

LAND SUBJECT TO SALE UNDER THE LATTER PART OF SEC. 5. ART. 5421c

One may purchase unsold portions of surveyed school lands under the provisions of the latter part of Section 5, Article 5421c, V. A. C. S., provided he has occupied same by mistake as part of another tract and such unsold portion of surveyed school land is not within five miles of a producing oil or gas well and provided he has discovered said portion is school land only within the past six months, and not before.

All lands sold under said latter part of Section 5, Article 5421c, V. A. C. S. is classified as Mineral and the State reserves $\frac{1}{8}$ of the sulphur and $\frac{1}{16}$ of all other minerals, as a free royalty to the State.

When one has qualified as to purchase an unsold portion of surveyed school land, such portion can be patented to him upon fulfillment of the following requirements:

- (1) Filing an affidavit in this office certifying in detail to such facts, accompanied by a filing fee of 50 cents.
- (2) Filing a title opinion or sufficient proof that he is the present owner of the adjacent land, stating the true consideration given for same.
- (3) Filing field notes of said tract compiled by the County Surveyor of a Licensed State Land Surveyor which have been properly recorded in the County Surveyor's records, accompanied by field note filing fee of \$1.00.
- (4) Payment of the purchase price in full (the price being the same as the price paid or contracted to be paid for the adjacent land).
- (5) Payment of patent fee (\$5.00 for the first 80 acres or less plus \$1.00 for each additional 80 acres or fractional part thereof).
- (6) Payment of \$1.04 patent recording fee--this must be paid by separate check.

Should one fail to qualify under the latter part of Section 5, Article 5421c, V. A. C. S., he may request that such tract be offered for sale at the next School Land Sale, at which time the tract can be sold to the highest bidder.

If the tract is within five miles of production of oil or gas, it is not subject to sale but is subject to lease only. (See Section 6(b) of Article 5421c, and the case of Barber vs. Giles S. W. 2d 553).

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ARTICLE 5121-c SECTION 5

Sec. 4. All land shall be sold without condition of settlement and with a reservation of one-sixteenth ($1/16$) of all minerals, as a free royalty to the State, (no bonus and no rental,) which two conditions shall be expressed in the application to purchase and in the notice of award, the minimum price to be fixed by the Commissioner and in no case to be less than one dollar (\$1) an acre. Provided, that one-eighth ($1/8$) of all sulphur and other mineral substances from which sulphur may be derived or produced shall be reserved as a free royalty to the State.

CURRENT
MISCELLANEOUS
FILE NO 80
- LAND SUBJECT
- TO SALE UNDER
- LATTER PART
- SEC 5 ART 5421C