

Filed for record the \_\_\_\_\_

J. Patriok Kelly El Paso Cty, CO

08/07/2000

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No \_\_\_\_\_

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RECORDED

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# Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, That BEVERLEY B. MILLER

of the County of EL PASO and State of COLORADO for the consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS

(\$ 1.00 ) dollars in hand paid hereby sell and convey to JAMES F. FITZGERALD AND LAURRA B. FITZGERALD

whose legal address is (including road or street address if applicable) 628 Forest View Way, P.O. Box 1811 Monument CO 80132

of the County of EL PASO and State of COLORADO

the following Real Property situated in the County of COLORADO and State of Colorado, to wit LEGAL DESCRIPTION AS DESCRIBED ON ATTACHED "EXHIBIT A"

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT TO THE PROPERTY AS OWNED BY GRANTOR, INCLUDING KLOTZ WELL, COLORADO WELL NO 37900, PRIORITY DATE MAY 25, 1969, CASE NO W-1736, WATER REFEREE DECREE DATED JUNE 12, 1973, AND COURT DECREE DATED JULY 17, 1973; AND

TOGETHER WITH GRANTOR'S INTEREST IN THREE (3) PREPAID SINGLE-FAMILY SEWER TAPS AS STIPULATED IN THE UTILITY EASEMENT AGREEMENT RECORDED JUNE 26, 1991, BOOK 5853, PAGE 643, AND

TOGETHER WITH ANY AND ALL GROWING CROPS INCLUDING THE EXISTING TREE NURSERY GRANTOR RETAINS THE RIGHT TO REMOVE TEN (10) TAGGED TREES WITHIN 24 MONTHS FROM DATE OF THIS DEED

DEED RESTRICTION ANY FUTURE SUBDIVISION OF THIS PARCEL RESTRICTED TO NOT MORE THAN THREE (3) SINGLE FAMILY LOTS

with all its appurtenances and warrant(s) the title to the same, subject to covenants, conditions, restrictions, easements, rights of way, reservations of record, if any, and general taxes for 2000 and subsequent years, which Grantee assumes and agrees to pay, and subject to TWO (2) NON-EXCLUSIVE 40 FOOT WIDE PEDESTRIAN EASEMENTS AS DESCRIBED ON ATTACHED "EXHIBIT B".

Signed and delivered this 2ND day of AUGUST, 2000

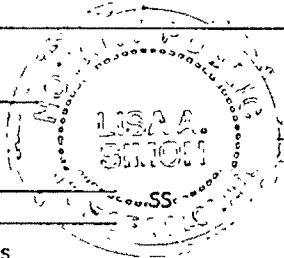
Beverley B. Miller  
BEVERLEY B. MILLER

STATE OF COLORADO  
County of EL PASO SS

The foregoing instrument was acknowledged before me

this 2ND day of AUGUST, 2000  
by BEVERLEY B. MILLER

Witness my hand and official seal  
My commission expires 10/29/01



Lisa Barton  
NOTARY PUBLIC

STATE OF \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me

this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
by \_\_\_\_\_ as \_\_\_\_\_ President  
and \_\_\_\_\_ as \_\_\_\_\_ Secretary of  
\_\_\_\_\_ a corporation

Witness my hand and official seal  
My commission expires \_\_\_\_\_



765913

NOTARY PUBLIC

\* IF JOINT TENANCY IS NOT DESIRED STRIKE PHRASE BETWEEN ASTERISKS

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EXHIBIT A

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P M, COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO 97012905 OF THE EL PASO COUNTY RECORDS,

BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL, ALSO BEING THE WEST QUARTER CORNER OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SECTION 9, A DISTANCE OF 439 39 FEET TO THE SOUTHWEST CORNER OF THE EXCEPTED PARCEL AS DESCRIBED IN SAID DEED RECORDED AT RECEPTION NO 97012905, THENCE NORTH 89 DEGREES 08 MINUTES 08 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID EXCEPTION, A DISTANCE OF 543 50 FEET TO THE SOUTHEAST CORNER OF SAID EXCEPTIONS, THENCE SOUTH 00 DEGREES 26 MINUTES 17 SECONDS EAST ALONG THE EASTERLY LINE OF THE MOST NORTHERLY PORTION OF SAID PARCEL DESCRIBED AT RECEPTION NO 97012905, A DISTANCE OF 30 49 FEET TO A CORNER OF SAID PARCEL, THENCE SOUTH 86 DEGREES 53 MINUTES 55 SECONDS EAST ALONG THE NORTHERLY LINE OF THE EASTERLY PORTION OF SAID PARCEL, A DISTANCE OF 531 00 FEET TO THE MOST SOUTHERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO RAYMOND F PURCELL RECORDED IN BOOK 1358 AT PAGE 217 AT RECEPTION NO 884441, THENCE CONTINUING ON THE EXTENSION OF THE LAST COURSE SOUTH 86 DEGREES 53 MINUTES 55 SECONDS EAST, A DISTANCE OF 110 00 FEET, THENCE SOUTH 16 DEGREES 52 MINUTES 25 SECONDS EAST, A DISTANCE OF 398 04 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SAID POINT BEING ON THE EAST AND WEST CENTERLINE OF SAID SECTION 9 AS DESCRIBED IN SAID PARCEL RECORDED AT RECEPTION NO 97012905, THENCE SOUTH 89 DEGREES 56 MINUTES 11 SECONDS WEST ALONG SAID EAST AND WEST CENTERLINE, A DISTANCE OF 1290 42 FEET TO THE TRUE POINT OF BEGINNING

RESERVING THEREFROM A 30 FOOT NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND UTILITIES DESCRIBED AS FOLLOWS

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P M, COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO 97012905 OF THE EL PASO COUNTY RECORDS, COMMENCING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL ALSO BEING THE WEST QUARTER CORNER OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SECTION 9, A DISTANCE OF 439 39 FEET TO THE SOUTHWEST CORNER OF THE EXCEPTED PARCEL AS DESCRIBED IN SAID DEED RECORDED AT RECEPTION NO 97012905 AND THE TRUE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 08 MINUTES 08 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID EXCEPTION, A DISTANCE OF 543 50 FEET TO THE SOUTHEAST CORNER OF SAID EXCEPTION, THENCE SOUTH 00 DEGREES 26 MINUTES 17 SECONDS EAST ALONG THE EASTERLY LINE OF THE MOST NORTHERLY PORTION OF SAID PARCEL DESCRIBED AT RECEPTION NO 97012905, A DISTANCE OF 30 00 FEET, THENCE SOUTH 89 DEGREES 08 MINUTES 08 SECONDS WEST ALONG A LINE 30 00 FEET SOUTH OF AND PARALLEL TO SAID SOUTHERLY LINE OF SAID EXCEPTED PARCEL, A DISTANCE OF 543 12 FEET TO A POINT ON SAID WESTERLY LINE OF SAID SECTION 9, THENCE NORTH 01 DEGREES 09 MINUTES 16 SECONDS WEST ALONG SAID WESTERLY LINE, 30 00 FEET TO THE TRUE POINT OF BEGINNING

SAID EASEMENT RESERVED FOR THE BENEFIT OF THE PROPERTY GRANTED TO BEVERLEY B MILLER IN DEED RECORDED OCTOBER 26, 1993, IN BOOK 6293 AT PAGE 205

THE PROPERTY CONVEYED IN THIS DEED IS ALSO SUBJECT TO THOSE EASEMENTS AS MORE PARTICULARLY DESCRIBED IN EXHIBIT B

*BBM*

EXHIBIT B

**LEGAL DESCRIPTION 40 FOOT PEDESTRIAN EASEMENT PARCEL NO. 1**

THAT PART OF THE NORTHWEST ¼, SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO. 97012905 OF THE EL PASO COUNTY RECORDS; COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 9; THENCE N89°56'11"E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 1290.42 FEET OT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID NORTHWEST ¼ OF SECTION 9 AND THE TRUE POINT OF BEGINNING; THENCE S89°56'11"W ALONG SAID SOUTH LINE 41.79 FEET; THENCE N16°52'25"W A DISTANCE OF 251.80 FEET, THENCE N89°56'11"E AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 41.79 FEET, THENCE S16°52'25"E A DISTANCE OF 251.80 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 10,072 SQUARE FEET MORE OR LESS.

**LEGAL DESCRIPTION 40 FOOT PEDESTRIAN EASEMENT PARCEL NO. 2**

THAT PART OF THE NORTHWEST ¼, SECTION 9, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF THAT DEED RECORDED AT RECEPTION NO. 97012905 OF THE EL PASO COUNTY RECORDS; COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 9; THENCE N89°56'11"E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 1290.42 FEET OT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID NORTHWEST ¼ OF SECTION 9; THENCE N16°52'25"W A DISTANCE OF 251.80 FEET TO THE TRUE POINT OF BEGINNING; THENCE S89°56'11"W AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST ¼ A DISTANCE OF 41.79 FEET; THENCE N16°52'25"W A DISTANCE OF 148.70 FEET, THENCE N86°53'55"E A DISTANCE OF 42.56 FEET; THENCE S16°52'25"E A DISTANCE OF 146.24 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 5,899 SQUARE FEET MORE OR LESS. *BBM*

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