

McINTYRE, E. E. et. ux. Helen E.

QUITCLAIM DEED

150) WEMEXAS DRAIN

0023-0064-0016-00

THE STATE OF TEXAS, }  
County of El Paso.

KNOW ALL MEN BY THESE PRESENTS: THAT

E. E. McIntyre and Helen E. McIntyre, husband and wife,

of the County of Los Angeles of Cal., for and in consideration of the

sum of One and 0/100 (\$1.00) DOLLARS  
to us in hand paid by the United States of America, pursuant to the Act of Congress of June 17, 1902 (32 Stat. 288), and as a further consideration of constructing by the United States of one five-ton farm bridge at Station 258 plus 54, Nemexas drain, and one flume at Station 258 plus 87 on said knowledge; but in consideration of the benefits to be derived by such construction, the Grantors, for themselves and their heirs and assigns, agree that they will maintain said bridge and flume in good condition and hereby release the United States from all expense of or damage occurring from lack of proper maintenance; ~~XXXX~~ 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

~~XXXX~~ assigns all our 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 approximately one mile southwest of the town of Canutillo, Texas, in the north half of the southwest quarter and the northwest quarter of section two (2), township twenty-eight (28) south, range three (3) east, United States Reclamation Service survey, being also in Tracts Nos. 1 and 2 of the El Canutillo Survey No. 2, and more particularly bounded and described as follows: Beginning at the southwest corner, a point on the property line between the Grantor herein and F. E. Martin; from which point the southwest corner of said section two (2) bears south 29°24' west two thousand six hundred ninety-three and six-tenths (2,693.6) running thence north 1°30' west two thousand five hundred seventy-six and nine-tenths (2,576.9) feet; thence east one hundred and twenty (120) feet on the property line between the Grantor herein and land owned by J. J. Mundy and W. W. Fink; thence south 1°30' east two thousand five hundred seventy-six and nine-tenths (2,576.9) feet; thence west one hundred and twenty (120) feet on property line between the Grantor herein and F. E. Martin to point of beginning; said tract of land containing seven and one-tenth (7.1) acres, more or less;

TO HAVE AND TO HOLD all our 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

~~XXXX~~ assigns forever.

WITNESS our hand & this the 3d day of May, A. D. 1918

Witnesses at Request of Grantor:

E E MCINTYRE

HELEN E MCINTYRE

Correct as to Engineering Data

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

California,  
THE STATE OF TEXAS } ss.  
COUNTY OF EL PASO  
Los Angeles

~~El Paso County, Texas~~ On this 3d day of May, in the year one thousand nine hundred and 18, A.D., before me, Sillian H. Jones, a Notary Public in and for ~~El Paso County, Texas~~ said county of Los Angeles, State of California, residing therein, duly commissioned and qualified, personally appeared E E McIntyre and Helen E. McIntyre,

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed. In Witness Whereof, I have hereunto set my hand and affixed my official seal in said County, the day and year in this certificate first above written.

(SEAL)

SILLIAN H. JONES,

Notary Public in and for County of Los Angeles, State of California.

My com exp June 14 1921

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 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 \_\_\_\_\_ 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 23 day of May, A. D. 1918, at 11:30 o'clock A. M. in the records of said County, in Volume 320 on Pages 292

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.



SCALE 1" = 600'

DEPARTMENT OF THE INTERIOR  
U.S. RECLAMATION SERVICE  
RIO GRANDE PROJECT NM.-TEX.  
MESILLA VALLEY DRAINAGE  
NEMEXAS DRAIN  
RIGHT OF WAY  
FIELD WORK C.M.A.  
DRAWN C.E.L.  
1108-117 EL PASO FEB. 1918

589°53' W 191+06.9  
BORDERLAND ROAD 190+68.3

W. D. dated Nov. 4, 1910 (Book 171, p. 182).

Joseph Bennett and wife

To

E. E. McIntyre (wife or any other party not mentioned).

Tract No. 2 of El Canutillo Survey No. 2.

\$8300: \$2300 cash and 4 notes for \$1500 each.

No buildings on place (Hoadley so stated); grantee had formerly been in Guatemala and Mexico, and lived in Los Angeles at time conveyance was made to United States; and there is no evidence that land is homestead property.

Acknowledgment is in California form, with no wife's separate acknowledgment. As land is not homestead property, wife not required to join in deed. Conveyance by husband in the case sufficient.

Art. 6804 Texas Statutes provides that form of "ordinary certificate of acknowledgment must be substantially as follows," etc. (giving form). The form used in the deed running to the United States is, ". . . known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same," which is identical with the Texas statutory form. The words in the Texas form: "for the purposes and consideration therein expressed," are omitted from the form appearing on the deed, and as to this, see notes under above cited statute. Where word "consideration" was omitted the omission held to be immaterial. Also, "The failure of the officer to certify that the grantor executed the deed for the purposes expressed therein is immaterial," and, "The omission from a certificate of acknowledgment to a deed of a recital that it was executed for the purposes and consideration therein expressed is not a fatal defect."

The notes given under the Statute show that the courts have given a liberal construction to the word "substantially." It appears that so long as the acknowledgment recites that the parties actually appeared before a duly authorized officer and were personally made known (introduced or proved) to him, and "acknowledged" or "declared" that the certain instrument had by them been "executed," there is a sufficient acknowledgment.

5 Ton Farm

Bridge 258454 = # 350-

Flume 258487 # 350-

---

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

El Paso, Texas, JUL 9 - 1918, 191

Project Manager to the Director and Chief Engineer ~~XXXXXXXXXXXX~~

Subject: Forwarding ~~XXXXXXXXXXXX~~ **donation deed for acceptance, Deed**

~~XXXXXXXXXXXX~~ dated **May 3, 1918**, **Nio Grande** Project.

Executed by **E E McIntyre & wife**

~~XXXX~~ **United States of America,**

Estimated amount involved, \$ **0** (See Gen'l Order No. 124) **Authority No. 6-8**

Purpose of agreement: **Donation of right of way for Mexican drain.**  
(See instructions on back, Pars. 4 and 5)

*It is estimated that the fence and bridge described in the donation deed will cost approximately \$400 each.*

~~Original and one copy of bond herewith.~~ (Strike out if no bond transmitted.)

Advise Chief of Construction, Denver, Colorado, and Project Manager at **El Paso, Texas,**

and **District Counsel** at **El Paso, Texas,** of the approval of the above.

Incls:

- Original deed.
- Certificate as to title.
- 1 blueprint.

**L E LARSON**

(Signature.)

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

~~XXXXXXXXXXXX~~ Accepted by: **Morris Bien, Acting Director** **JUL 19 1918**

Date of approval ~~XXXXXXXXXXXX~~ acceptance: **JUL 19 1918**

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

*Morris Bien, Acting Director*  
**JUL 15 '18 84382**

CERTIFICATE.

I HEREBY CERTIFY, with reference to the following described land:

A tract of land in E $\frac{1}{2}$  of SW $\frac{1}{4}$  and NW $\frac{1}{4}$  sec. 8, T 28 N, R 3 E, United States Reclamation Service survey, El Paso County, Texas, more particularly described in quitclaim deed dated May 3, 1918, running from E. F. McIntyre and wife to the United States of America;

That the tax records of said county indicate E. F. McIntyre, the reputed owner, to be the actual owner; that there are no unsatisfied mortgages or other liens existing against said land; and that the land is not occupied adversely to the reputed owner.

J. F. HARVEY

Clerk.

El Paso, Texas,  
May 21, 1918.



CH

El Paso, Texas, May 17, 1918.

County Clerk for El Paso County.

El Paso, Texas.

Dear Sir:

Transmitted herewith for official record is quitclaim deed dated May 3, 1918, running from E. E. McIntyre and wife to the United States of America.

Very truly yours,

P W DENT CPH

District Counsel.

incl.

OWH:JHK

El Paso, Texas, May 16, 1918.

Mr. E. E. McIntyre,  
Los Angeles, Calif.

Dear Sir:

Your quit claim deed for the seven and one-tenth acres required for the right of way of the Nemexas drainage canal has been received.

In consideration of same the United States will construct a five-ton farm bridge at Station 258 plus 54, and a flume at Station 258 plus 87, the said structures to be maintained by you.

The above locations for the structures were selected by your representative, Mr. J. R. Emerson.

With many thanks for the quit claim deed,

Very truly yours,

U. S. RECLAMATION SERVICE

By L. M. Lawson

Project Manager