

180

MARTINEZ, FELIX, ESTATE of QUITCLAIM DEED JUAN DE HERRERA LATERAL "A" (105)

0023-0075-0002-00

20 (2) Texas

180

THE STATE OF TEXAS, }
COUNTY OF EL PASO, }

Know all Men by these Presents:

THAT James G. McNary, Executor Estate of Felix Martinez,
of the County of El Paso, State of Texas for and in consideration of the
sum of One and no/100 (\$1.00) - - - - - DOLLARS,

me in hand paid by the United States of America in pursuance of the pro-
visions of the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof
and supplemental thereto,
of the County of - - - - - and - - - - - of - - - - -, the receipt whereof is hereby
acknowledged, do by these presents Bargain, Sell, Release and Forever Quit-Claim unto the said
the United States of America and its

heirs and assigns all my right, title and interest in and unto that tract or parcel of land lying in the County
of El Paso, and State of Texas, described as follows, to-wit:

A tract of land in the southwest quarter of the north-
east quarter and in the northwest quarter of the southeast quarter of
Section Twenty-three (23), Township Thirty-one (31) south, Range Six (6) east,
United States Reclamation Service Survey, being also in the Yaleta Grant and
included in a tract of land thirty feet wide, adjoining and lying to the
left or north of the center line of Branch A of the Juan d'Herrera Lateral
of the Rio Grande project, said center line being described as follows:
Beginning at a point on the east boundary line of a road which is the
southwest corner of the Grantor's land, said road having a bearing north
32°25' east and from which point the southeast corner of said Section 23
lies south 2702.4 feet and east 2107.9 feet; thence south 64°23' east, 444.5
feet; Thence to the left along the arc of a 2864.9 feet radius curve a dis-
tance of 64.4 feet based on 100-foot chords, to a point which is the south-
east corner of the Grantor's land and the southwest corner of Joseph Rogers's
land, and the property line between the land of the grantor herein and said
Joseph Rogers, having a bearing north 33°10' east and terminating with said
property line, and the tangent to the curve at said point having a bearing
north 65°41' west, and from which point the southeast corner of said Sec.
23 lies south 2483 feet and east 1648.7 feet; said tract of land herein de-
scribed containing 0.35 acre, more or less, 0.21 acre of which is occupied
by the old Juan d'Herrera Community Ditch and is the property of the United
States; the remainder, or 0.14 acre being the land which is north of the
old ditch line, and which is herein conveyed.

TO HAVE AND TO HOLD all my right, title, interest, estate and claim in and to the said premises,
together with all and singular, the rights, privileges and appurtenances to the same in any manner belonging, unto the said
The United States of America and its

heirs and assigns forever.

WITNESS my hand this the 17th day of June, A. D. 1919.

Witnesses at Request of Grantor

James G. McNary, Independent
Executor of the Will of Felix
Martinez, deceased.

Correct as to Engineering Data 9.0.0.

QUIT-CLAIM DEED

SINGLE AND WIFE'S SEPARATE
ACKNOWLEDGMENTS

To

Filed for record, this

day of 191, at

o'clock and minutes M.

Clerk.

By Deputy.

El Paso

THE STATE OF TEXAS, }

COUNTY OF EL PASO, }

Before me, Florinne I. Miller, a notary public in and for
El Paso County, Texas, on this day personally appeared
James G. McNary, Independent Executor of the Will of Felix Martinez,
deceased,

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. And in the capacity stated.

Given under my hand and seal of office, this 17th day of June, A. D. 1919

(SEAL)

Florinne I. Miller,
Notary Public, El Paso
County, Texas.

THE STATE OF TEXAS, }

COUNTY OF EL PASO, }

Before me, in and for
El Paso County, Texas on this day personally appeared wife of
, 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, acknowledged such instru-
ment to be her act and deed, and declared that she had willingly signed the same for the purposes and consid-
eration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this day of A. D. 19

THE STATE OF TEXAS, }

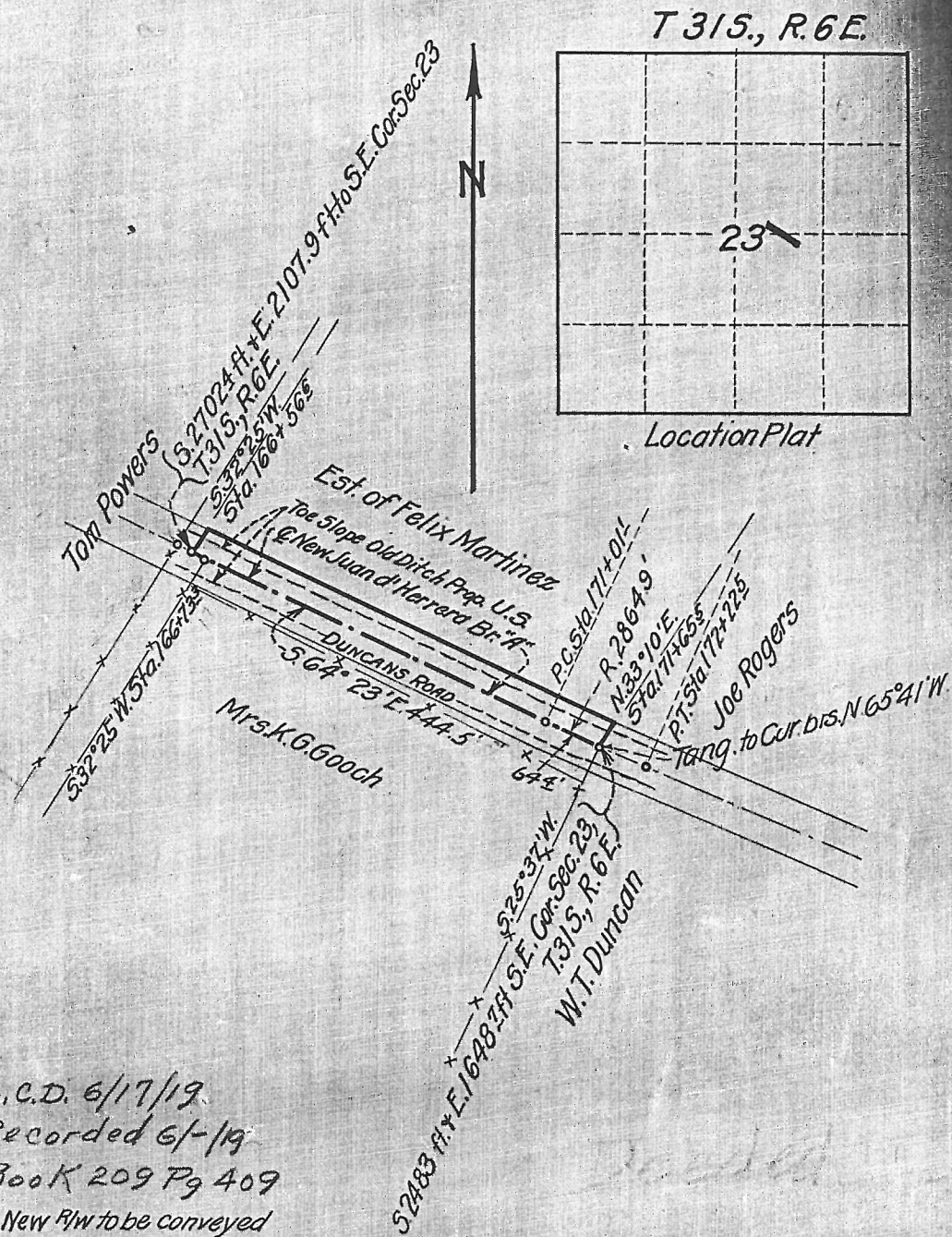
COUNTY OF EL PASO, }

I, Clerk of the County
Court of said County, do hereby certify that the above instrument of writing, dated on the
day of, A. D. 19, with its certificate of authentication, was filed for record in my
office this day of, A. D. 19, at o'clock M.
and duly recorded the day of, A. D. 19, at o'clock M.
in the records of said County, in Volume 209 on Pages 409

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

Clerk County Court, El Paso County, Texas.

By, Deputy.



Q.C.D. 6/17/19
 Recorded 6/1/19
 Book 209 Pg 409
 New R/W to be conveyed
 Old R/W Property of U.S.

RIGHT OF WAY
 Through Property of
EST. OF FELIX MARTINEZ
 14 A. New, 21 A. Old, Total Acres. 35
 1 in N.E. 1/4 & S.E. 1/4 Sec. 23, T. 31 S., R. 6 E.
 USRS Survey in Ysleta Grant
 El Paso County, Tex.

Scale 1" = 200'

Department of the Interior United States Reclamation Service RIO GRANDE PROJ. N. M. - TEX. Juan d'Herrera Branch "A" RIGHT OF WAY	
Drawn G.A.T.	Recommended
Checked	Approved
897-LGI	El Paso, Tex. June 19

El Paso, Tex. Oct. 6, 1919.

Project Manager

Director, Washington, D.C.

Quitclaim deed, June 17, 1919, for right of way for Juan d' Herrera Lateral Branch A, executed by James G. McNary as Independent Executor of the will of Felix Martinez (deceased) Rio Grande Project, New Mexico-Texas.

1. Receipt is acknowledged of letter from the Assistant to the Director dated Sept. 27th.

2. This office has conferred with the legal department in regard to the status of the Felix Martinez estate and we find as follows:

3. In accordance with the certificate as to title which was transmitted with this quitclaim deed, the intention was that Mr. McNary was to be the active agent in winding up the open business matters of the Martinez estate and after this was done Mr. McNary was to convey to Mr. Hayden. The tenth clause quoted from the will is interpreted as being an independent authority in these two trustees, separately. You will note that the will says "the said James G. McNary and the said William G. Hayden" are authorized to sell, convey etc. It is not the understanding of Mr. McNary or of Mr. Hayden that at the present time Mr. Hayden is in the absence of the conveyance to him, to assume any functions pertaining to the estate and that he will not do so until the estate is conveyed to him.

4. As to the Eight provision of the will we have no definite information that all of the debts of the estate are fully paid and discharged. This is a very wealthy estate and there is no doubt that the property is ample to cover the debts

outstanding against it. At the time of his death Mr. Martinez was reputed to be worth upwards of half a million dollars. As stated in the last paragraph of Mr. Harvey's certificate as to title, and as mentioned above, no conveyance has as yet been made by McNary to Hayden.

5. In view of all the circumstances and particularly the fact that there is only .14 of an acre conveyed to the United States and that the United States is not paying any money for the land, the legal department advise me that they believe we are safe in accepting this deed in its present form.

CC - D.C. El Paso
C of C. Denver.

L. M. Lawson.

SEP 27 1919

Assistant to the Director

Project Manager, El Paso, Texas.

Quitclaim deed, June 17, 1919, for right of way for Juan d'Herrera Lateral Branch A, executed by James G. McNary as Independent Executor of the will of Felix Martinez (deceased) - Rio Grande Project.

1. By endorsement on form letter of transmittal under date of September 22, 1919, you have been advised of the acceptance of the above mentioned deed.

2. However, from the certificate dated June 26, 1919, accompanying the deed, certain extracts from the will of the late Felix Martinez, are quoted as follows:

"Eighth: When all the debts due and owing to my estate have been fully paid and discharged, then the said James G. McNary, trustee and executor, shall convey the rest, remainder and residue of my estate unto my friend, William G. Hayden, in trust and use for the benefit of my surviving wife and children," etc.

"Tenth: In the management, control and disposition of the properties of said estate, the said James G. McNary and the said William G. Hayden are by these presents authorized to sell and convey real estate or property without the necessity of obtaining any order of the court therefor."

3. There is nothing with the papers transmitted with the deed mentioned above to show that James G. McNary, executor of the estate has discharged his duties under the eighth provision of the will, and it would appear that under provision ten William G. Hayden might be required to join with James G. McNary.

4. Request is therefore made for report which shall show whether under the circumstances the deed is sufficient for the purpose.

Copy to D. C., El Paso, Tex.
" " C. of C.

Morris Bien

DEPARTMENT OF THE INTERIOR

UNITED STATES RECLAMATION SERVICE

El Paso, Texas SEP 5 - 1919, 19

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

quitclaim deed for acceptance and filing

Subject: Forwarding ~~contract for approval~~.

~~deed~~
~~Agreement~~ dated June 17, 1919. Rio Grande Project

Executed ~~on behalf of U. S.~~ by James C. McNary, Independent Executor of the Will of Felix Martinez, deceased

With To United States of America

Estimated amount involved, \$ 0

Authority No. 50-2
or clearing acct.

~~Accompanied by bond and two copies.~~
(Strike out if no bond transmitted.)

Purpose:

(See instructions on back.)

Donation of right of way for Juan d'Herrera Lateral Branch A

Inclosures listed on reverse. (See Par. 5.)

Advise Chief of Construction, Denver, Colo., and Project Manager

at El Paso, Texas and

District Counsel ✓

at El Paso, Texas.

of the approval of the above

Encls: Original deed,
certificate as to title,
1 blueprint.

L. H. Lawson

Project Manager.

Denver, Colo., , 19

It is recommended that the above-described contract be approved.

Inclosures:

Chief of Construction.

6-1233

Washington, D. C., SEP 22 1919

accepted by

Contract (and bond, if any,) was approved by

on SEP 20 1919

MORRIS BIEN,
Assistant to the Director.

El Paso, Texas.
June 26, 1919.

County Clerk,

El Paso, Texas.

Dear Sir:

Transmitted herewith for official record is
quitclaim deed dated June 17, 1919, running from James
G. McNary, Independent Executor of the Will of Felix
Martinez, deceased, to the United States of America.

Yours very truly,

CFHarvey

Enc 1.

Asst. District Counsel.

Juan d'Herrera Lateral Bran hh A

