff should not therefore have deducted said
14 \$17,650.00 from payments to Defendant and is therefore indebted to
15 Defendant in the sum of \$17,650.00.

16 WHEREFORE, Defendant prays for relief as follows:

17 1. For judgment of this Court that Plaintiff is indebted
18 to Defendant in the sum of Seventeen Thousand Six Hundred Fifty
19 Dollars (\$17,650.00).

20 2. For interest thereon until time of payment.

21 3. For costs of suit and reasonable attorney's fees
22 incurred herein; and

23 4. For such other and further relief as this Court deems
24 just and appropriate.

25 DATED this 10th day of January, 1986.

26

27

28


W. Scott Donaldson
Attorney for Defendant

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex: 75-1739

January 9, 1986

W. Scott Donaldson, Esq.
2916 North 7th Avenue
Phoenix, AZ 85013

Dear Mr. Donaldson:

Enclosed is a certified mail envelope (P 314 773 955) sent to Mr. Beal on December 19, 1985, and returned to our office yesterday.

For your information and records, we enclose a copy of the letter to Beal which was sent in this certified mail. This letter was in response to Mr. Beal's of December 6, 1985, a copy of which is also enclosed for your information.

As yet we have still not received a copy of the Affidavit of Performance of Annual Labor filed with the Maricopa County Recorder. A copy of the return receipt is enclosed for your records.

Sincerely,

Carole A. O'Brien

Carole A. O'Brien

encls.

c: A.F. Budge
J.C. Lacy

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
NEIL J. KONIGSBERG
BERNARD C. OWENS

September 19, 1985

DINO DECONCINI
OF COUNSEL

Ms. Carole A. O'Brien
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

Re: Vulture Title Matters

Dear Carole:

The letter sent to Larry Beal is really all we need to say to him at this point. As a practical matter, Budge should undertake to do the corrective action. What will constitute appropriate corrective action, however, is not entirely clear. It is my opinion that if the only mistake in locating a mining claim was putting the post on the center line as opposed to the corner, the defect would not be fatal to the claim. This is particularly true since the regulations of the Bureau of Land Management suggest that the centerline location is the proper place of posting. I would thus argue that the locator had substantially complied with the requirements of the law and the claims would be valid. The "substantial compliance" test generally applies in contest between individual locators.

On the other hand, this particular point has never been presented to a court in Arizona, and it is possible that a court might hold that failure to post in the corner is a fatal defect since the statute says that until the requirements of the statute are complied with no right of location is acquired.

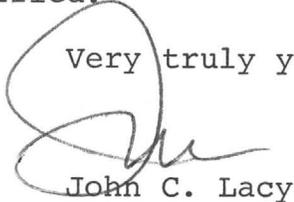
My recommendation, therefore, is that the monuments be moved to the corner and that amended location notices be posted. Those amended notices should also contain a statement that if the defect of the prior claim for any reason invalidates the claim, it is the intent of the locator that the amended notice constitute an original location. I have in the past had problems with the BLM accepting this type of location notice, and it may thus require an additional BLM filing fee.

DeCONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

Ms. Carole A. O'Brien
September 19, 1985
Page Two

With regard to the posting itself, when the legislation was drafted it was considered that corner posting would allow locators to "cluster" location notices so that the location monuments could be more easily identified.

Very truly yours,



John C. Lacy

jk

P.S.: Harvey Smith asked that I send along my "preferred" amended location notice. I have enclosed a form that covers a multitude of sins in the bracketed material at the end. We probably don't need a number of these but Harvey may have his own ideas of possible defects.

Served upon Ariz.
Corporation Comm.
12/9/85

ARIZONA SUPERIOR COURT, County of Maricopa

C

RECEIVED DEC 18 1985

CLEARWATER MINING CORPORATION,
an Arizona corporation, as
nominee of A. F. BUDGE
(MINING LIMITED), a
foreign corporation,

Plaintiff,

v.

V.M.P., INC., an Arizona
corporation,

Defendant.

ACTION NO: C-562378

ALIAS
SUMMONS

THE STATE OF ARIZONA TO THE DEFENDANTS:

Larry W. Beal, as Statutory Agent for V.M.P.,
Inc.

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona — whether by direct service, by registered or certified mail, or by publication — you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt of Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

Kenneth C. Sundlof, Esq.

Attorney Firm Name and Address

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.
4041 N. Central Ave., Suite 640
Phoenix, Arizona 85012



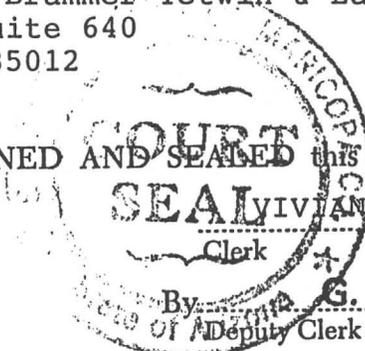
YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiffs' attorney. RCP 10(d); ARS § 12-311; RCP 5.

The name and address of plaintiffs' attorney is:

Kenneth C. Sundlof, Esq.
DeConcini McDonald Brammer Yetwin & Lacy, P.C.
4041 N. Central, Suite 640
Phoenix, Arizona 85012

SIGNED AND SEALED this date: DEC 4 1985



IVIAN KRINGLE

Clerk

By: G. GUTIERREZ
Deputy Clerk

SUMMONS



1-1 © LawForms 11-87, 3-84

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex: 75-1739

January 8, 1986

John C. Lacy
DeConcini, McDonald, Brammer,
Yetwin & Lacy, P.C.
240 North Stone Avenue
Tucson, AZ 85701-1295

Re: Vulture Townsite

Dear John:

Attached is a reduced copy of a plat which Carole has prepared from existing records. This schematic (the reduction has caused some distortion) shows:

- 1) Townsite and block (lot) outlines
- 2) The patented Pit Gold claim (M.S. 2522)
- 3) The trace of the county road. (Beal's fence lies about 10 feet north of, and parallel to, the road).
- 4) The blocks (parcels) acquired by D.D. Blair and associates. (One of the latter is still listed in the Phoenix phone book.)
- 5) The approximate outline of that portion of the amalgamation tailings in which we are definitely interested. (The tails feather southward.)
- 6) Location of the old cyanide plant and other mine facilities located on the townsite.

We would prefer to acquire or control all the townsite land possible. However, the most immediately important lands appear to be townsite blocks 2 through 7.

These would cover all significant amalgamation tailings; possible southerly broadening of the known mineralized zone; and ease of access to other areas of the property.

If Blair, a private individual, could petition the court for the sale of 9 of 49 blocks of the townsite, why can't we petition for the other 40?

J.C. Lacy
January 8, 1986
Page 2

Since Blair appears to be a sharp individual, I am somewhat apprehensive that he may smell money, and beat us to the punch.

It is assumed that all the costs of this whole mess can be charged to Mr. Beal; is this view correct?

So far, we have not charged any of our time and costs to the royalty account, but I am becoming increasingly vexed with Beal's attempts to avoid his responsibility.

The large scale map prepared by Harvey Smith, a copy of which was sent to both you and Mr. Donaldson recently, shows the approximate outline of the conflicting "Duffy" claims. The way the situation is progressing, they are sure to raise their heads.

I mention all this so that you will get a general grasp of my proposed negotiating stance with Beal, who doesn't appear to have a very solid legal position, as I see it.

Your comments on my questions will be appreciated.

Very truly yours,



Ben F. Dickerson III

BFD:ca

w/attachment

c: A.F. Budge

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex: 75-1739

January 8, 1986

John C. Lacy
DeConcini, McDonald, Brammer,
Yetwin & Lacy, P.C.
240 North Stone Avenue
Tucson, AZ 85701-1295

Re: Vulture Townsite

Dear John:

Attached is a reduced copy of a plat which Carole has prepared from existing records. This schematic (the reduction has caused some distortion) shows:

- 1) Townsite and block (lot) outlines
- 2) The patented Pit Gold claim (M.S. 2522)
- 3) The trace of the county road. (Beal's fence lies about 10 feet north of, and parallel to, the road).
- 4) The blocks (parcels) acquired by D.D. Blair and associates. (One of the latter is still listed in the Phoenix phone book.)
- 5) The approximate outline of that portion of the amalgamation tailings in which we are definitely interested. (The tails feather southward.)
- 6) Location of the old cyanide plant and other mine facilities located on the townsite.

We would prefer to acquire or control all the townsite land possible. However, the most immediately important lands appear to be townsite blocks 2 through 7.

These would cover all significant amalgamation tailings; possible southerly broadening of the known mineralized zone; and ease of access to other areas of the property.

If Blair, a private individual, could petition the court for the sale of 9 of 49 blocks of the townsite, why can't we petition for the other 40?

J.C. Lacy
January 8, 1986
Page 2

Since Blair appears to be a sharp individual, I am somewhat apprehensive that he may smell money, and beat us to the punch.

It is assumed that all the costs of this whole mess can be charged to Mr. Beal; is this view correct?

So far, we have not charged any of our time and costs to the royalty account, but I am becoming increasingly vexed with Beal's attempts to avoid his responsibility.

The large scale map prepared by Harvey Smith, a copy of which was sent to both you and Mr. Donaldson recently, shows the approximate outline of the conflicting "Duffy" claims. The way the situation is progressing, they are sure to raise their heads.

I mention all this so that you will get a general grasp of my proposed negotiating stance with Beal, who doesn't appear to have a very solid legal position, as I see it.

Your comments on my questions will be appreciated.

Very truly yours,



Ben F. Dickerson III

BFD:ca

w/attachment

c: A.F. Budge

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

DINO DECONCINI
OF COUNSEL

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
NEIL J. KONIGSBERG
BERNARD C. OWENS

January 7, 1986

Ms. Carole A. O'Brien
DMEA Ltd.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

RECEIVED JAN 8 1986

Re: Vulture City Townsite

Dear Carole:

This letter is to confirm our telephone conference where I reported to you concerning my findings on the Vulture City Townsite.

Apparently the potential residents of Vulture City abandoned the proposed town shortly after the townsite was patented and, therefore, there was no particular interest in bidding on town lots. Therefore, title remained vested in the probate judge until the mid 1960's. As a result of the lack of interest, the original survey was never tied to the public land survey system and the location of the townsite was "lost" by virtue of the passage of time.

During the mid 1960's Mr. Douglas Blair, then working as a title examiner, became interested in the property and apparently through efforts initiated by him was able to have a new survey prepared by the Cadastral Engineer's Office to fix the "floating" townsite onto the public land plats. He then put together a group of investors who petitioned for the sale of nine of the 49 blocks within the townsite. This group apparently still controls these nine blocks. To Mr. Blair's knowledge (and he is apparently the only with any knowledge) the remaining portion of the townsite has never been sold.

Mr. Blair works at Commonwealth Land Title in Phoenix (phone number: 820-1110) and his home address and telephone number is 3310 North Fourth Avenue, Phoenix, Arizona 85013, 266-5062.

I indicated to Mr. Blair that I represented a mining company that was doing some exploring in the area. I told him that we had overstaked the townsite with unpatented claims and indicated to him that we were interested in pursuing efforts to

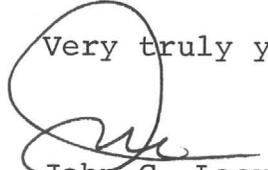
DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW

Ms. Carole A. O'Brien
January 7, 1986
Page Two

protect a land position to permit unappropriate tenure for
mineral development.

I did not give him any names but indicated that you would
probably be getting in touch with him.

Very truly yours,



John C. Lacy

jk

BEFORE THE INTERIOR BOARD OF LAND APPEALS
UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
4015 Wilson Boulevard
Arlington, Virginia 22203

APPEAL OF

V. M. P., Inc.

Box 20202

Wickenburg, Arizona 85358:

:

:

:

:

IBLA _____

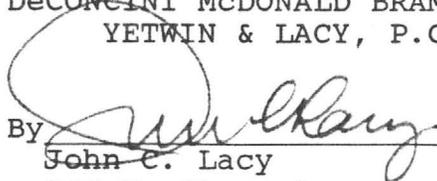
A MC 246423 et al

Proof of Service

The Appellant, pursuant to the requirements of 43 C.F.R. § 4.401(c)(2), does hereby certify that a copy of the Notice of Appeal filed with the Arizona State Office on January 3, 1986, was mailed by certified mail, return receipt requested, to the Office of the Field Solicitor, 505 North Second Street, Suite 150, Phoenix, Arizona 85004, and the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, California 95825, which copies were received on January 6, 1986, as evidenced by the return receipts attached hereto.

DATED this 15th day of January, 1986.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

By 

John C. Lacy
240 N. Stone Avenue
Tucson, Arizona 85701
Attorneys for Appellant

A copy of the foregoing was mailed
this 15th day of January, 1986,
to the following addresses:

Office of the Field Solicitor
505 North Second Street, Suite 150
Phoenix, Arizona 85004

Office of the Regional Solicitor
 Pacific Southwest Region
 2800 Cottage Way, Room E-2753
 Sacramento, California 95825

Arizona State Office
 Bureau of Land Management
 P. O. Box 16563
 Phoenix, Arizona 85011

PS Form 3811, July 1983 447-948

SENDER: Complete items 1, 2, 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

3. Article Addressed to:
 FRITZ F. GOREHAM, ESQ.
 FIELD SOLICITOR
 U.S. DEPT. OF THE INTERIOR
 505 N 2d STREET, SUITE 150
 PHOENIX, ARIZONA 85004

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 052 270 749

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
 X *Cynthia Marshall*

6. Signature - Agent
 X *[Signature]*

7. Date of Delivery
 1/6/88

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

PS Form 3811, July 1983 447-948

SENDER: Complete items 1, 2, 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

3. Article Addressed to:
 REGIONAL SOLICITOR
 PACIFIC SOUTHWEST REGION
 U.S. DEPT. OF THE INTERIOR
 2800 COTTAGE WAY, ROOM E-2753
 SACRAMENTO, CA 95825

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P 052 270 750

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
 X *Ann Egoan*

6. Signature - Agent
 X *[Signature]*

7. Date of Delivery
 JAN 6 1988

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

DMEA Ltd.
Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex 75-1739

January 6, 1986

Larry W. Beal
President
V.M.P., Inc.
2835 W. Encanto
Phoenix, AZ 85009

Dear Larry:

The attached statement shows the status of your royalty account at January 5, 1986. The debit reflects charges from John C. Lacy for services pertaining to the claim amendments and other related matters. Copies of his firm's invoices are enclosed for your records.

As you know, the BLM has ruled that some of the claims are void. Mr. Lacy has appealed this decision on behalf of V.M.P., Inc.

The costs of this action, and any other curative work required, for any of the claims, can also properly be charged to the royalty account.

It is to be hoped that we can reach a mutually agreeable settlement of this whole matter.

Very truly yours,



Ben F. Dickerson III

BFD:ca

w/ attachment and enclosures

c: A.F. Budge
J.C. Lacy
W.S. Donaldson

Statement of Account

January 5, 1986

Average of Handy and Harmon quoted gold price for November and December: \$323.96/ounce.

Advance royalty payment due per schedule:	\$ 3,500.00
Debit balance, Statment of December 4, 1985	(\$ 7,149.87)
Debit, legal billing to 12-01-85	(\$ 1,595.39)
Account balance (debit) as of 1-05-86	(\$ 5,245.26)

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex: 75-1739

January 6, 1986

John C. Lacy
DeConcini, McDonald, Brammer
Yetwin & Lacy, P.C.
240 North Stone Avenue
Tucson, AZ 85701-1295

Notes re: Vulture Townsite

Townsite entry: June 20, 1882
Survey: Date ?
claims on townsite at various times

Pit Gold - M.S. # 2522 (Pat. # 129376); patent issued in 1914 (?)
Central - M.S. # 4409 (1930) (not patented); on townsite
Vulture South Annex (1930)
Duplex (1930)
Duplex Fraction (1930)
Henry M. Love (1930)
Vindicator #2 (1930) ?
Vindicator #3 (1930) ?
Vindicator #8 (1930)
Perrin (1904)
Pepper (1904)
Gold Deposit (1904)

Notes: The dates given are not the date the claims were located.
They are the dates of maps and other records showing these claims, which
allegedly, were valid at the date given.

cont'd...

J.C. Lacy
January 6, 1986
page 2

The cyanide plant, shops and tailings of the last Vulture operating company are built on or deposited upon, the northwest quarter of the townsite.

In 1879, the property was owned by the Arizona Central Mining Company, which operated an 80 stamp mill until 1888. From 1888-1908, the property was leased to small scale miners.

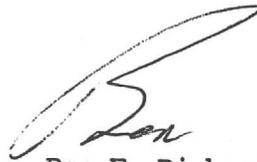
The mine was re-opened in 1908 by the Vulture Mines Company, which also operated stamp mills, until 1917, when production ceased.

In 1927, the property was held by the Vulture Mining and Milling Company. (D.R. Finlayson)

In 1931, the property was operated by the East Vulture Mining Company (D.R. Finlayson & A.B. Peach). This was apparently the company which used the cyanide plant mentioned above.

If we find any other useful data, will send it along.

Regards,



Ben F. Dickerson III

BFD:ca

DMEA Ltd.

Mineral Exploration Advice

Ben F. Dickerson III
Registered & Certified Geologist
Carole A. O'Brien
Certified Geologist

7340 E. Shoeman Lane
Suite 111 "B" (E)
Scottsdale, AZ 85251
(602) 945-4630
Telex: 75-1739

January 6, 1986

John C. Lacy
DeConcini, McDonald, Brammer
Yetwin & Lacy, P.C.
240 North Stone Avenue
Tucson, AZ 85701-1295

Notes re: Vulture Townsite

Townsite entry: June 20, 1882
Survey: Date ?
claims on townsite at various times

Pit Gold - M.S. # 2522 (Pat. # 129376); patent issued in 1914 (?)	
Central - M.S. # 4409 (1930) (not patented); on townsite	
Vulture South Annex	(1930)
Duplex	(1930)
Duplex Fraction	(1930)
Henry M. Love	(1930)
Vindicator #2	(1930) ?
Vindicator #3	(1930) ?
Vindicator #8	(1930)
Perrin	(1904)
Pepper	(1904)
Gold Deposit	(1904)

Notes: The dates given are not the date the claims were located. They are the dates of maps and other records showing these claims, which allegedly, were valid at the date given.

cont'd...

J.C. Lacy
January 6, 1986
page 2

The cyanide plant, shops and tailings of the last Vulture operating company are built on or deposited upon, the northwest quarter of the townsite.

In 1879, the property was owned by the Arizona Central Mining Company, which operated an 80 stamp mill until 1888. From 1888-1908, the property was leased to small scale miners.

The mine was re-opened in 1908 by the Vulture Mines Company, which also operated stamp mills, until 1917, when production ceased.

In 1927, the property was held by the Vulture Mining and Milling Company. (D.R. Finlayson)

In 1931, the property was operated by the East Vulture Mining Company (D.R. Finlayson & A.B. Peach). This was apparently the company which used the cyanide plant mentioned above.

If we find any other useful data, will send it along.

Regards,



Ben F. Dickerson III

BFD:ca

DECONCINI McDONALD BRAMMER YETWIN & LACY, P. C.

ATTORNEYS AT LAW

240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295

(602) 623-3411

PHOENIX OFFICE
4041 NORTH CENTRAL AVENUE
SUITE 640
PHOENIX, ARIZONA 85012-3398
(602) 248-0036

EVO DECONCINI
J. WM. BRAMMER, JR.
JOHN C. LACY
WILLIAM B. HANSON
JOHN C. RICHARDSON
GARY L. LASSEN
JAMES A. JUTRY
MICHAEL R. URMAN
NANCY DARU YAELI
VIRGINIA BARKLOW
KENNETH C. SUNDLOF, JR.
MATTHEW R. BERENS

JOHN R. McDONALD
RICHARD M. YETWIN
ROBERT M. STRUSE
DOUGLAS G. ZIMMERMAN
DAVID C. ANSON
DEBORAH OSERAN
SPENCER A. SMITH
DENISE M. BAINTON
DIANE M. MILLER
NEIL J. KONIGSBERG
BERNARD C. OWENS

January 2, 1986

DINO DECONCINI
OF COUNSEL

RECEIVED JAN 4 1986

Mr. Ben F. Dickerson III
DMEA LTD.
7340 East Shoeman Lane
Suite 111 "B" (E)
Scottsdale, Arizona 85251

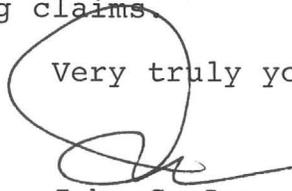
Re: Vulture Townsite; Appeal of BLM Decision

Dear Ben:

Enclosed is a copy of the Notice of Appeal I filed on behalf of V.M.P., Inc., related to the four claims located completely within the Vulture City Townsite. By the applicable regulations of the Department of Interior, a "Statement of Reasons" for the appeal must be filed within thirty days. I would therefore appreciate any evidence you can find of the existence of unpatented mining claims within the boundaries of the townsite at the time it was patented in 1880. ² Carole indicated that your office may have some old maps showing such claims. If we have some names, the location notices can be run down within the Maricopa County Recorder's Office. It is also possible that the mineral survey plat of the Pit Gold patented claim located within the townsite may have included references to adjoining claims.

6/20/1982

Very truly yours,


John C. Lacy

rl
enc
c: W. Scott Donaldson, Esq.

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Arizona State Office
3707 N. 7th Street
Phoenix, Arizona 85014

APPEAL OF: :
: :
V. M. P., Inc. :
Box 20202 :
Wickenburg, Arizona 85358:

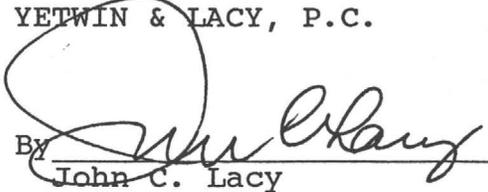
Notice of Appeal

V. M. P., Inc., an Arizona corporation, by and through the undersigned, pursuant to 43 C.F.R. §§ 4.411 and 4.413, does hereby appeal that certain Decision dated December 5, 1985, of the Acting Chief, Branch of Lands and Mineral Operations concerning the following unpatented mining claims situated in the Vulture Mining District, Maricopa County, Arizona, the names of which and the place of record of the location notices thereof in the official records of the county recorder and the authorized office of the Bureau of Land Management are as follows:

<u>Name of Claim</u>	<u>Maricopa Cty Rclds</u>	<u>BLM Serial #</u>	
	<u>Book</u>	<u>Page</u>	<u>A MC</u>
Vulture # 81	15828	231-32	246423
Vulture # 81A	15828	233-34	246528
Vulture # 82	15828	235-36	246524
Vulture # 83	15828	237-38	246525

DATED this 2d day of January, 1986.

DeCONCINI McDONALD BRAMMER
YETWIN & LACY, P.C.

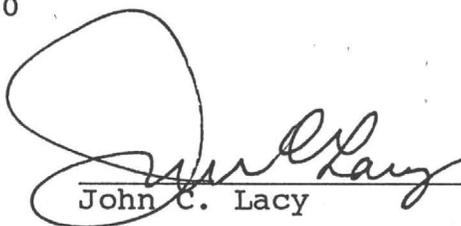
By 
John C. Lacy
240 N. Stone Avenue
Tucson, Arizona 85701
Attorneys for Appellant

CERTIFICATION

The undersigned does hereby certify that the foregoing Notice of Appeal was deposited, postage prepaid, in the United States Mail, by certified mail, return receipt requested, this 2d day of January, 1986, to the following addressees:

Regional Solicitor
Pacific Southwest Region
U.S. Dept. of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825

Fritz F. Goreham, Esq.
Field Solicitor
U.S. Dept. of the Interior
505 N. 2d Street, Suite 150
Phoenix, Arizona 85004



John C. Lacy

1 DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
2 ATTORNEYS AT LAW
3 240 NORTH STONE AVENUE
4 TUCSON, ARIZONA 85701
5 (602) 623-3411

6 Attorney for Plaintiff/Counterdefendant

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR THE COUNTY OF MARICOPA

9 CLEARWATER MINING CORPORATION, an)
10 Arizona corporation, as nominee)
11 of A. F. BUDGE (MINING LIMITED),)
12 a foreign corporation,)
13 Plaintiff,)
14 vs.)
15 V.M.P., INC., an Arizona)
16 corporation,)
17 Defendant.)

NO. C562598

REPLY TO COUNTERCLAIM

18 Plaintiff/Counterdefendant (the "Plaintiff" herein), in
19 reply to the Counterclaim, alleges as follows:

- 20 1. Admits paragraph I.
- 21 2. Denies paragraphs II, III and IV.
- 22 3. Defendant's Counterclaim fails to state a claim upon
23 which relief can be granted.

24 WHEREFORE, Plaintiff prays that the Counterclaim be dismissed,
25 that the Defendant take nothing thereby, for the costs of this
26 action and reasonable attorneys' fees therein, and for such other
and further relief as the Court deems just and reasonable.

27 . . .
28 . . .

1 DATED this _____ day of January, 1986.

2 DeCONCINI McDONALD BRAMMER
3 YETWIN & LACY, P.C.

4 By _____
5 Kenneth C. Sundlof, Jr.
6 Attorneys for Plaintiff/
7 Counterdefendant

8 COPY of the foregoing
9 mailed this _____ day of
10 January, 1986, to:

11 W. Scott Donaldson, Esq.
12 2916 North Seventh Avenue
13 Phoenix, Arizona 85013
14 Attorney for Defendant
15
16
17
18
19
20
21
22
23
24
25
26

DECONCINI McDONALD BRAMMER YETWIN & LACY, P.C.
ATTORNEYS AT LAW
240 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1295
(602) 623-3411