



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

APR 29 2015

Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Pechanga Band of Luiseno Mission Indians of California, to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

Applicant:

Pechanga Band of Luiseno Mission Indians

Legal Land Description/Site Location:

PARCEL NO. 1: (APN: 962-461-001; 962-461-002; 962-461-003; 962-461-004; 962-461-005; 962-461-006; 962-461-007; 962-461-008; 962-461-009; 962-461-010; 962-461-011; 962-461-012; 962-461-013; 962-461-014; 962-461-015; 962-461-016; 962-461-017; 962-461-018; 962-461-019; 962-461-020; 962-461-021; 962-461-022; 962-461-023; 962-461-024; 962-461-025; and 962-461-026)

Lots 107 through 131 inclusive and Lot 134 of Tract Map No. 23065-3, in the City of Temecula, County of Riverside, State of California, as shown by map on file in Book 357, Pages 1 through 10 of Maps, records of said County.

PARCEL NO. 2: (APN: 962-430-077 and 962-400-074)

Lots "B" and "C" as shown on Lot Line Adjustment No. PA07-0118, as evidenced by document recorded March 17, 2008 as Instrument No. 2008-0128555 of Official Records, being more particularly described as follows:

Lot "B"

That certain parcel of land situated in the City of Temecula, County of Riverside, State of California, being that portion of Lot 330 of Tract No. 23065 as shown on a map thereof filed in Book 330, Pages 20 through 38, inclusive, of maps in the Office of the Riverside County Recorder, described as follows:

Beginning at the southeasterly corner of said lot;
Thence along the southerly line of said lot North 89° 31' 25" West 352.00 feet;
Thence North 68° 15' 46" East 163.09 feet;
Thence North 49° 53' 57" East 255.81 feet to the easterly line of said lot;
Thence along said easterly line South 01° 12' 35" East 228.16 feet to the Point of Beginning.

Lot "C"

That certain parcel of land situated in the City of Temecula, County of Riverside, State of California, being that portion of Lot 326 of Tract No. 23065 as shown on a map thereof filed in Book 330, Pages 20 through 38, Inclusive, of Maps in the Office of the Riverside County Recorder, described as follows:

Beginning at the southeasterly corner of said lot;
Thence along the southerly line of said lot North 89° 18' 26" West 216.57 feet;
Thence North 51° 47' 52" East 28.92 feet;
Thence North 59° 20' 00" East 64.73 feet;
Thence North 56° 23' 01" East 15.15 feet;
Thence North 51° 06' 15" East 31.22 feet;
Thence North 47° 02' 59" East 27.50 feet;
Thence North 45° 14' 01" East 49.48 feet;
Thence North 42° 54' 34" East 29.46 feet;
Thence North 27° 32' 48" East 35.82 feet;
Thence North 10° 34' 09" East 23.54 feet;
Thence North 01° 16' 21" East 123.19 feet to the easterly line of said lot;
Thence along said easterly line South 00° 23' 39" East 334.73 feet to the Point of Beginning.

Project Description/Proposed Land Use:

The subject property, also known as the "Centex" property, consists of 6.97 acres, and is contiguous to the Pechanga Indian Reservation. The Tribe purchased this property to provide a natural land buffer against the encroaching high-density housing development from the adjacent City of Temecula. The property will not be used for gaming and the Tribe does not anticipate

any significant development on the property.

Current Use/Taxes and Zoning:

Riverside County Assessed property taxes for 2014-15:

Parcel 1:

Lot 107	962-461-001-7	\$2,263.20	Lot 108	962-461-002-8	\$1,936.44
Lot 109	962-461-003-9	\$1,773.06	Lot 110	962-461-004-0	\$1,609.68
Lot 111	962-461-005-1	\$1,609.68	Lot 112	962-461-006-2	\$1,609.68
Lot 113	962-461-007-3	\$1,527.98	Lot 114	962-461-008-4	\$1,364.62
Lot 115	962-461-009-5	\$1,364.62	Lot 116	962-461-010-5	\$1,119.54
Lot 117	962-461-011-6	\$1,119.54	Lot 118	962-461-012-7	\$ 956.16
Lot 119	962-461-013-7	\$ 956.16	Lot 120	962-461-014-9	\$ 956.16
Lot 121	962-461-015-0	\$ 956.16	Lot 122	962-461-016-1	\$1,037.86
Lot 123	962-461-017-2	\$1,037.86	Lot 124	962-461-018-3	\$1,201.24
Lot 125	962-461-019-7	\$1,364.62	Lot 126	962-461-020-4	\$1,695.36
Lot 127	962-461-021-5	\$2,181.52	Lot 128	962-461-022-6	\$2,344.90
Lot 129	962-461-023-7	\$1,609.68	Lot 130	962-461-024-8	\$1,364.62
Lot 131	962-461-025-9	\$ 18.64	Lot 134	962-461-026-0	\$ 26.98
Lot 330	962-460-077-0	\$ 18.64	Lot 326	962-400-074-4	\$ 18.64

Transferring the “Centex” property into trust will not have a significant impact on the State of California and Riverside County’s tax revenue because the amount of property taxes assessed on these parcels are small in comparison to the County’s annual tax revenue.

Existing Easements/Encumbrances:

See attached Schedule B

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

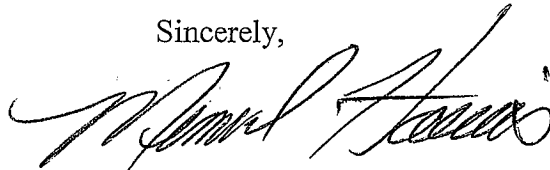
This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Joyce Coleman, Realty Specialist, at (916) 978-6059.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Harris". The signature is fluid and cursive, with a large initial "D" and "H".

Acting Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7013 2630 0001 5558 2071
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Joe Dhillon – 7013 2630 0001 5558 2088
Senior Advisor for Tribal Negotiations
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Sara Drake, Deputy Attorney General - 7013 2630 0001 5558 2095
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Office of the Honorable Dianne Feinstein - 7013 2630 0001 5558 2101
11111 Santa Monica Blvd., Suite 915
Los Angeles, CA 90025

John J. Benoit, Supervisor – 7013 2630 0001 5558 2118
Fourth District, Riverside County Board of Supervisors
Riverside Office
Post Office Box 1647
Riverside, CA 92502-1647

County of Riverside – 7013 2630 0001 5558 2125
Office of the Treasurer-Tax Collector
Post Office Box 12005
Riverside, CA 92502-2205

County of Riverside – 7013 2630 0001 5558 2132
Planning Department
Post Office Box 1409
Riverside, CA 92502-1409

County of Riverside – 7013 2630 0001 5558 2149
Office of the Tax Assessor
2724 Gateway Drive
Riverside, CA 92507

Mayor, City of Temecula – 7013 2630 0001 5558 2156
41000 Main Street
Temecula, CA 92590

Chairperson - 7013 2630 0001 5558 2163
Barona Reservation
1095 Barona Road
Lakeside, CA 92040

Chairperson – 7013 2630 0001 5558 2170
Campo Band of Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906

Chairperson – 7013 2630 0001 5558 2187
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Chairperson – 7013 2630 0001 5558 2194
Inaja-Cosmit Band of Mission Indians
2005 S. Escondido Boulevard
Escondido, CA 92025

Chairperson - 7013 2630 0001 5558 2200
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Chairperson - 7013 2630 0001 5558 2217
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

Chairperson – 7013 2630 0001 5558 2224
La Posta Band of Mission Indians
8 ½ Crestwood Road
Boulevard, CA 91905

Chairperson – 7013 2630 0001 5558 2231
Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086

Chairperson – 7013 2630 0001 5558 2248
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Chairperson - 7013 2630 0001 5558 2255
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Chairperson – 7013 2630 0001 5558 2262
Pala Reservation
35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

Chairperson - 7013 2630 0001 5558 2279
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

Chairperson - 7013 2630 0001 5558 2286
Santa Ysabel Band of Mission Indians
P.O. Box 130
Santa Ysabel, CA 92070

Chairperson – 7013 2630 0001 5558 2293
Sycuan Band of Mission Indians
1 Kwaaypaay Court
El Cajon, CA 92019

Chairperson – 7013 2630 0001 5558 2309
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Chairperson - 7013 2630 0001 5558 2316
Viejas (Baron Long) Band of Mission Indians
P.O. Box 908
Alpine, CA 91903

Regular Mail:

Superintendent, Southern California Agency, BIA
1451 Research Park Drive, Ste. 100
Riverside, California 92507-2154

SCHEDULE B

SECTION TWO

EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. General and special taxes and assessments for the fiscal year 2014-2015

Lot	APN	TRA	1st Half, STATUS	Penalty	2nd half, STATUS	Penalty
107 of Parcel 1	962-461-001-7	013-122	\$1,131.60, OPEN	0.00	\$1,131.60, OPEN	0.00
108 of Parcel 1	962-461-002-8	013-122	\$968.22, OPEN	0.00	\$968.22, OPEN	0.00
109 of Parcel 1	962-461-003-9	013-122	\$886.53, OPEN	0.00	\$886.53, OPEN	0.00
110 of Parcel 1	962-461-004-0	013-122	\$804.84, OPEN	0.00	\$804.84, OPEN	0.00
111 of Parcel 1	962-461-005-1	013-122	\$804.84, OPEN	0.00	\$804.84, OPEN	0.00
112 of Parcel 1	962-461-006-2	013-122	\$804.84, OPEN	0.00	\$804.84, OPEN	0.00
113 of Parcel 1	962-461-007-3	013-122	\$763.99, OPEN	0.00	\$763.99, OPEN	0.00
114 of Parcel 1	962-461-008-4	013-122	\$682.31, OPEN	0.00	\$682.31, OPEN	0.00
115 of Parcel 1	962-461-009-5	013-122	\$682.31, OPEN	0.00	\$682.31, OPEN	0.00
116 of Parcel 1	962-461-010-5	013-122	\$559.77, OPEN	0.00	\$559.77, OPEN	0.00
117 of Parcel 1	962-461-011-6	013-122	\$559.77, OPEN	0.00	\$559.77, OPEN	0.00
118 of Parcel 1	962-461-012-7	013-122	\$478.08, OPEN	0.00	\$478.08, OPEN	0.00
119 of Parcel 1	962-461-013-7	013-122	\$478.08, OPEN	0.00	\$478.08, OPEN	0.00
120 of Parcel 1	962-461-014-9	013-122	\$478.08, OPEN	0.00	\$478.08, OPEN	0.00
121 of Parcel 1	962-461-015-0	013-122	\$478.08, OPEN	0.00	\$478.08, OPEN	0.00
122 of Parcel 1	962-461-016-1	013-122	\$518.93, OPEN	0.00	\$518.93, OPEN	0.00
123 of Parcel 1	962-461-017-2	013-122	\$518.93, OPEN	0.00	\$518.93, OPEN	0.00
124 of Parcel 1	962-461-018-3	013-122	\$600.62, OPEN	0.00	\$600.62, OPEN	0.00
125 of Parcel 1	962-461-019-7	013-122	\$682.31, OPEN	0.00	\$682.31, OPEN	0.00
126 of Parcel 1	962-461-020-4	013-122	\$847.68, OPEN	0.00	\$847.68, OPEN	0.00
127 of Parcel 1	962-461-021-5	013-122	\$1,090.76, OPEN	0.00	\$1,090.76, OPEN	0.00
128 of Parcel 1	962-461-022-6	013-122	\$1,172.45, OPEN	0.00	\$1,172.45, OPEN	0.00
129 of Parcel 1	962-461-023-7	013-122	\$804.84, OPEN	0.00	\$804.84, OPEN	0.00

130 of Parcel 1	962-461-024-8	013-122	\$682.31, OPEN	0.00	\$682.31, OPEN	0.00
131 of Parcel 1	962-461-025-9	013-122	\$9.32, OPEN	0.00	\$9.32, OPEN	0.00
132 of Parcel 1	962-461-026-0	013-122	\$13.49, OPEN	0.00	\$13.49, OPEN	0.00
330 of Parcel 2	962-430-077-0	013-122	\$9.32, OPEN	0.00	\$9.32, OPEN	0.00
326 of Parcel 2	962-400-074-4	013-122	\$9.32, OPEN	0.00	\$9.32, OPEN	0.00

2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

The Following Matters Affect Parcel 1:

3. An easement for either or both pole lines, conduits or underground facilities and incidental purposes, recorded May 02, 1947 in Book 834, Page 162 of Official Records.

In Favor of: California Electric Power Company
Affects: As described therein

The location of the easement cannot be determined from record information.

4. An easement for either or both pole lines, conduits or underground facilities and incidental purposes, recorded January 23, 1951 in Book 1238, Page 69 of Official Records.

In Favor of: California Electric Power Company
Affects: As described therein

The location of the easement cannot be determined from record information.

5. An agency agreement dated March 29, 1979 by and between Kacor Realty, Inc., a California Corporation and Rancho California Water District wherein it is agreed that said district is designated as exclusive agent for the extraction, diversion, storage, blending and distribution of all local water, recorded May 07, 1979 as Instrument No. 92330 of Official Records of Riverside County, California.

6. Covenants, conditions, restrictions and easements in the document recorded June 14, 1989 as Instrument No. 195870 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Note: You may wish to contact the homeowners association referred to in the above document for information regarding assessments, transfer requirements or other matters.

Document re-recorded August 23, 1989 as Instrument No. 287342 of Official Records.

Then restated on February 26, 2002 as Instrument No. 2002-97861.

An easement as contained in the above document.

For: Right of entry, right of enjoyment, installation and maintenance
of

utilities, drainage facilities, roads, park areas, parkways and walkways, cable television, construction and sales, encroachments, slope maintenance, recreation, open space, ingress, egress and incidental purposes.

The effect of a document entitled "Assignment of Declarants Rights", recorded September 28, 1989 as Instrument No. 334732 of Official Records.

The effect of a document entitled "Assignment of Declarant's Rights", recorded March 01, 1994 as Instrument No. 85020 of Official Records.

Document(s) declaring modifications thereof recorded September 30, 1996 as Instrument No. 375405, December 19, 1996 as Instrument No. 477564 and January 05, 1999 as Instrument No. 3063, all of Official Records.

A declaration of annexation recorded May 21, 2004 as Instrument no. 2004-0385209 of Official Records.

Document(s) declaring modifications thereof recorded January 04, 2006 as Instrument No. 2006-0005422 of Official Records.

7. The effect of a document entitled "Memorandum of Grading Joint Improvement and Easement Agreement", recorded November 09, 1989 as Instrument No. 393947 of Official Records.

The rights under said Agreement have been conveyed to Red Hawk Ventures, a California limited partnership, RH Acquisition Co., a California corporation and Radnor/Dunland/Vail Ranch Partnership, a California general partnership, by a Quitclaim Deed recorded August 12, 1996 as Instrument No. 303445 of Official Records of Riverside County, California.

The location of the easement cannot be determined from record information.

8. The effect of a document entitled "Grant of Reciprocal Easement", recorded November 14, 1989 as Instrument No. 398233 of Official Records.
9. This item has been intentionally deleted.
10. The effect of an environmental constraint note affecting said map on file in the office of the Riverside County Surveyor, in E.C.S. book 357 page(s) 1 to 10.
11. The terms and provisions contained in the document entitled "Agency Agreement" recorded August 22, 2002 as Instrument No. 2002-0467718 of Official Records.
12. The terms and provisions contained in the document entitled "Agreement" recorded May 21, 2004 as Instrument No. 2004-0385210 of Official Records.
13. The terms and provisions contained in the document entitled "Agreement" recorded August 11, 2004 as Instrument No. 2004-0626854 of Official Records.
14. The terms and provisions contained in the document entitled "Memorandum of Agreement" recorded January 04, 2006 as Instrument No. 2006-0005425 of Official Records.
15. The terms and provisions contained in the document entitled "Subdivision Improvement Agreement" recorded February 16, 2007 as Instrument No. 2007-0113529 of Official Records.

16. The terms and provisions contained in the document entitled "Subdivision Monument Agreement" recorded February 16, 2007 as Instrument No. 2007-0113530 of Official Records.
17. The terms and provisions contained in the document entitled "Subdivision Improvement Agreement" recorded September 03, 2008 as Instrument No. 2008-0483539 of Official Records.
18. The terms and provisions contained in the document entitled "Subdivision Monument Agreement" recorded September 03, 2008 as Instrument No. 2008-0483540 of Official Records.
19. Rights of parties in possession.

The Following Matters Affect Parcel 2:

20. An easement for polelines, conduits and incidental purposes, recorded May 02, 1947 in Book 834, Page 162 of Official Records.
In Favor of: California Electric Power Company
Affects: As described therein

The location of the easement cannot be determined from record information.

21. An easement for polelines, conduits and incidental purposes, recorded January 23, 1951 in Book 1238, Page 69 of Official Records.
In Favor of: California Electric Power Company
Affects: As described therein

The location of the easement cannot be determined from record information.

22. Covenants, conditions, restrictions and easements in the document recorded June 14, 1989 as Instrument No. 1989-195870 and re-recorded on August 23, 1989 as Instrument No. 1989-287342, then restated on February 26, 2002 as Instrument No. 2002-97861, all of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Note: You may wish to contact the homeowners association referred to in the above document for information regarding assessments, transfer requirements or other matters.

A declaration of annexation recorded July 01, 2003 as Instrument No. 2003-488841 and 2003-288842, both of Official Records, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, to the extent such covenants, conditions or restrictions violation 42 U.S.C. § 3604(c) or California Government Code § 12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

23. An easement for slope and incidental purposes, recorded December 30, 1992 as Instrument No. 1992-496468 of Official Records.
In Favor of: Redhawk Ventures
Affects: As described therein

The location of the easement cannot be determined from record information.

24. The terms and provisions contained in the document entitled "Notice of Non-Adversarial Procedure Under Civil Code Section 912(f)" recorded March 06, 2003 as Instrument No. 2003-158117 and 2003-158118, both of Official Records.
Affects: The land and other property.

25. An easement for underground electrical supply and incidental purposes, recorded September 24, 2003 as Instrument No. 2003-745742 of Official Records.
In Favor of: Southern California Edison Company
Affects: As described therein

The location of the easement cannot be determined from record information.

26. Rights of parties in possession.

The Following Matters Affect All Parcels:

27. Any claim that the United States lacks proper authority to acquire or hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of America in Trust for (name of Tribe), a federally recognized tribe.
28. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors rights laws, that the transaction vesting the Title as shown in Schedule A, is (a) a fraudulent conveyance or fraudulent transfer or (b) a preferential transfer. (Not necessary if US Policy form Rev. 12-3-12 is used).
29. Paragraphs 1 and 2 of the Exclusions from Coverage are expressly extended to include those laws, ordinances or regulations of an Indian tribe or nation.
30. Public records as defined in this Policy do not include records of an Indian tribe, band, pueblo, nation, community, village, Rancheria or similar entity or association of Indians or any other repository of Indian Land Records, including, but not limited to the Bureau of Indian Affairs Land Titles and Records Office.
31. Tribal records for any tax, law or regulation are not public records? within the meaning of this policy, and this policy provides no coverage respecting any loss occasioned by any such tribal tax law or regulation.
32. Water rights, claims or title to water, whether or not shown by the public records.
33. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
34. Easements, claims of easement or encumbrances which are not shown by the public records.

35. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
36. Rights of the public in and to that portion of the land lying within any Road, Street, Alley or Highway.
37. Rights of parties in possession.