

160

HUGHES, J. N., et. ux.; Name Payne

WARRANTY DEED

164
JUAN DE HERRERA LATERAL

0023-00

73
-0023-00

THE STATE OF TEXAS, }
COUNTY OF EL PASO.

KNOW ALL MEN BY THESE PRESENTS:

That we, **Hannie Payne Hughes and J. N. Hughes, her husband,**

of the County of El Paso, State of Texas, in consideration of the sum of

One hundred eight and 0/100

DOLLARS,

to us in hand paid by **The United States of America, pursuant to the Act of June 17, 1902 (32 stat. 388).**

the receipt of which is hereby acknowledged

have **Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said The United States of America**

~~of the County of~~ ~~XXX~~ ~~XXX~~, all that certain tract or parcel of land, lying in the County of El Paso and State of Texas and more particularly described as follows, to-wit:

A tract of land sixty (60) feet wide, situated in the south half of the southeast quarter of section sixteen (16), township thirty-one (31) south, range six (6) east, United States Reclamation Service survey, being also in the Yoleta Grant and lying thirty (30) feet on each side of the center line of the Juan d' Herrera lateral, said center line being described as follows: Beginning at Station 36 plus 74.8 of said center line, a point on the property line between land of the Grantors herein and Frances Hughes Beenley, said property line bearing north 89°46' east, from which point the southeast corner of said section sixteen (16) lies east one thousand nine hundred thirty-one and three-tenths (1931.3) feet and south eight hundred twenty-nine and eight-tenths (829.8) feet; running thence south 45°07' east three hundred ninety-five and two-tenths (395.2) feet to station 40 plus 70 of said center line, a point on the property line between the Grantors herein and Catarino Pedregon, from which point the southeast corner of said section sixteen (16) bears south 71°33' east one thousand seven hundred forty and seven-tenths (1740.7) feet; said tract of land containing fifty-four hundredths (0.54) acre, more or less, and being a portion of the land described in warranty deed executed by W. F. Payne to Hannie Payne Hughes, dated February 25, 1914, and recorded in Book 241 at page 587 of Deed Records of El Paso County, Texas;

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said

The United States of America and its

~~heirs~~ and assigns forever; and **we** do hereby bind **ourselves, our** heirs, executors and administrators, to Warrant and forever Defend, all and singular, the said premises unto the said

The United States of America and its

~~heirs~~ and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof

THE STATE OF TEXAS, }

COUNTY OF EL PASO.

BEFORE ME, M M Llewellyn

A Notary Public

in and for El Paso, County, Texas, on this day personally appeared

J N Hughes

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 2nd day of August A. D. 1918

(SEAL)

M M LLEWELLYN Notary Public

THE STATE OF TEXAS, }

COUNTY OF EL PASO.

BEFORE ME, M M Llewellyn

A Notary Public

in and for El Paso, County, Texas, on this day personally appeared

Nannie Payne Hughes

wife of J N Hughes

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same by me fully explained to her, she, the said Nannie Payne Hughes acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 2nd day of August A. D. 1918

(SEAL)

M M LLEWELLYN

Notary Public

THE STATE OF TEXAS, }

COUNTY OF EL PASO.

I, W D Greet Clerk of the County Court

of said County do hereby certify that the above instrument of writing, dated on the 2nd day of August, A. D. 1918 with its certificate of authentication, was filed for record in my office this 3d day of October A. D. 1918, at 1.51 o'clock P. M. and duly recorded the 37th day of October A. D. 1918 at 2.42 o'clock P. M. in the records of said County, in Volume 324 on pages 637.

Witness my hand and the seal of the County Court of said County, at office in El Paso, Texas, the day and year last above written.

W D GREET

Clerk, County Court.

By _____, Deputy.

DEED

knowledge

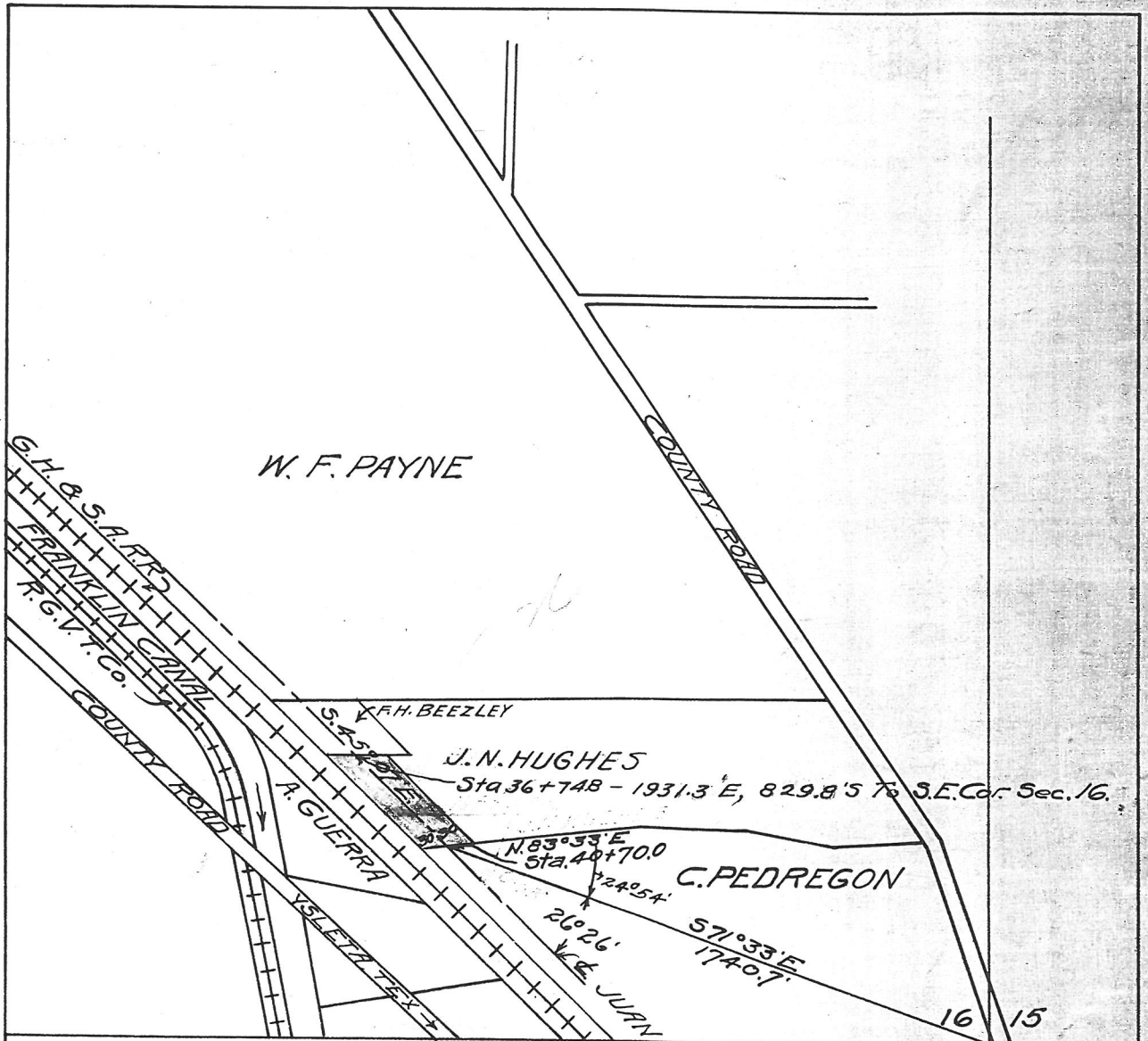
191

M.

County, Tex.

Deputy.

780



W. F. PAYNE

J. N. HUGHES

Sta. 36+748 - 1931.3 E, 829.8'S To S.E. Cor. Sec. 16.

C. PEDREGON

N. 83° 53' E
Sta. 40+70.0

26° 26' N.E. JUAN
240.5'
S 71° 53' E
1740.7'

16 15
21 22



RIGHT OF WAY
THROUGH PROPERTY OF
J. N. HUGHES. ✓
0.54 ACRE.
IN THE S½, SE¼, SEC. 16, T. 31 S., R. 6 E.

W. D. 5/2/18
Recorded 10/7/18
Book 324 Pg 637

Scale 1" = 500'

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE
RIO GRANDE PROJ. N.M. - TEXAS
EL PASO VALLEY LATERAL SYSTEM
JUAN D'HERRERA LATERAL
RIGHT OF WAY

FIELD WORK H.C.S.
DRAWN H.C.S.
897 L 61 EL PASO JULY, 9, 1917

El Paso, Texas, October 4, 1918.

Mr. W. F. Payne,

El Paso, Texas.

Dear Sir:

In reference to your recent telephone conversation with this office in regard to payment for the Payne, Hughes, and Beasley lands, you are advised that title guaranties for each of these tracts have been delivered to this office. We now await the warranty deeds forwarded for each purchase with our letter to you of July 29. We take it that you had these deeds executed and put on record, and if you can deliver them to this office or will notify the County Clerk's office to deliver them to us, we will be in a position to voucher the accounts. It is necessary that the Government have the original recorded deeds, to be used as supporting papers in the Treasury Department accounts, before the checks in payment can be drawn.

There is one other matter which we are obliged to call your attention to, and that is the possession of the land, and this is because the title guaranties do not warrant against adverse possession. If you can execute the attached affidavit and return with the deeds, this will facilitate closing the transaction. You will note that we have left the space blank which states the number of years which to your knowledge yourself and predecessors in title have been in possession of the land. We should like to have this made for at least ten years, but if you cannot certify to this period, five years will answer.

Very truly yours,

C F HARVEY

Assistant District Counsel.

incl.

El Paso, Texas, July 29, 1918.

Stewart Title Guaranty Company,

El Paso, Texas.

Gentlemen:

Referring to our letter of the 27th ordering title guaranty for Nannie Payne Hughes land, we are to-day advised by Mr. W. F. Payne that he has conferred with you in regard to this guaranty and also guaranty for his land and that of E. C. Beezley. We understand that he has placed an order with you for three separate guaranties and that you wish the abstracts of title for use in connection with this work. We are sending herewith abstracts Nos. 14843 and 14841, which are the property of the United States and should be returned to this office, and abstract No. 1667, which belongs to Mr. Payne and may be returned to him. The Hughes abstract, the property of the United States, was sent with our letter of the 27th. We are also sending print~~s~~ of the Payne and Beezley right of way, and will draw deeds for all parties to execute, which will be duly recorded.

Very truly

P W DENT CRH

incls.

District Counsel.

El Paso, Texas, July 29, 1918.

Mr. W. F. Payne,

El Paso, Texas.

Dear Sir:

Pursuant to conversation had with you to-day, we have sent to the Stewart Title Guaranty Company the abstracts, including yours, relating to the Beezley, Hughes, and your property, and stating that it was our understanding that you had concluded an agreement with the Stewart people for three title guaranties for these three holdings.

Inclosed are three warranty deeds to be executed by the respective parties. These will, of course, have to go on record before the title guaranties can be delivered. Upon due recording and delivery of the guaranties, the Reclamation Service will be in a position to draw vouchers and make settlement.

In this connection your attention is invited to the matter of taxes. The taxes will have to be paid up to date, of course, before the United States can accept the deeds.

Very truly yours,

P W DENT CFH

District Counsel.

incls.

CH

El Paso, Texas, July 27, 1918.

Stewart Title Guaranty Company,

El Paso, Texas.

Gentlemen:

Inclosed is an abstract, together with blueprint and copy of deed which is to be executed by Nannie Payne Hughes and J. N. Hughes, her husband. These papers relate to right of way which is to be transferred to the United States, and are sent for your information in preparing a title guaranty, which we desire.

Kindly return all papers when you have finished with them.

Very truly yours,

P W DENT CPH

District Counsel.

3 incls.

El Paso, Texas, July 22, 1918.

Mr. J. N. Hughes,
 R. F. D. No. 1,
 El Paso, Texas.

Dear Sir:

Reference is had to contract dated December 14, 1917, wherein you agreed to convey right of way to the Government for the Juan d' Herrera lateral system. The Reclamation Service has purchased an abstract of title for the land, but so far this office has been unable to have your title examined, for the reason that our examiner of titles has been engaged in another part of the country on urgent matters that it is impossible to defer.

Since making your contract we have received permission to accept title guaranties of the Stewart Title Guarantee Company of this city. These guaranties cost \$10, and if you wish to avail yourself of this method of closing the transaction, kindly so state.

A good many recent purchases of right of way have been closed in this manner, the landowners thinking it well worth while to pay the \$10 and thus avoid awaiting examination of their titles and the delay and possible expense of securing and recording instruments to clear defects in the title.

This office can order the title guaranty and make deduction for same, if you wish us to do so.

Very truly yours,
 P W DENT CPH

District Counsel.

El Paso, Texas, May 18, 1918.

Mr. Edwin H. Peery, District Counsel,
605 Federal Building,
Los Angeles, Cal.

Dear Mr. Peery:

We are in receipt of abstracts covering Nannie Payne Hughes, Frances Hughes Beezley, and W. F. Payne land purchases.

Also, Mr. Jensen was in to learn what progress we were making towards settlement with him. His abstract was delivered to our office during the time of your last stay in El Paso, and the papers are at this time all here.

I will be glad to send the above abstracts over to you if you wish them for examination in Los Angeles or elsewhere, or will hold them here if you expect to make a trip in the near future to El Paso.

With best regards,

Very truly yours,

C F HALVEY

Clerk.

El Paso, Texas, May 1, 1918.

Pioneer Abstract Company,

El Paso, Texas.

Gentlemen:

An abstract relating to land owned by W. F. Payne was turned over to your company to be brought up to date and used by the Reclamation Service in examination of title to land owned by J. N. Hughes and wife, in the Ysleta Grant ($S\frac{1}{2}$ of $SE\frac{1}{4}$ sec. 16, T 31 S, R 6 E, United States Reclamation Service survey, Texas). Please advise as to delivery of this abstract. We were under the impression that it had been brought over to the office, but do not find it. If it has not been delivered anything you can do to hasten completion of it will be greatly appreciated.

Thanking you for past favors,

Very truly yours,

P W DENT CPE

District Counsel.

El Paso, Texas, Feb.13, 1918.

Mr. J. N. Hughes,
R. F. D. #1,
El Paso, Texas.

Dear Sir:

Herewith is inclosed executed release from Mrs. Barnhill which you will kindly have recorded as agreed upon.

I have heard nothing from the Abstract Company as to the abstract but will communicate with them today and urge that abstract be completed at an early date.

Very truly yours,

Asst. District Counsel.

El Paso, Texas, Jan.14, 1918.

Mr. J. N. Hughes,
R. F. D. #1,
El Paso, Texas.

Dear Sir:

Your agreement to sell certain land to the United States for right of way - Juan d'Herrera Lateral System - was approved January 7, 1918.

I shall at once take up the matter of the abstract as outlined to you when you called at the office last week, and when the certified copy of same is returned to me, it will be forwarded as soon as possible for examination at Los Angeles.

The release was prepared and forwarded to Mr. Miskimins on Saturday and I would request that when he returns it to you for recordation that you complete the first recital on the first page in accordance with the signatures to the lease after its execution. This is very necessary.

Very truly yours,

Asst. District Counsel.

El Paso, Texas, Jan.12, 1918.

Mr. H. M. Miskimins,
c/o Grayson Drug Co.,
El Paso, Texas.

Dear Sir:

Upon request of Mr. John N. Hughes, I am inclosing herewith a release under mortgage which should be executed by Mrs. Violet A. Miskimins now Barnhill and the trustee, Mr. M. A. Goff.

After this release has been properly executed, will you kindly return it to Mr. Hughes for recordation in order that the abstract which is now being prepared, covering a strip of land which he has agreed to sell to the United States for right of way, Juan d'Herrera Lateral System, may be extended to include same and in this way show clear title to the strip of land in question.

Thanking you for your cooperation in this matter, I am,

Very truly yours,

Asst. District Counsel.

REPORT ON LAND AGREEMENT

DEPARTMENT OF THE INTERIOR UNITED STATES RECLAMATION SERVICE

INFORMATION relating to agreement made **December 14,**
HANNIE PAYNE HUGHES and J. N. HUGHES, her husband, 191 ⁷, with
for the purchase of land required for **Juan d'Herrera Lateral**
purposes, **Rio Grande** Project, **El Paso**
County, **Texas.**

1. State description and approximate area of land to be conveyed.

.54 of an acre (See description in agreement herewith)

2. State nature, number, and date of entry by which it was acquired under public land laws, also date of final certificate and patent, if such have been issued.

ysleta Town Grant.

3. State names of the owners, post-office addresses, and county and State of residence. Give names of wives and husbands; if unmarried, widow, or widower, so state.

**Hannie Payne Hughes and J. N. Hughes,
R. F. D. #1, El Paso, Texas.**

4. State who is in possession of the premises to be conveyed, or of any part thereof, and if a tenant, give his name and post-office address. If the land is held under a lease, state the general terms of the lease, and the date when the tenant is to give up possession.

Owners are in possession.

5. Also state whether land is subject to right of way by virtue of contract with water users' association or other agreement.

Yes

6. State how much of the land is under cultivation, to what kinds of crops with area of each crop cultivated, and how much is not cultivated but is capable of being brought under cultivation, as well as the general character of such land; also the condition and kind of improvements, if any. Give a detailed estimate of the value of all important improvements of the land, such as buildings; also the amounts and values of the several classes of land.

All of the land is under cultivation.

7. If any portion of the land is irrigated, state what water rights go with the land and how much of the cultivated and how much of the uncultivated land is capable of irrigation.

Land is irrigated from the present Juan d'Herrera Ditch.

8. State the selling price of similar land in the vicinity.

\$200 to \$300 per acre.

9. State fully any other matters relative to the land or to the purchase that may be of interest to the Government, especially concerning possible injury or benefit to other portions of this tract.

The above is a correct statement of the information procured.

Dated

191

(Signature) **GEO. W. HOADLEY**

(Title) **Field Assistant** *In Charge of Negotiations.*

Approved:

L. M. LAWSON,

Project Manager.

3

IN TESTIMONY WHEREOF, Violet A. Barnhill, nee
Violet A. Miskimins hereunto
subscribed her name this, the 18th day of January, A. D. 1918.

Signed, sealed, and delivered in the presence of— Violet A. Barnhill
nee-Violet A. Miskimins
Marian B. Wood
Ewing Robinson

STATE OF Colorado
City & COUNTY OF Denver } ss.

On this 18th day of January, 1918,
before me personally appeared Violet A. Barnhill, nee
Violet A. Miskimins to me known
to be the person described in and who executed the foregoing instrument, and acknowledged that
she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year
in this certificate first above written.

Hugh O. Neville
Notary Public,

My commission expires July 7th, 1921

DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

El Paso, Texas, December 15, 1917.

Project Manager to the Director and Chief Engineer (through Chief of Construction).

Subject: Forwarding contract for approval.

Agreement dated **December 14, 1917.** **Rio Grande** Project.

Executed by **L. M. LAWSON, Project Manager,**

With **MANNIE PAYNE HUGHES et vir.**

Estimated amount involved, **\$108.00** (See Gen'l Order No. 124)

Purpose of agreement: **purchase of right of way, Juan d'Herrera Lateral.**
(See instructions on back, Pars. 4 and 5)

Authority 50-1

~~Original and copy of hand written.~~ (Strike out if no bond transmitted.)

Advise Chief of Construction, Denver, Colorado, and Project

Manager at El Paso, Texas,

District Counsel at El Paso, Texas.

For the approval of the above.

L. M. LAWSON,

(Signature.)

& 3 copies agreement.
report on Land Agreement.
certificate of P.M.
blue prints(2).

(The blanks below to be filled in the Washington Office.)

Approved by *Morris Bien, Acting Director, U.S.R.S.*

JAN 7 - 1918

Date of approval **JAN 7 - 1918**

Bond, if any, approved by same officer on same date.

Original enclosed for record *6 P.M.*

Morris Bien, Acting Director, U.S.R.S.

DEC 31 17 75035

Denver, Colo. Dec. 26, 1917.

Respectfully transmitted to Director, Washington, for approval.

F. H. Reynolds
Chief of Construction

Letter-Orig. & 2 copies cont. blue print.
Cert. of Necessity.
Report on Land Agreement

Should not date be filled in at para. 6 & 7? p. 13.

RELEASE UNDER Mortgage.

STATE OF Texas }
COUNTY OF El Paso }

WHEREAS, on the 25th day of November, A. D. 1914,
Mrs. Nannie Payne Hughes and John N. Hughes, her husband,

of El Paso,
County of El Paso, State of Texas, did execute,
acknowledge, and deliver to Violet A. Mishkinus

of Boulder, County of Boulder
State of Colorado, a certain Deed of Trust

duly recorded in the records of El Paso County, Texas
of Deed of Trust Records, conveying
in Book 88, page 548, all that certain tract or parcel of land, lying and being
in the County of El Paso, in the State of Texas

described as follows, to-wit: Beginning at a stake or fence post at the inter-
section of the public road and Rio Viejo, and being the Southeasterly
corner of this tract; thence North 17° West thirty-two (32) feet; thence
North 35° West three hundred twenty (320) feet; thence West one thousand
six hundred eighty-three (1683) feet to the right of way of the G. H. &
S. A. Ry; thence South 45° 15' East along said right of way four hundred
eighty-nine (489) varas to a fence post at the intersection of said right
of way, and the Rio Viejo; thence following the line of the Rio Viejo
one thousand five hundred thirty (1530) feet to the place of beginning
containing eleven (11) acres, and being the same land conveyed by W. F.
Payne to Nannie Payne Hughes by deed dated February 25, 1914, recorded
in the Deed Records of El Paso County, Texas, in Book 241, page 587,
thereof: excepting one acre of land heretofore conveyed by Mrs Nannie
Payne Hughes to Frances Hughes Beezley by Warranty deed dated April 13,
1914, and recorded in Book 225, page 209, Deed Records of El Paso Count
Texas.

AND WHEREAS, by agreement dated December 14, 1917, between the United States of America and NANNIE PAYNE HUGHES AND JOHN N. HUGHES, her husband, the said Nannie Payne Hughes and John N. Hughes

agree to convey a certain tract or parcel of land for a canal right of way for the Rio Grande Project free of all existing liens or encumbrances, which land is described as follows:

A tract of land sixty(60)feet wide, situated in the South half of the Southeast quarter($S\frac{1}{2}SE\frac{1}{4}$) of Section sixteen(16), Township thirty-one(31)South, Range six(6)East, U.S.R.S.Survey, Ysleta (Texas)Grant, lying thirty(30)feet on each side of the center of the Juan d'Herrera Lateral, said center line being described as follows:
Beginning at Station 36+74.8 of said center line, a point on the property line between land of Vendor and Frances Hughes Beezley, said property line bearing North $89^{\circ}46'$ East, from which point the Southeast corner of Section sixteen(16)lies East one thousand nine hundred thirty-one and three-tenths(1931.3)feet and South eight hundred twenty-nine and eight-tenths(829.8)feet; running thence South $45^{\circ}07'$ East, three hundred ninety-five and two-tenths(395.2) feet to Station 40+70 of said center line, a point on the property line between land of Vendor and Catarino Pedregon, from which point the Southeast corner of Section sixteen(16)bears South $71^{\circ}33'$ East one thousand seven hundred forty and seven-tenths(1740.7)feet; said tract of land containing fifty-four hundredths(.54) of an acre, more or less, and being a portion of the land described in Warranty deed executed by W. F. Payne to Mrs. Nannie Payne Hughes, dated February 25, 1914, and recorded in Book 241 at page 587 of Deed Records, El Paso County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That

Violet A. Barnhill, Nee Violet A. Miskimins
 for and in consideration of the premises and of One Dollar (\$1.00) to her in hand paid, the receipt whereof is hereby acknowledged, do es hereby remise, set over, release, and reconvey unto the said NANNIE PAYNE HUGHES and JOHN N. HUGHES,

their heirs and assigns, all and singular, the property and premises herein last above described, forever free and quit of the above named encumbrance, expressly reserving, however, all rights under the Deed of Trust against all the remaining described land in the same manner and effect as if this release had never been executed.

COMPARED

1296 *RM*

INDEXED

RELEASE UNDER

Theresa A. Gambill
Martha A. Muskrone

TO
John N. Hughes
Marion J. P. II
Maple Spruce Co.

State of *Illinois*
County of *Champaign* ss.

I hereby certify that this instrument was

filed for record on the *16th*

day of *Feb*, A. D. 19*78*

at *11:15* o'clock *A.* M. and duly

recorded in book

page *100*, of the Records of Deeds *and*

~~Montgomery~~ of said county.

B. J. Rodgers

County Clerk and Ex-officio Recorder.

E. J. Childers
Deputy.

11818 Fees, \$ *1.00* *pd*