

MEMO

DATE: October 10, 1984

TO: John B.

FROM: Don H.

SUBJECT: Frank Bevier Property - Linn County

In order to clear up the record of the two mining claims that had been deeded to the Department in December, 1954 by Mr. Frank I. Bevier please have Jerry Gray or Paul Lawson check courthouse and/or BLM records to ascertain the status of the claims.

The Bevier claims consists of one full claim and one fraction, presumably located in the southwest one-quarter of section 23, township 11 south, range 4 east in the Quartzville Mining District in Linn County. I am assuming that the claims Bevier deeded or intended to deed the Department in 1954 are the same claims described under his ownership in our Bulletin 14D, ie., the claims named Tillicum and Cumtillie.

The ~~file~~ record is not clear regarding the type of claims involved. They maybe be patented or may have been unpatented. If an initial check of of the records indicates that these claims were never patented it would be interesting to check annual assessment records to see if they are still valid as unpatented claims.

In view of the lengthy delay since the initial file was developed, however, we should update this information and make a final determination of the department's possible involvement in this matter.

DAH:ab



File # 8950

Page 1, 2, 16, 22, 32, 31, ~~82~~
82, 93 & 94

\$2⁰⁰

10 pages

Send to Jerry J Gray

Dept of Geology & Mineral
Industries
1005 State Office Building

Portland OR 97201

12/4

Jerry — see top two pages
June,

Please read the attached
material then pass on to John B



12/4/84

John B.

Please have Jerry G. file
this info to close
the issue of the Frank Bevier
claims. I concur with his recommendation
It is an excellent piece of
work

~~to~~

→ Please file

Thanks for all the research

I, FRANK I. BEVIER, being of sound and disposing mind and memory, and being desirous of making provision for the disposition of my estate, in the event of my death, do hereby make this, my last will and testament, hereby revoking any wills be me heretofore made:

I hereby direct that all my debts be first paid out of my estate;

Unto my two children: Alfred D. Bevier and Florence B. Benoit, I hereby give the sum of five dollars, (\$5.00) each;

All the rest, residue and remainder of my estate, I hereby give, devise and bequeath unto my beloved wife, Tillie D. Bevier, to be hers outright and forever;

In the event my said wife is not alive to take said residue, then the same shall go to Shriners Hospital for Crippled Children, Portland, Oregon, unit.

I hereby nominate and appoint my said wife, Tillie D. Bevier, Executrix of this, my last will and testament, to serve without the necessity of giving bond, or complying with the usual statutory requirements in the event of liquidation of my estate.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8th day of July, 1952.

Frank I. Bevier
Testator

The foregoing was, on the day therein written and in our presence, signed, declared and published as and for his last will and testament, by Frank I. Bevier, Testator; and at his request and in his and each other's presence, we hereby append our names thereto as witnesses.

Barbara C. ...
611 Failing Bldg., Portland, Ore.

Alfred D. Bevier
611 Failing Bldg., Portland, Ore.

MEMORANDUM RE BEVIER DEED

On December 1, 1954, Frank I. Bevier deeded one full mining claim and a fraction to the Department. Copy of the deed is attached. There are no witnesses to the instrument, but if found to be invalid there is a possibility that a new deed signed by Mrs. Bevier could be obtained. The claims in question are in process of being patented, final objections by the U. S. Forest Service having been overruled on November 12, 1954. A legal opinion of the status of the deed has been requested of Mrs. Barseh of the Attorney General's office.

It was the intention of Frank Bevier that the Department was to use the claims for "scientific and educational purposes." He also mentioned that the claims might become a park and field camp for studying the geology and mineral deposits.

Oregon 02555

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there are now deposited in the Bureau of Land Management of the United States, the Plat and Field Notes of Survey and a Certificate of the Land Office at **Portland, Oregon,**

accompanied by other evidence whereby it appears that **Frank I. Bevier**

has entered and paid for the **Tillieum lode mining claim,**

designated as **Survey No. 893,** embracing a portion of **Section 23** in **Township 11 south of Range 4 east of the Willamette Meridian,** in the **Quartzville (unorganized) Mining District,** **Linn County, Oregon,** the said claim being more particularly described in the official field notes and depicted on the official plat which are expressly made a part of this patent and copies of which are attached hereth; but excluding and excepting from this claim all of that portion of ground within the boundaries of **Survey No. 740,** the **Beanna lode claim;** and further excluding and excepting all veins, lodes and ledges throughout their entire depth, the tops or apices of which lie inside of the said excluded ground.

The premises herein granted contain **20.213 acres.**

Patent Number

1155456

Oregon 02555

NOW KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said

Frank I. Bévler,

the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said vein, lode, or ledge, and of all other veins, lodes, and ledges throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said survey extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises: Provided, That the right of possession to such outside parts of said veins, lodes, or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges; And provided further, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to **his heirs** and assigns forever; subject, nevertheless, to the above-mentioned and to the following conditions and stipulations:

FIRST. That the premises hereby granted shall be held 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 laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

SECOND. That in the absence of necessary legislation by Congress, the Legislature of **Oregon** may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the **EIGHTH**

day of **NOVEMBER** in the year of our Lord one thousand nine

hundred and **FIFTY-FIVE** and of the Independence of the

United States the one hundred and **EIGHTIETH.**

For the Director, Bureau of Land Management.

By **Acting Chief, Patents Section**

Patent No. **1155456**

District
IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN
PROBATE DEPARTMENT

4 In the Matter of the Estate)
5 of) No. 8950
6 FRANK I. BEVIER, Deceased.) PETITION FOR THE
APPOINTMENT OF EXECUTOR

8 Comes now Tillie D. Bevier and respectfully shows to the Court:
9 That Frank I. Bevier, age 77 years, and an inhabitant of Multnomah
10 County, died in Portland, Oregon, December 2, 1954, and left an estate in Linn
11 County, Oregon, consisting of real and personal property of the approximate value
12 of \$20,000.

13 That said deceased left an instrument executed July 8, 1952, in
14 possession of your petitioner, which instrument your petitioner believes and,
15 therefore, alleges to be the last will and testament of Frank I. Bevier, which
16 will is hereby presented for probate.

17 That to the best of your petitioner's knowledge and belief, said
18 decedent left surviving him the following:

- 19 Tillie D. Bevier, widow, age 67, 4805 NE 16th Ave., Portland
- 20 Alfred D. Bevier, son, legal age, 5103 Lucile St., Seattle, Wash.
- 21 Florence B. Benoit, legal age, Island of Guam

22 said three being the beneficiaries
23 named in said will.

24 That the witnesses to said will are Walter S. Klein and Pearl Owings,
25 both residents of Portland at the time said will was executed, to-wit: July 8,
26 1952, in Portland, Oregon, and said witnesses were competent to attest the
27 execution of said will.

28 That at the time said will was executed, to-wit: July 8, 1952, said
29 testator was 75 years of age, and was of sound and disposing mind, and not under
30 restraint, undue influence or fraudulent misrepresentations, and in every respect
31 was competent to dispose of his estate. That in said will the wife of said
32 testator, Tillie D. Bevier, was named executrix, to serve without the necessity
of furnishing bond. That your petitioner alleges that she is competent to

WALTER S. KLEIN
ATTORNEY AT LAW

1 function as executrix.

2 WHEREFORE, your petitioner prays that said will may be admitted to
3 probate and that letters testamentary be issued to the said Tillie D. Bevier
4 upon her filing her oath of office.

5
6 
7 Attorney for Petitioner

0269

8
9
10 STATE OF OREGON)
11 County of Multnomah) ss.

12 I, Tillie D. Bevier, being first duly sworn, depose and say that I
13 am the petitioner in the above petition and that said Petition is true as I
14 verily believe.

15
16
17 Subscribed and sworn to before me this 10 day of July, 1956.

18 
19 Notary Public for Oregon

20 My commission expires November 29, 1956.

21
22
23
24
25
26
27
28
29
30
31
32

RECORDED
INDEXED
JUL 11 1956
CLERK OF DISTRICT COURT
MULTNOMAH COUNTY, OREGON

IN THE DISTRICT COURT OF THE STATE OF OREGON

FILED

FOR THE COUNTY OF LINN

PROBATE DEPARTMENT

JUL 11 1956

In the Matter of the Estate of
FRANK I. BEVIER, Deceased

) No. 8950
) ORDER ADMITTING WILL AND APPOINTING EXECUTRIX

1956

THIS MATTER coming on for hearing on petition of Tillie D. Bevier to admit to probate a certain document purporting to be the last will and testament of her late husband, Frank I. Bevier, deceased, and that she, the widow, Tillie D. Bevier, be appointed executrix and that letters testamentary be issued to her; and

IT APPEARING that Frank I. Bevier died in Portland, Oregon, December 2, 1954, a resident in said county, and left an estate in Linn County, Oregon consisting of real and personal property therein of an approximate value of twenty thousand dollars; that the next of kin and heirs at law are:

- Tillie D. Bevier, widow, age 67, 4805 NE 16th Ave., Portland, Oregon
- Alfred D. Bevier, son, legal age, 5103 Lucile St., Seattle, Wash.
- Florence B. Benoit, legal age, Island of Guam.

said three being the beneficiaries named in said will; and

IT FURTHER APPEARING from the affidavit of Pearl Owings and the testimony of Walter S. Klein, both residents of Portland, that said decedent on the 8th of July, 1952, in their presence, executed the will propounded for probate, and that said document is the last will and testament of said decedent and that it was in all particulars executed according to law; that said decedent at the time he executed said will was 75 years of age and at said time was of sound mind and not laboring under any restraint or undue influence, and that in said will Tillie D. Bevier is named executrix, to serve without the necessity of furnishing bond.

IT IS, THEREFORE, CONSIDERED AND ORDERED that said will heretofore filed be and the same is hereby admitted to probate as the last will and testament of Frank I. Bevier, deceased, and that Tillie D. Bevier be and she is hereby appointed executrix thereof; and that letters testamentary issue to the said Tillie D. Bevier upon her filing her oath of office.

Dated this 10th day of July, 1956.

Wendell H. Tompkins
JUDGE

STATE OF OREGON, }
County of Multnomah, } ss.

I, Walter D. Jones, the _____
of the County of _____, deceased, being
duly sworn, say that the annexed inventory contains a true statement of all the real and personal property of the said
deceased which has come to my knowledge or possession
and particularly of
all moneys belonging to the said deceased.

Walter D. Jones

Subscribed and sworn to before me this

11th day of November, A. D. 1956

Walter D. Jones
Notary Public for State of Oregon.

My commission expires 11/27/56

NOTARIAL

SEAL

ESTATE OF _____, DECEASED.

To _____, Appraiser, Dr.

To compensate for services in appraising said estate items as follows:

_____ days' services at \$ _____ per day each, \$ _____

Necessary disbursements as follows:

STATE OF OREGON, }
County of Multnomah, } ss.

Walter D. Jones, I, _____, and I, _____

and I, Floyd D. Jones,

the appraisers above named, being duly sworn, say, and each for himself, says, that the foregoing bill of items is
correct and just, and that the services have been duly rendered as therein set forth.

NOTARIAL

SEAL

Subscribed and sworn to before me this

_____ day of _____, A. D. 1956

Notary Public for State of Oregon.

2968

Moneys belonging to the deceased which have come into the hands of the INVENTORY

N.I.

Estate of Frank I. Bevier, Deceased.

thousandths
Twenty and two hundred thirteenth acres (20.213)
more or less, together with the timber thereon, in
the West half of section twenty-three (23), Township
eleven (11) South, Range four (4) East of Willamette
Meridian, Quartzville Mining District, Linn County,
Oregon, Mineral Survey #893; simplified description:
Beginning at a point, 960.6 feet South, 75°53' East of the
West quarter of said Section 23; thence North 46°47' East,
638.6 feet to an iron pipe; thence South 24°43' East,
1500 feet, to an iron pipe; thence South 46°47' West,
632.6 feet to an iron pipe; thence North 24°43' West,
1500 feet, to the point of beginning;

*35,000.00**

also: The unpatented West Tibbicum Fraction Lode mining
claim, in Section 23, Township 11 South, Range 4 East of
Willamette Meridian, Linn County, Oregon, location not-
ice of which is recorded at page 362, Volume 7, Mining
Records of Linn County, Oregon; Mining Survey #893,
containing 7.711 acres, more or less

750.00

* Mining Claim, \$7500.00
Timber, 27500.00
35000.00

TOTAL *35,750.00*

We, J, the undersigned, duly appointed appraiser S of the estate of
Frank I. Bevier, deceased, hereby certify that the property mentioned
in the foregoing inventory has been exhibited to us, and that we, G appraised the same at the sums set oppo-
site each item in said inventory set down, and amounting in all to the sum of
Thirty-five thousand, seven hundred and fifty,

Dollars (\$ 35,750.00).

Dated July 24, 1956, A.D. 195

Jesse Bevier
John A. [unclear]
Frank I. Bevier

IN THE DISTRICT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN
IN PROBATE

In the matter of the) # 8950
ESTATE of FRANK I. BEVIER,) ORDER APPROVING FINAL ACCOUNT
Deceased.) AND DIRECTING DISTRIBUTION.

8950

THIS MATTER coming on for hearing on the Final Account,
heretofore filed herein by Tillie D. Bevier, Executrix herein;
and

IT APPEARING that due notice in re said final account
has been given, as evidenced by affidavit of publisher filed
herein; that no objections to said Final Account have been inter-
posed and the time for filing objections, to wit: October 25th,
1957, has elapsed; and

IT FURTHER APPEARING that funeral and last illness ex-
penses, taxes and claims &c have been paid and receipts covering
the same have been filed herein; that certificate of release
(form 131) from the State Tax Commission, Income Division, has
been filed herein; that all estate and inheritance taxes have been
paid, as evidenced by formal receipt filed herein; and

IT APPEARING FURTHER that the Executrix herein, Tillie D.
Bever (widow of Testator) has waived her fee for services rend-
ered and that the fees due Walter S. Klein, Estate Attorney, are
to be paid by said Executrix out of funds not involved herein, in
such sum as the Court shall, in due course, designate; and

IT APPEARING FURTHER that all estate assets, except token
bequests of \$5.00 each to a son and a daughter of decedent, pass
to the surviving widow, Tillie D. Bevier; that the \$5.00 bequest
to the son has been paid; that the \$5.00 bequest for the daughter
has been sent to her but she has apparently not cashed the check
covering the same; and

WALTER S. KLEIN
Attorney at Law
Linn County, Ore.

IT FURTHER APPEARING that no reason exists why said final account should not be approved and allowed and order of distribution made;

WHEREFORE, by reason of the foregoing and the Court being fully and duly advised,

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED:

(1) That the Final Account of Tillie D. Bevier, as Executrix of the Estate of Frank I. Bevier, Deceased, be and the same is hereby approved and allowed in all respects;

(2) That said Executrix pay unto Walter S. Klein the sum of thirteen hundred fourteen and 22/100 dollars, (\$1314.22), hereby declared reasonable and proper for services rendered herein as Estate Attorney;

(3) That said Executrix, in due course, pay unto the Treasurer of Linn County, Oregon, the sum of \$5.00, bequest for Florence B. Bencit, daughter of Testator-decedent, should she not have accepted payment of said sum heretofore mailed to her at her last known address;

(4) That said Executrix distribute unto herself in her individual private capacity the Estate residue, including 20.213 acres, more or less, together with the timber thereon, situated in the West half of Section 23, Township 11 South, Range 4 East of Willamette Meridian, Quartzville Mining District in Linn County, Oregon, Mineral Survey #893, hereby confirming title thereto in said Tillie D. Bevier, widow of Testator.

Dated this 5th day of November, 1957.

Wences H. Tompkins
Judge

0968

This agreement made this _____ day of _____, 1951 by
and between _____, his wife,
parties of the first part and owners, and Frank I. Bevier, party
of the second part and buyer.

For and in consideration of the sum of \$1.00 to the owner paid by the buyer. The owner for themselves and their heirs, successors and assigns do hereby sell to the buyer all of the Bauxite ore on the hereinafter described premises to be paid for as mined and removed as herein set out at the rates set forth in this agreement.

The buyer shall have one year from the date of this agreement to explore the quantities of Bauxite alumina ore on the hereinafter described premises and if in sufficient quantities to mine as herein set forth, then and in that event upon the payment of the sum of \$100.00 to the owner, this agreement shall be extended for a period of six years from the date first abovementioned. But said \$100.00 shall be paid before the expiration of one year from the aforementioned date, and shall be credited to buyer on the last series of payments stated below for royalty.

In addition to the foregoing payments, the buyer shall pay the owner for said alumina ore on a sliding scale at the so called world price of ore being mined which is now quoted at \$.30 per ton.

Said payment of \$.30, less \$.05, per ton shall be made not later than the 10th day of the month following the removal of said Bauxite ore from the hereinafter described premises, and the buyer shall maintain a proper set of books which shall be open to inspection of the owner at reasonable times so that he can check the total amount of ore removed from the hereinafter described premises.

It is understood that the buyer shall dig and pay for all **expenses in connection with the removal of said ore from said premises.** No part of this expense shall be charged against the owner.

The owner will afford the buyer and those working for the buyer access to any portion of the lands herein described in order to explore or mine said ore, and the buyer shall back fill, with material moved, all holes or openings made in the owners land in the exploration or removal of the Bauxite ore, and no part of said back filling expense shall be charged against the owner.

The buyer shall not mine any part of the premises of the owner under the buildings thereon or under the building lot, as may be designated by the owner, and if damage is done to crops or orchard trees by reason of the exploration or mining aforementioned, then and in that event the buyer shall pay to the owner the damage to said crops or orchard trees, the same to be first ascertained by agreement between the parties hereto and prior to damage thereto, but if the parties hereto are unable to agree as to the amount of said damage to crops or orchard trees as aforementioned, then and in that event each of said parties, to-wit: the owner and the buyer, shall appoint an appraiser and the two appraisers shall appoint a third, and said Board of three appraisers shall assess the damages to said crops

It is understood by the owner that the \$.30 a ton rate aforementioned may increase or decrease from time to time during the life of this agreement, but said scale of pay shall be the quoted price based upon ore of 52% to 55% purity. The \$.05 deducted aforementioned shall be the property of the buyer, but said \$.05 shall increase or decrease in exact accordance with the increase or decrease of the aforementioned \$.30.

The buyer shall have the right to sell his interest in this agreement, and if the buyer or his successors and assigns and interest fail and neglect to pay the aforementioned \$100.00 on or before one year from the date of this agreement, then and in that event this agreement shall be void without any other act or thing to be done on the part of the owner.

That the real property which this agreement covers is located in the County of _____, State of Oregon, and is described as follows, to-wit:

In witness whereof the parties hereto have set their hands and seals the day and year first abovementioned.

(SEAL)

(SEAL)

(SEAL)

Frank Bevier to Linn Mines Co., Page 293

mining equipment on Albany Mine

Geo. A Kopf

Homestead claim

right way over Tillicum

1936

F

located Grubstate # 2 1938

Placer Claim

$S\frac{1}{2}$ of $SE\frac{1}{4}$ of $SE\frac{1}{2}$ of sec 27

T 11S, R 4E

located West Tillicum Fracture 1938

E of line of Lumbered Red Rock

Placer Survey # 328

Tillie D Bevier 1958 assessment work
on West Tillicum Fracture

170 ass

4/1955

Frank

1950 located
Black Angel

May 1, 1958

Mrs. Frank I. Bevier ~~did~~ had

assessments done for W. Tillacum
Fraction 1955
1956

Frank & Tillie doing assessment
1950
1951
1952

Tillie sold to Frank 1952
the Tillicum

No assessment work between 1952
& 1955

Gary D Bevier
36150 Courtney Ave
Brownsville, OR

Deed # Tillicum
MF ~~251~~ ~~251~~ 251-718 for 1400

Klopfenstein, Elmer R
13459 Finlay Rd NE
Silverton, OR 97381

Deed MF-9-69
Was Fred D. 11506 Kaulfman Dr NE
Silverton

Tillie D. Bevier
4805 NE 16th Ave
Portland 11, Ore

Pr 76-588

West Tillicum

Mike Prodan

84851 Proden Lane

Pleasant Hill, OR 97410

Deed MF 310-986

7.82

Sherman