20120502000151590 1/14 $51.00
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RECORDING REQUESTED BY: Steve Lawrence Colafrancesco and Kaylyn Anne Colafrancesco

RECORDER'S USE

DECLARATION OF ASSIGNEES UPDATE OF PATENT

PATENT NUMBERS: 38.777 (December 1st, 1860), A31751-1 (June 21st, 1860), 40033-2 (aka B31751-2) (June 21st, 1860), 879129-2 (June 21st, 1860), 88527-43 (June 21st, 1860) and 40033-4 (June 21st, 1860)

Known all men by these present that **Steve L. Colafrancesco** and **Kaylyn Anne Colafrancesco** do severally certify and declare that all the rights, privileges, immunities, and appurtenances, of whatsoever nature, issued by PATENTS **(no.) 38.777 (pg 27, December 1st, 1860) attachment 1 (1 page) and A31751-1 (pg 65), 40033-2 (pg 67), 879129-2 (pg 73), 88527-43 (pg 85), 40033-4 (pg 87) all dated June 21st, 1860) attachment 2 (6 pages)** under the authority of the UNITED STATED OF AMERICA do hereby accrue by and through the sweat of our brows and WARRANTY AND QUITCLAIM DEED grantors **Steve L. Colafrancesco** and **Kaylyn Anne Colafrancesco** to the aforementioned parties.

WARRANTY DEED prepared by: Courtney Mason and Associates PC
1904 Indian Lake Drive, Ste 100
Birmingham, Alabama 35244

dated: 14th of July 1997

QUITCLAIM DEED prepared by: Steve L. Colafrancesco
409 Hwy 474
Leeds, Alabama 35094

dated: 24th of February 2012

(1) The character of said property so PATENTED, is hereby described:

A parcel of land lying in the NW l/4 of the NE l/4 of Section 3, Township l8 South, Range I East and the SW 1/4 of the SE 1/4 of Section 34, Township 17 South, Range I East, all being situated in Shelby County, Alabama, more particularly described as follows:

Begin at the NE corner of the NW 1/4 of the NE 1/4 of said Section 3, said point being the point of beginning; thence south along the eastern boundary of said NW l/4 of the NE 1/4 for a distance of 1323.91 feet; thence right 91 deg. 43 min. 52 sec. west along the south boundary of said NW l/4 of NE l/4 for a distance of 650 feet; thence right 88 deg. 28 min. 18 sec. northerly for 1573.02 feet; thence right 91 deg. 22 min. 05 sec. easterly for a distance of 650 feet; thence right 89 deg. 42 min. 48 sec. southerly 250.97 feet to the point of beginning; being situated in Shelby County, Alabama.

Also, that, certain 20 foot wide non-exclusive easement being approximately 430 feet along extending from Country Road 474 in an easterly direction to the westerly line of the above described tract for ingress and egress and appurtenant to the above described

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tract, all as set forth and shown on the map prepared by Norris W. Hughes dated March 19, 1991, and being located in the NW 1/4 of the NE l/4 of Section 3, Township 18 South, Range I East; being situated in Shelby County, Alabama.

Recorded Instrument # 1997-23025 (Warranty Deed), Instrument # 20120227000068250 (Quitclaim Deed) in the Probate office of Shelby County
(23.39 acres)
Street address: 409 Hwy 474, Leeds, Alabama 35094

(2) Notice of pre-emptive right. pursuant to the Declaration of Independence [1776], the Treaty of Peace with Great Britain (8 stat. 80) known as the Treaty of Paris [1793], an Act of Congress [3 stat. 566, April 24, 1824], the Oregon treaty [9 stat. 869, June 15, 1846, the Homestead Act [12 stat. 392, 1862] and 43 USC Section 57, 59, and 83; the recipient thereof is mandated by Art. VI Sections 1, 2, and 3; Art. IV Sections I CL.1, & 2; Section 2 CL. 1 8t 2; Section 4; the 4th, 7th, 9th, and 1 of the amendments U.S. Constitution, 1781-91

To acknowledge assignee's update of patent prosecuted by authority of Art. III section 2 cl. 1 & 2 and enforced by original/exclusive jurisdiction thereunder and it is the only way a perfect title can be had in our names, Wilcox vs. Jackson, 13 PET. (U.S.) 498, 101. ED. 264; all questions of fact decided by the general land office are binding everywhere. And injunctions and mandamus proceedings will lie against it, Litchfield vs. The Register, 9 Wall. (U.S.) 575, 19 1. Ed. 681. This document is instructed to be attached to all deeds and/or conveyances in the name(s) of the above party(ies) as required recording of this document, in a manner known as nunc pro tunc [as it should have been done in the beginning], by order of the United States Supreme law mandate as endorsed by case history cited.

(3) NOTICE AND EFFECT OF LAND PATENT.

" A grant of land is a public law standing on the statute books of Alabama, and is notice to every subsequent purchaser under conflicting sale made afterward;" Wineman vs Gastrell, 54 Fed 819, 4 CCA 596, 2 US app 581.

"Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent." A patent alone passes title to the grantee; Wilcox vs. Jackson, 13 PET (U.S.) 498, 10. 1. ED. 264.

"When the United States has parted with title by a patent legally issued, and upon surveys legally made by itself and approved by the proper department, the title so granted cannot be impaired by any subsequent survey made the government for its own purposes;" Cage vs Danks, 13, LA.ANN. 128.

"In ejectment in question always is who has the legal title for the demanded premises, not who ought to have it. In such cases the patent of the government issued upon the direction of the land department is unassailable." Supreme Court Sanford vs Sanford, 139 US 642.

"With respect to the public domain, The Constitution vests in Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations. Congress

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has the absolute right to prescribe the times, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State legislation can interfere with this right or embarrass its exercise; and to prevent the possibility of any attempted interference with it, a provision has been usually inserted in the compacts by which the new States have been admitted into the Union, that such interference with the primary disposal of the soil of the United States shall never be made." The transfer of legal title (patent) to public domain gives the transferee the right to possess and enjoy the land transferred, Supreme Court Gibson vs Chouteau, 80 U.S. 92 13 Wall. 92

"A patent for land is the highest evidence of title and is conclusive evidence against the government and all claiming under junior patents or titles," Supreme Court, United States vs Stone, 69 U.S. 525 (1864) 2 Wall. 525

Estoppel has been maintained as against a municipal corporation (county). Supreme Court, Beadle vs Smyser, 209, U.S. 393 (1908).

"Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the federal government, in reference to the public lands, declares the patent the superior and conclusive evidence of legal title; until its issuance, the fee is in the government, which, by the patent, passes to the grantee;" Supreme Court, Bagnell vs Broderick, 38 U.S. 436 (1839) 13 Pet. 436

State statutes that give lesser authoritative ownership of title than the patent can not even be brought into federal court, Supreme Court, Langdon vs Sherwood, 124 U.S. 74, 80.

The power of congress to dispose of its land cannot be interfered with, or its exercise embarrassed by any state legislation; nor can such legislation deprive the grantees of the United States of the possession and enjoyment of the property granted by reason of any delay in the transfer of the title after the initiation of proceedings for its acquisition. Supreme Court, Gibson vs Chouteau. 13 WAL. 80 U.S. 90 (____) 13 Wall. 92

(4) Land title and transfer the existing system of land transfer is a long and tedious process involving the observance of many formalities and technicalities, a failure to observe any one of which may defeat the title. Even where these have been most carefully complied with. And where the title has been traced to its source, the purchaser must be at his peril, there always being in spite of the utmost care and expenditure the possibility that his title may turn out bad: Yeakle, Torrence system.

Patents are issued (and theoretically passed) between sovereigns Supreme Court, Leading Fighter vs County of Gregory, 230 N.W.2d 114 (1975)

The patent is prima facie conclusive evidence of title, Marsh vs Brooks, 49 U.S. 223,233.

An estate in inheritance without condition belonging to the owner and alienable by him, transmissible to his heirs absolutely and simply, is an absolute estate in perpetuity and the largest

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possible estate a man can have being in fact allodial in its nature, Stanton v. Sullivan, 63 R.I. 216, 7 A.2d 696 (1939)

The original meaning of a perpetuity is an inalienable, indestructible interest. Bouvier's Law Dictionary, volume III p. 2570 (1914).

A land patent is a conclusive evidence that the patent has been complied with the act of congress as concerns improvements on the land, etc. Jankins vs Gibson, 3 LA ANN 203.

Every home is a castle; though the winds of heaven blow through it, officers of the state cannot enter.

ASSIGNEE(S)

ACKNOWLEDGEMENT (of execution of Title Via Land Patent)

Signature Kaylyn Anne Colafrancesco
Print Name: Kaylyn Anne Colafrancesco

Signature Steve Colafrancesco
Print Name: Steve Lawrence Colafrancesco

STATE OF Alabama }
COUNTY OF Shelby }

I, the undersigned, hereby certify that **Steve L. Colafrancesco** and **Kaylyn Anne Colafrancesco**, subscribing witnesses to the foregoing conveyance, known to me, appeared before me on this day, and being sworn to be the persons whose names are subscribed within the instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the same in their Title Via Land Patent. I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

Given under my hand and official seal, this 10th day of April, A. D. 2012

Signature Meredith Mooney [Seal]

Graduation
A. H.

THE UNITED STATES OF AMERICA,

CERTIFICATE
No. 38,777.

To all to whom these presents shall come, Greeting:

Whereas Marion J. Ribby, of Saint Clair County, Alabama

ha* deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Tuscaloosa whereby it appears that full payment has been made by the said

Marion J. Ribby according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the North half of the North West Quarter of Section Two, in Township Eighteen, of Range One, East, and the South West Quarter of the South East Quarter and the South East Quarter of the South West Quarter of Section Thirty four, in Township Seventeen of Range One, East, in the District of Lands subject to sale at Tuscaloosa, Alabama, containing One Hundred and fifty nine Acres and seventy three Hundredths of an Acre

according to the official plat of the Survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract* ha*-been purchased by the said Marion J. Ribby

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said

Marion J. Ribby

and to His heirs, the said tract* above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Marion J. Ribby and to His heirs and assigns forever.

In Testimony Whereof, I, James Buchanan PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the first day of December in the year of our Lord one thousand eight hundred and fifty and of the INDEPENDENCE OF THE UNITED STATES the eighty fifth

BY THE PRESIDENT: James Buchanan

By J. A. B. Leonard Secretary.

J. C. Granger Recorder of the General Land Office.

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Bureau of Land Management
Eastern States
7450 Boston Boulevard
Springfield, VA 22153

MAR 13 2012

Date

I hereby certify that this
reproduction is a true copy
of the official record on
file in this office.

Authorized Signature

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United States Department of the Interior

Bureau of Land Management

Eastern States
7450 Boston Boulevard
Springfield, Virginia 22153
http://www.es.blm.gov

MAR 1 2 2012

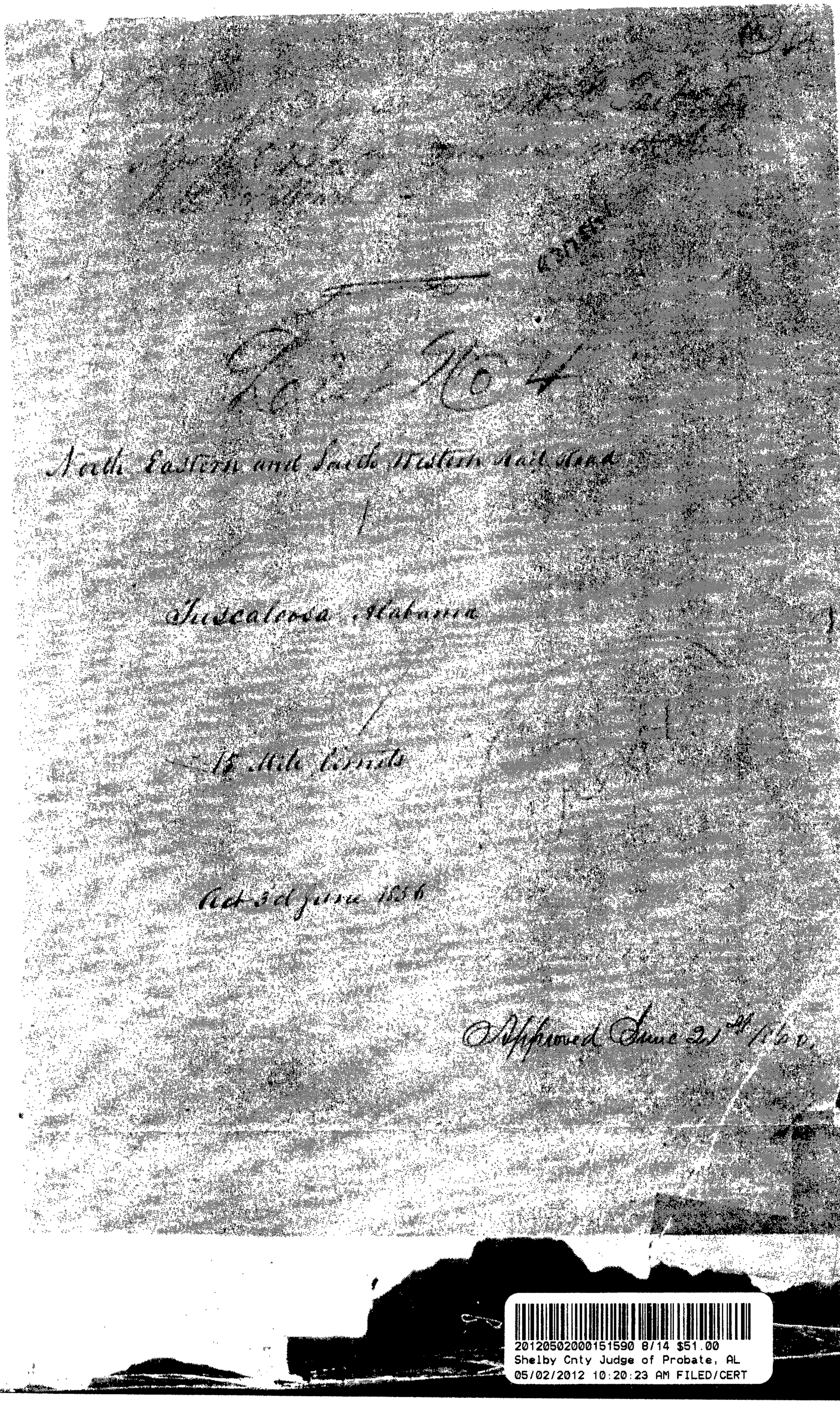
TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY THAT the attached reproduction(s) is an exact copy of the official document on file in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed on the above day and year.

Authorized Signature

Telephone (703)440-1600 or Fax (703)440-1609



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6

40053-2 (B)

North Eastern and South Western Rail Road

List of lands in the district of lands subject to sale at Huntsville

OUTSIDE OF THE SIX, and within the FIFTEEN MILE LIMITS of the reserve to satisfy the grant made to the State of Alabama, by the act of Congress approved the 3d June 1856 entitled "An act granting public lands in alternate sections to the State of ____ to aid in the construction of ____ ; being the lands selected by the Agent of the Governor of the State of ____, from the lands of the United States in alternate sections and parts of sections designated by ____ numbers, nearest to the lines of sections within six sections in width on each side of the Railroad "from Howard Gaddsden to some point on the Alabama and Mississippi State line, in the direction to the Tennessee and Ohio Rail Road and in lieu of the lands in the alternate sections designated by odd numbers, within said six sections in width, which the United States had legally "sold or otherwise appropriated or to which the rights of pre-emption have attached."

Approved June 21st 1860

Entered in Tract Books

RECORDER'S MEMORANDUM
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879129-2

TB

East of base line and East of Huntsville Principal Meridian.

North Eastern & South Western

RAILROAD LIST

Feb June 3rd 1856. 15 Mile Point. Tuscumbia Ala.

No.	Parts of Section.	Section.	Township.	Range.	Acres.	Remarks.
	Amount brought forward				30604 60	
	Sw ¼ of Sw ¼	11	17 S.	1 E.	80 10	
	NE ¼ of	13	"	"	640 88	
	Sw ¼ of SE ¼	21	"	"	39 99	
	NE ¼, Sw ¼ of NW ¼ Sw ¼	23	"	"	603 24	
	SE ¼ of SW ¼ of SE ¼					
	NE ¼ of NW ¼ of NE ¼	25	"	"	477 72	
	NE ¼ of	27	"	"	640 88	
	NE ¼ of SE ¼ of NW ¼	29	"	"	239 74	
	SE ¼ of SE ¼ of Sw ¼	31	"	"	240 72	
	SE ¼ of NW ¼ of NE ¼					
	NW ¼ of NW ¼ of Sec.	33	"	"	503 56	
	NE ¼ of SW ¼ of NW ¼ of SW ¼	35	"	"	157 22	
	NE ¼ of SE ¼ of NW ¼ of NW ¼					
	SW ¼ of NW ¼ of SW ¼	3	18 S.	1 E.	561 08	
	NW ¼ of NW ¼ of NW ¼ of NW ¼	3	"	"	480 42	
	NW ¼ of SW ¼ of NW ¼	5	"	"	559 02	
	NE ¼ of	7	"	"	637 76	
	NW ¼ of	9	"	"	641 28	
	NW ¼ of NW ¼	11	"	"	321 68	
	NE ¼ of NW ¼ of NW ¼					
	NE ¼ of NW ¼ of SW ¼	15	"	"	398 92	
	SW ¼ of SW ¼ of NW ¼	17	"	"	161 00	
	NW ¼ of	19	"	"	642 44	
	NW ¼	21	"	"	160 30	
	NW ¼ of NW ¼	35	18 S.	2 E.	79 86	
	NW ¼ of	1	19 S.	2 E.	40 06	
	SW ¼ of NE ¼, NW ¼ of SW ¼	13	"	"	159 44	
	SW ¼ of SE ¼	15	"	"	79 72	
	SW ¼ of SW ¼	21	"	"	79 30	
	SW ¼ of NW ¼ of SW ¼	23	"	"	39 86	
	NW ¼ of NW ¼ of SW ¼	25	"	"	39 86	
	E ½ of NE ¼ of SW ¼	27	"	"	80 00	
	NW ¼ of SE ¼	29	"	"	39 86	
	Carried forward				41 441 40	

RECORDER'S MEMORANDUM
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(Between the 4th and 9th sets.)

General Land Office,

Washington 18 91

I, Joseph S. Wilson, Commissioner of the General Land Office,

do hereby certify, that the foregoing on pages Four to Seventeen inclusive, is a true and correct list of the tracts of land selected by the agent of the State of Alabama, outside of the six, and within the fifteen mile limits, under the act of Congress approved 3d June 1856 entitled "An act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain Rail Roads in said State," within the district of lands subject to sale at Tuscaloosa Alabama,

the said selections being from the lands of the United States, in the alternate sections designated by odd numbers, most contiguous to the line of sections within six sections in width on each side of the Rail Roads from near Gaylesdon to some point on the Alabama and Mississippi State line, in the direction to the Mobile and Ohio Rail Roads, and known as the South Eastern and South Western Rail Roads,

and being in lieu of the land in the alternate sections designated by odd numbers within said six sections in width on each side of said road, which the United States had legally sold, or to which the right of Pre-emption had legally attached, prior to the period at which the rights of the State inured under said grant; and they are now submitted for the approval of the Secretary of the Interior, in accordance with the requirements of said act of 3d June 1856, subject to all its conditions, and to any valid interfering rights which may exist to any of the tracts embraced in the foregoing list.

In testimony whereof, I have hereunto subscribed my name, and caused the SEAL OF THE GENERAL LAND OFFICE to be affixed, at the CITY OF WASHINGTON, the day and year first herein above written.

[signature]

DEPARTMENT OF THE INTERIOR,

1 June, 1840.

Approved, subject to the conditions and rights above mentioned.

[signature]

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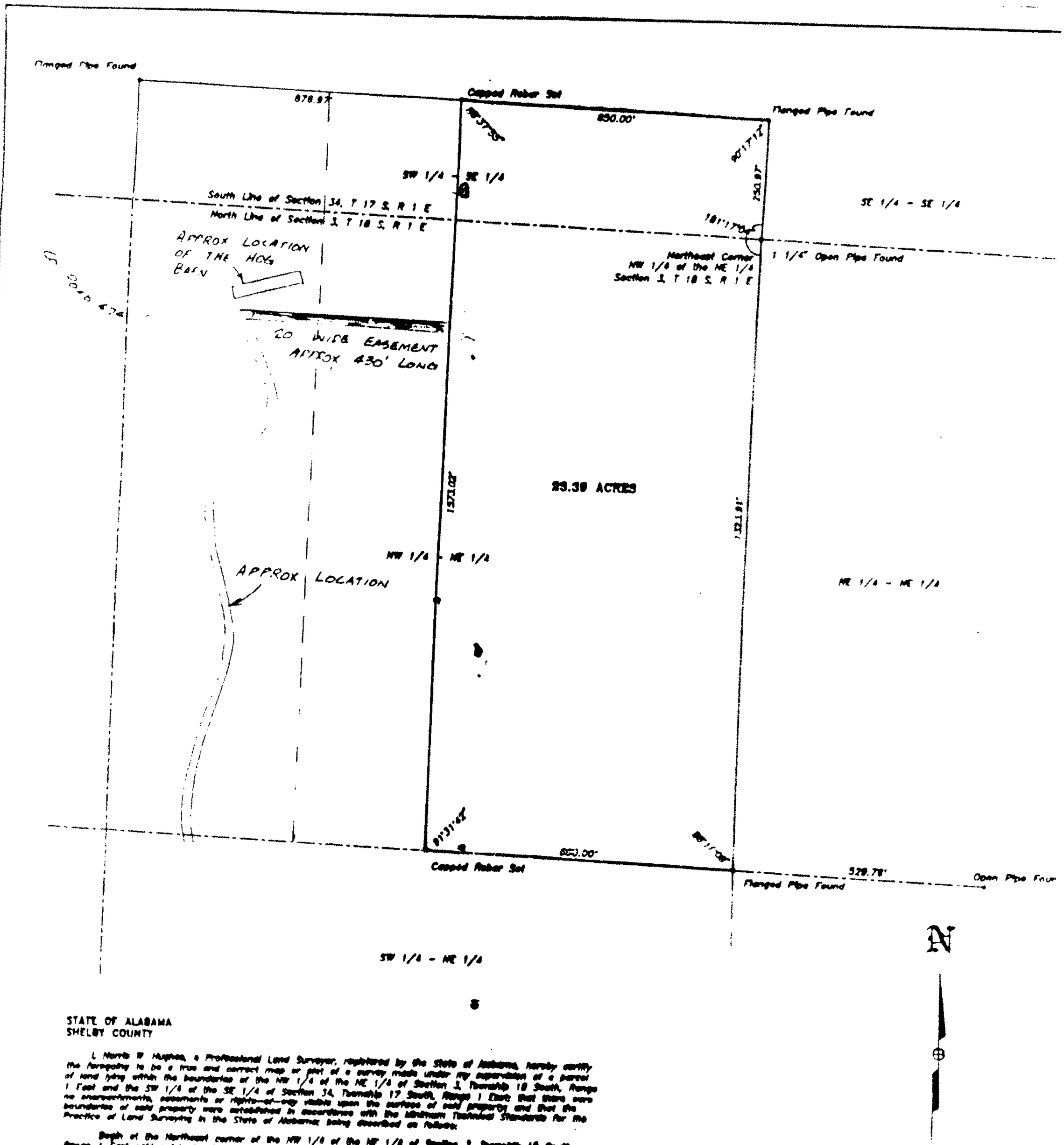

STATE OF ALABAMA
SHELBY COUNTY

I, Norris W. Hughes, a Professional Land Surveyor, registered by the State of Alabama, hereby certify the foregoing to be a true and correct map or plat of a survey made under my supervision of a parcel of land lying within the boundaries of the NW 1/4 of the NE 1/4 of Section 3, Township 18 South, Range 1 East and the SW 1/4 of the SE 1/4 of Section 34, Township 17 South, Range 1 East; that there were no encroachments, easements or rights-of-way visible upon the surface of said property; and that the boundaries of said property were established in accordance with the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama; being described as follows:

Begin at the Northwest corner of the NW 1/4 of the NE 1/4 of Section 3, Township 18 South, Range 1 East said point also being the Point of Beginning; thence south along the east boundary of said NW 1/4 of the NE 1/4 a distance of 1323.81 feet; thence right 91°43'55", west along the south boundary of said NW 1/4 of the NE 1/4 a distance of 850.00 feet; thence right 88°28'18", northerly 1573.02 feet; thence right 91°22'05", easterly 850.00 feet; thence right 88°42'48", southerly 250.87 feet to the Point of Beginning. Containing in all 23.39 acres.

According to my survey this 19th day of March, 1991.

Norris W. Hughes
ALABAMA REGISTRATION NO. 11,669

ALABAMA PROFESSIONAL No. 11669 LAND SURVEYOR NORRIS W HUGHES

PRECISION SURVEYING & MAPPING
3545 Lorna Ridge Drive
Hoover, Alabama 35216
(205) 823-7566 (205) 823-7811

BOUNDARY SURVEY
FOR
MRS. MARY McCULLOUGH
LOCATED IN
SEC. 34, T17S, R1E and SEC. 3, T18S, R1E

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The following notice was posted in 2 prominent locations in Shelby County for a period of 2 weeks. One on the bulletin board at Watson's Groceries at the intersection of Hwy 25 and Hwy 43 in Vandiver/Sterrett. The other on the bulletin board of the Dunnavant Fire Department located at the intersection of Hwy 25 and Hwy 41. This notice had to be reposted during this time due to unlawful removal from places posted.

NOTICE OF UPDATE OF LAND PATENT

This is an official notice for update of land patent for parcel # 04 2 03 0 000 002.003. This land is not subject to liens, foreclosure or authority of any local government. All queries should be in writing and sent by certified mail and addressed to Steve Colafrancesco at the above parcel address of 409 Hwy 474 Leeds, Alabama 35094.

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