

39-405

STATE OF KANSAS }
KEARNY COUNTY } SS

This instrument was filed for record on the
17 day of Oct A.D. 19 86
at 1:30 O'clock P. M., and duly recorded in
Book 39 of misc at Page 405

AFFIDAVIT

Seal _____
REGISTER OF DEEDS
By _____ Deputy


STATE OF KANSAS, KEARNY COUNTY, ss:

I, J. E. Beymer, formerly of Lakin, Kansas, and now residing at 25821 South 99th Drive, Sun Lakes, Arizona 85248, being of lawful age, duly sworn, upon oath state:

That I was a resident of Lakin, Kansas, at the time of the establishment of the Loucks Park West of Lakin, Kansas, and at the time of the establishment of the Rodeo Arena and 4-H facilities, and golf course, within the Loucks Park area. I was an avid golf enthusiast and involved in the laying out of the golf course. Virginia P. Hicks was the owner of the tract of land immediately South of the West One-half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-eight (S-28), Township Twenty-four South (T-24S), Range Thirty-six (R-36), upon which the #5 fairway and green and the #6 tee box and fairway, are now located. Virginia P. Hicks told me that the golf course could use this area, as presently defined by fences, for golf course purposes so long as the area was used for golf course purposes. Virginia P. Hicks also told Ralph Hutton the golf course could use this tract of land for golf course purposes. A nine hole golf course was laid out by Charles Miller providing for the use of the tract owned by Virginia P. Hicks. The golf course was put in use in 1952 and has been used as a golf course continually from that time until this date. Originally the fairways consisted of buffalo grass and the greens were sand greens. In 1965, grass greens were built upon the course including the #5 green and water lines were established for the proper watering and maintenance of the greens. In 1969, the City of Lakin issued \$50,000.00 of revenue bonds for the establishment of a watering system upon the golf course and converted the fairways from buffalo grass to blue grass. Other improvements have been made to the golf course involving expenditures. Virginia P. Hicks was a resident of Lakin, Kansas, in 1951 and continued as a resident of Lakin, Kansas, until her death on March 5, 1976.


Grace Schuster was the owner of a tract of land immediately West of and adjacent to the West One-half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-eight (S-28), Township Twenty-four South (T-24S), Range Thirty-six (R-36), upon which the golf course #3 fairway and green and #4 tee box are now located. In the early 1950's Grace Schuster wrote a letter kept by John D. Edwards, then the Lakin City Attorney, at his office in Lakin, Kansas, and read by this Affiant. The letter stated that the golf course could use the tract for golf course purposes so long as the tract was used for golf course purposes. This Affiant does not know the present location of the letter, or whether it has been preserved or not.

Further Affiant saith not.

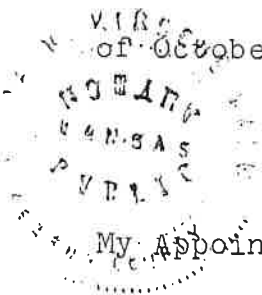


J. E. Beymer

Subscribed and sworn to before me this 16th day of October, 1985.



Notary Public



My Appointment Expires: October 11, 1988