

A MESA COUNTY LAND SUIT.

Appeal Papers Filed in the Supreme Court Involving Three Hundred Acres of Land.

Appeal papers were yesterday filed in the supreme court in a Mesa county land suit, which involves the title to the site of Fairmont cemetery, near Grand Junction, together with other parcels of realty in that vicinity. The title of the case is *Alicia D. Kenney-Appellant, vs. E. H. Jaynes, Oscar W. Jaynes, Chester E. Jaynes and Benjamin F. Klugger*.

Mrs. Alicia D. Kenney was the original owner of 300 acres of valuable land, all about a mile to the north of Grand Junction. On May 11, 1892, Henry W. Row bought upon the property for a debt owed him by Mrs. Kenney, and it was sold by the sheriff of Mesa county under the attachment proceedings. It is claimed in the tract that disposed of was the Grand Junction burial place known as Fairmont cemetery. The sale was not held until Feb. 4, 1893, and Henry W. Row bought in the property. He recorded the sheriff's deed to it, and on the succeeding September, 28 the deed was conveyed to Ada L. Young, assignee of Row.

Here commenced the entanglements which led to the present litigation. Alicia D. Kenney, the original owner, claims in her complaint that, being entitled to the title to the property, she negotiated with Ada L. Young for the purchase. The assignee of Row was willing to sell, and a deed was closed whereby Mrs. Kenney should get the land to the land conveyed to her by Ada L. Young, on her agreement to pay down the sum of \$1,000 within a certain specified time.

Mrs. Kenney asserts that on Dec. 2, 1893, Ada L. Young gave her a quit claim deed to the land in dispute, but that for an oversight she failed to put the deed on record until Jan. 11, 1896. Before the deed was filed she filed the supreme court appeal. E. H. Jaynes and the other appellants, "by reason of fraud and fraudulent representation," caused Ada L. Young, who was then in Chicago to believe that Alicia D. Kenney could not pay the \$1,000 within the time agreed upon.

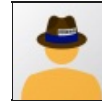
In this way, it is alleged, Ada L. Young was induced to execute a second conveyance of the land to E. H. Jaynes. Title to the property was now in E. H. Jaynes and Alicia D. Kenney on her as each party having a writ of conveyance to it gave title. Jaynes was to register Mrs. Kenney in carrying out the legal form to perfect his title, and on Jan. 3, eight days before Mrs. Kenney filed her deed for record, he recorded his deed. Mrs. Kenney charges that the transaction was unlawfully and fraudulently accomplished.

Jaynes subdivided the property with Oscar W. Jaynes, Chester E. Jaynes and Benjamin F. Klugger. Soon afterwards Mrs. Kenney commenced suit in the Mesa county district court, to quiet title to the land and require the defendants from taking possession of or interfering in any way with the premises and her alleged rights therein.

In the answer the defendants disclaimed title to the Fairmont cemetery site, its acre and to the same of the other property, but alleged that they were owners in fee simple of all the remaining territory.

In deciding the case the district judge made a division of the property on lines which did not suit Mrs. Kenney, holding that the title of E. H. Jaynes, et al., on the second conveyance, was valid, and she had appealed from his judgment. E. H. Hall, the Denver solicitor, acquired Fairmont cemetery by purchase after the sheriff's sale of the land, and his title will not be disturbed. Denver News.

fairmont cemetery lawsuit



Clipped By:
skarenm
Tue, Apr 25, 2023