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Auditor's Office

David A. Darby
State Freeman
PO Box 110
Amboy, Washington Non-Domestic

15 June 2009 AD

Greg Kimsey
County Auditor
PO Box 5000
Vancouver, Washington 98666-5000

Dear Greg,

Thank you for the letter in response to my queries. Unfortunately, my question has not been answered. So I will ask it another way.

I have brought my land patent forward with all the certified transactions that have been recorded since the original land patent was issued. I have provided all that paper work in county record. This land was never entered into the Torrens book of registration of land titles in Clark County. Therefore, the original land patent is still in place. Unless you can provide the Washington state law that supercedes the United States land patent law and the Homestead Act, I expect my title to the land to be recognized.

We all know that the only way to legally cancel the original land patent in the State of Washington is through the Torrens system. Since, the land has always been patented land in Fee simple, where is the paper work that the county has legally taken the land patent title away from my land? Please provide me the legal authority that gives the county the authority to not recognize my land patent. I demand that it be put back on the books as fee simple land.

The land patent as we all know is a contract between the government of the United States and the recipient of the land patent signed by the president of the United States at the time of the issuance of the land patent. The contract specifically states that the land patent shall remain on the land. It reads as follows: "Now Know Ye that there is, therefore granted by the United States unto the said James O'Brian the tract of land above described to have and to hold the said tract of Land with the appurtenances therefore unto the said James O'Brian's heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the property of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law."

Where do you see in this contract any right given to the state or county to take the title from the owner? I have brought my title forward according to land patent law and I want it recognized.

Sincerely,



David A. Darby