



418 Sixth Street  
Brookings, SD 57006  
PH: 605-696-0100  
BrookingsCountyTitleCo.com

## **Pre-Auction Report**

**Owner:** Steven J. Folsland, a married person

### **Legal Description:**

Government Lots One (1) and Two (2) and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ), also described as the Northeast Quarter (NE $\frac{1}{4}$ ), of Section Three (3), Township One Hundred Nine (109) North, Range Fifty-four (54), West of the 5th P.M., Kingsbury County, South Dakota

### **EXCEPTIONS:**

- 1. Real Estate Taxes for 2023 payable in 2024 as shown below, Real Estate Taxes for all subsequent years, and any Special Assessments hereafter levied. (1st installment due April 30 & 2nd installment due October 31)**

**Parcel/Record No. 393: 1st  $\frac{1}{2}$ : \$2,033.24 paid; 2nd  $\frac{1}{2}$ : \$2,033.24 unpaid**

- 2. No title examination was made regarding and no coverage is afforded hereunder for the minerals or the mineral estate underlying, associated with, or severed from the land described in Schedule A, if any, including rights and easements granted or reserved along therewith or arising by operation of law**
- 3. Conveyance of Easement for Waterfowl Management Rights, dated July 22, 1977 and recorded December 1, 1977 in Book 24 of Miscellaneous, Page 472**
- 4. Vested Drainage Right. Dated June 30, 1992 and recorded June 30, 1992 in Book 35 of Miscellaneous, Page 15**

THIS INDENTURE, by and between Dorothy M. Willett and Franklin J. Willett, her husband, of 3535 Linda Vista Drive #42, Vista, California, Beryl Jean Pope, formerly known as Beryl Jean Maxam, and Thomas W. Pope, her husband, of 416 Puamamane Street Honolulu, Hawaii

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by section 3 of the Act of August 1, 1958 (72 Stat. 489, 16 U.S.C., sec. 718d (c)), authorizes the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas:

WHEREAS, the lands described below contain or include small wetland or pothole areas suitable for use as waterfowl production areas:

NOW, THEREFORE, for and in consideration of the sum of (\$3,500.00) Three Thousand Five Hundred Dollars, the parties of the

first part do hereby convey to the United States, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within nine months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a permanent easement (in perpetuity) or right of use for the maintenance of the land below as a waterfowl production area, including the right of access thereto by authorized representatives of the United States.

The land covered by this conveyance are those wetland areas, including lakes, ponds, marshes, sloughs, swales, swamps, potholes, and other wholly or partially water-covered areas, now existing or subject to recurrence through natural or man-made causes, delineated on the map(s) attached hereto as Exhibit A and incorporated herein by this reference; provided, always, that the lands covered by this conveyance shall include any enlargements of said wetland areas resulting from normal or abnormal increased water. Said lands are located within, and the aforementioned right of access extends

over all lands within the following described legal subdivision(s) in Kingsbury County, State of South Dakota, to-wit:

T. 109 N., R. 54 W., 5th P.M.

Section 3, Lots 1, 2, 3, & 4, S 1/2 NE 1/4, S 1/2 NW 1/4 (also described as the N 1/2).

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines, and all mineral rights.

The parties of the first part, for themselves, their heirs, successors and assigns, covenant and agree that they will cooperate in the maintenance of the aforesaid lands as a waterfowl production area by not draining, causing or permitting the draining by construction of ditches, or by any means, direct or indirect, whether through the transfer of appurtenant water rights or otherwise, of any surface waters in or appurtenant to these wetland areas delineated on Exhibit A; by not filling in with earth or any other material or leveling any part or portion of said delineated wetland areas; and by not burning any marsh vegetation or any part or portion of said delineated wetland areas. It is understood that this indenture imposes no other obligations or restrictions upon the parties of the first part and that neither they nor their successors, assigns, lessees, or any other person or party claiming under them shall in any way be restricted from carrying on farming practices such as grazing at any time, hay cutting, plowing, working and cropping wetlands when the same are dry of natural causes, and that they may utilize all of the subject lands in the customary manner except for the draining, filling, leveling, and burning provisions mentioned above.

Copies of the above-referenced map(s), being Exhibit A, are on file in the Office of the Regional Director, U.S. Fish and Wildlife Service

SPECIAL PROVISIONS

- 1. This indenture shall not be binding upon the UNITED STATES OF AMERICA until accepted on behalf of the United States by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon the parties of the first part and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first part, by the UNITED STATES OF AMERICA, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by parties of the first part. 14-16-0006-2418
2. Notice of acceptance of this agreement shall be given the parties of the first part by certified mail addressed to Dorothy M. Willett at 3535 Linda Vista Drive #42, Vista, California 92083 and such notice shall be binding upon all the parties of the first part without sending a separate notice to each.
3. It is further mutually agreed that no Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of such incorporation or company.
4. Payment of the consideration will be made by a United States Treasury check after acceptance of this indenture by the Secretary of the Interior or his authorized representative and after the Attorney General, or in appropriate cases, the Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals this 22nd day of July 19 77

DOROTHY M. WILLETT (L.S.) BERYL JEAN POPE (L.S.)
Dorothy M. Willett Beryl Jean Pope, formerly known as (L.S.)
FRANKLIN J. WILLETT (L.S.) BERYL JEAN MAXAM (L.S.)
Franklin J. Willett Beryl Jean Maxam (L.S.)
THOMAS W. POPE (L.S.)
Thomas W. Pope

ACKNOWLEDGMENT

STATE CALIF }
COUNTY OF SAN DIEGO } ss.

On this 22 day of July, in the year 1977, before me personally appeared Dorothy M. Willett and Franklin J. Willett, her husband, known to me to be the persons whose names are subscribed in and who executed the foregoing instrument and acknowledged to me that they executed the same as their own free

OFFICIAL SEAL
JANET M. JONES
Notary Public-California
San Diego County
My Comm. expires OCT 27, 1978
JANET M. JONES
(Notary Public)
My commission expires

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States 22 day of NOV 19 77

THE UNITED STATES OF AMERICA
By JERALD J. WILSON
Jerald J. Wilson
(Title) Acting Regional Director
U. S. Fish and Wildlife Service.

STATE OF SOUTH DAKOTA, }
Kingsbury County } ss.
Filed for record the 1 day of December A. D., 19 77 at 1 o'clock
15 minutes P.M., and recorded in Book 24 of Misc. on page 472

UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE

EXHIBIT "A"

Page 1 of 1

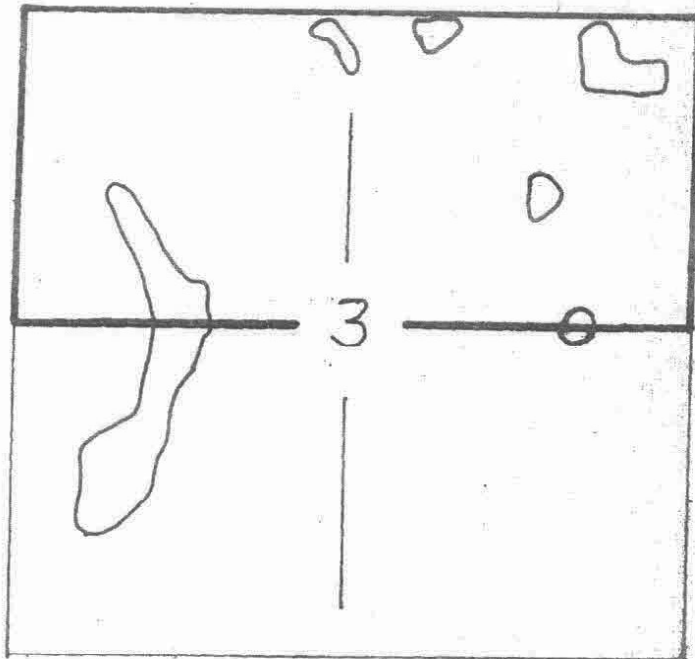
Willetts et al, Dorothy M. TRACT (322X)

WATERFOWL PRODUCTION AREA Kingsbury COUNTY, STATE OF South Dakota

EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934  
AS AMENDED.

T. 109 N., R. 54 W., 5th PRINCIPAL MERIDIAN

Section 3, Lots 1, 2, 3 & 4, S1/2, S1/4 (also described as the N1/2)



Scale: 4 Inches = 1 Mile

This map delineates wetlands referred to in the easement conveyance dated 7/22/77 which the parties of the first part agree to maintain as a waterfowl production area. The lands covered by this conveyance include any enlargements of the delineated wetland areas resulting from normal or abnormal increased water.

Dorothy M. Willett  
Landowner Signature

LEGEND



Boundary of Easement Description



Wetlands covered by provisions of the easement

ACKNOWLEDGMENT FOR INDIVIDUALS

STATE OF Hawaii )  
City & ) SS  
COUNTY OF Honolulu )

Be it remembered that on August 3, 1977

(month day and year)

before the subscriber, a Notary Public in and for the City & County of Honolulu, State of Hawaii appeared

Beryl Jean Pope, formerly known as Beryl Jean Maxam, and Thomas W. Pope, wife and husband described in and who executed the hereto annexed instrument of writing, dated July 22, 1977, and acknowledge that they executed the said instrument freely and voluntarily for the uses and purposes therein stated; and I further certify that the said persons are known to me to be the persons described in and who executed the same instrument.

Given under my hand and official seal.

MARJORIE M. TONG

Notary Public

My commission expires

OCT. 26, 1978

(SEAL)

NOTARY PUBLIC FIRST JUDICIAL CIRCUIT  
State OF HAWAII

APPENDIX B  
VESTED DRAINAGE RIGHT  
REGISTRATION FORM

1. Claimant of Vested Drainage Right:

Name FOLSLAND JAMES W.  
(Last) (First) (Middle Initial)

Address Box 43  
City Oriskany State S. Dak. Zip Code 57051

Co-Owner or Other Interest Owner:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. A. State the legal description of the land from which the water is drained (dominant estate):  
1/4 of the 11 1/2 1/4 of Sec. 3, Twp. 109, Rg. 54, in the County of Kingsbury

B. State the legal description of the land onto which the water is drained (servient estate):  
1/4 of the 5 1/2 1/4 of Sec. 34, Twp. 110, Rg. 54, in the County of Kingsbury

C. State the legal description of the land for which the drainage right is claimed, if different than A, above (prescriptive right):  
1/4 of the \_\_\_\_\_ 1/4 of Sec. \_\_\_\_\_, Twp. \_\_\_\_\_, Rg. \_\_\_\_\_, in the County of \_\_\_\_\_

3. The man made modifications consist of ditch (i.e. drain tile, ditch, levee, dike, etc.).  
Generally describe the modifications in terms of length, depth, width, etc. (i.e. a ditch 3 ft. deep and 80 ft. long):  
20' wide 400' long 4 ft deep

4. The claimed drainage right has existed since:  
A. 9 / 25 / 1982; or  
Month Day Year  
B. Unknown

5. State the general course and direction of the flow of water by means of the drainage right:  
west to northwest

6. State the general course and direction of the natural flow:  
A.  Same as paragraph 5; or  
B. \_\_\_\_\_

7. State any facts you believe relevant to the vested drainage rights:  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 30 day of June, 1992  
James Folsland

STATE OF SOUTH DAKOTA }  
COUNTY OF Kingsbury } SS

On this 30 day of June 1992, before me, Jill Albrecht,  
the undersigned officer, personally appeared James Folsland, known to me or satisfactorily  
proven to be the person whose name is subscribed to the within instrument  
and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Jill Albrecht  
Dep. Ron  
Title of Officer

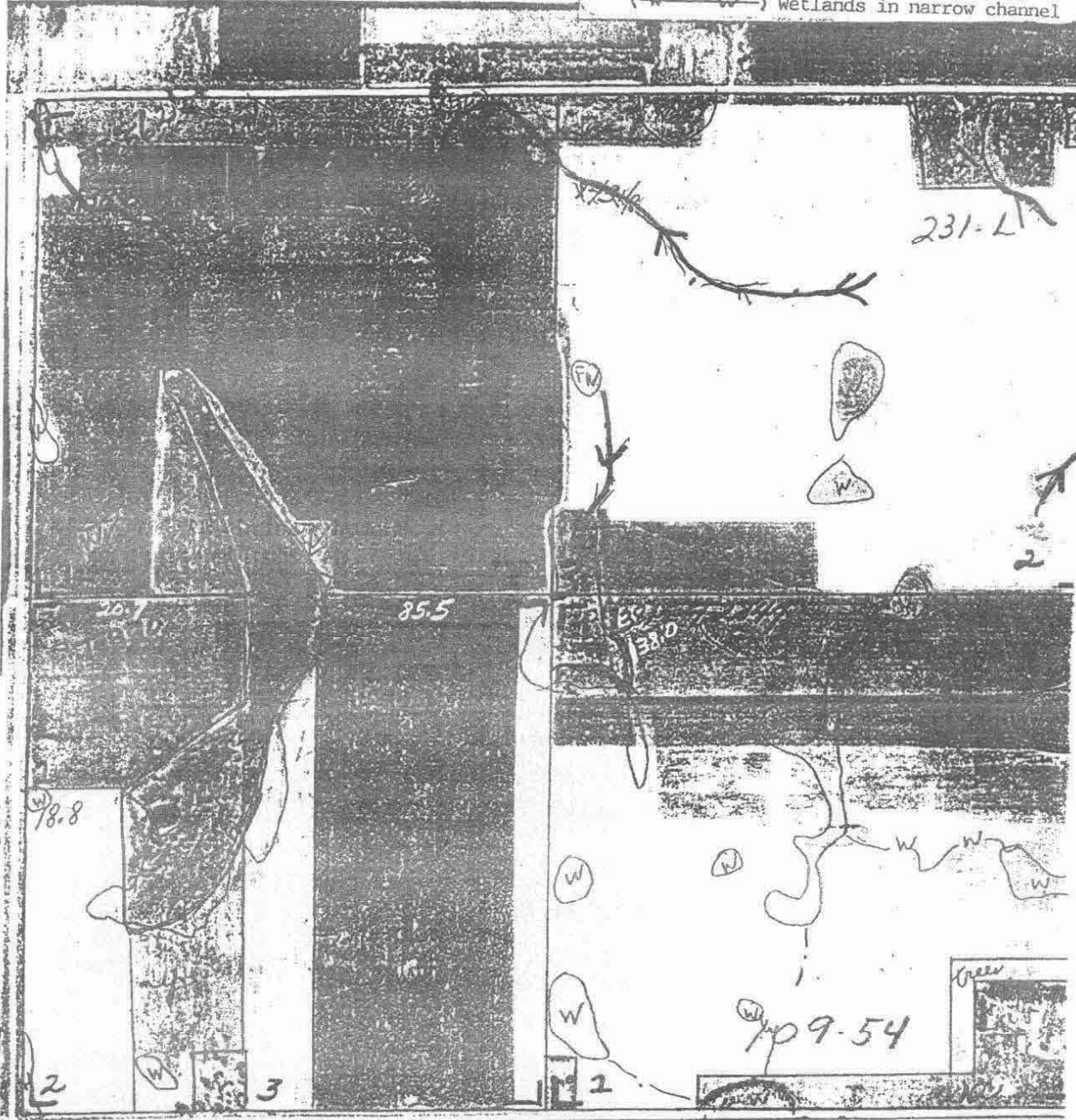


OFFICIAL WETLAND DETERMINATION  
for Highlighted Tracts Only

TC

16

- (W) Wetland
- (FW) Ditched or tilled prior to 12-23-85 but still wetland
- (PC) Converted Wetland prior to 12-23-85
- (CW) Converted Wetland after 12-23-85
- (---) Ditched prior to 12-23-85
- (---) Tilled prior to 12-23-85
- (---) Wetlands in narrow channel



07824

STATE OF SOUTH DAKOTA } ss

Kingsbury County

Filed for record on the 20 day of  
June A.D., 1992 at 8 o'clock  
and 50 minutes A M., and recorded  
in Book 35 of Miss  
on page 15

*Ja. Vanne Williams*  
Register of Deeds

By \_\_\_\_\_ Deputy

FEE \$ 5.00  
RECORDED  
INDEXED  
GRANTOR  
GRANTED