

780

GEEKEN, A. B. C., et. ux., Ella C. QUITCLAIM DEED

188  
ROWLEY LATERAL

0023-0062-0013-00

780

This deed was executed under date of June 11, 1921, but was not filed for record until Sept. 30, 1921, having been withheld from record for some time in order to examine probate records with a view to ascertaining condition of title in the grantor. Deed was returned from record Oct. 17, 1921, and the instrument, with related papers, was at once prepared for forwarding to Washington office for acceptance. Mr. Lawson returned papers with notation, "Hold for later development." Mr. Lawson stated that Mrs. Rawley had received some consideration from near-by ~~landowners~~ <sup>(landowners)</sup> wished the canal constructed and that it was in view of such consideration that she ~~wished~~ was willing to donate the necessary right of way to the United States. The canal has never been constructed. Later Mrs. Rawley <sup>had</sup> returned the consideration she had received to the parties giving same. Mrs. Rawley now (at time of Mr. Lawson's statement) wishes to retract her donation to the United States. No information to this effect ever reached District Counsel's office prior to time of recordation of deed, and if such information had then been at hand it would have been an easy matter to withhold deed from record and cancel same if Project did not desire to use right of way. No information is at present at hand as to whether Mrs. Rawley's action precluded construction of the canal by the Service, or whether delay in such construction by the Service moved Mrs. Rawley to retract. Also, D. C. office cannot learn definitely whether right of way is still desired by Project, but there seems to be a possibility of future construction of the canal. Unless the Service was a party to the Rawley-Servations transaction whereby the consideration was returned to the latter by Mrs. Rawley, we could demand that this grantor stand by the legal effect of her deed. Mr. Hoadley stated he knew nothing of these developments. The land donated by A. B. C. Gerkin by deed dated June 15, 1921, appears to be in the same status, except that Gerkin (apparently) did not receive any consideration from other landowners. We understand that Mrs. Rawley would object if construction across her land were now attempted, but that Gerkin would not. To date Mrs. Rawley has made no move to have her deed cancelled, but Mrs. Hoadley intimates that she probably will do so when she learns that same has been recorded and now operates as a subsisting grant of some of her land.

El Paso Oct 18 1921

HARVEY

THE STATE OF NEW MEXICO

COUNTY OF Dona Ana

THIS INDENTURE, made the 15th day of June, in the year of our Lord, one thousand nine hundred and twenty-one between A. B. C. Gerken and Ella C. Gerkin, husband and wife, part les of the first part and the United States of America, pursuant to the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, part of the second part.

Witnesseth: That the said part les of the first part, for and in consideration of the sum of One and 0/100 (\$1.00) Dollars, lawful money of the United States of America, to them in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do by these premises demise, release and forever quit claim unto the said part of the second part, and to its successors or heirs and assigns.

all that certain lot, piece or parcel of land situated in the County of Dona Ana and State of New Mexico, and bounded and particularly described as follows, to-wit:

A tract of land situated approximately two (2) miles southwest of the town of Anthony, New Mexico, in the northeast quarter of the southeast quarter (NE-SE-1/4) section four (4), township twenty-seven (27) south, range three (3) east, New Mexico principal meridian, and being also in the Refugio Colony Grant and more particularly described as follows:

Beginning at a point on the property line between land of the Grantor and Margaret Rowley, from which point the northeast corner of said section four (4) bears north one (1) degree thirty-one (31) minutes east three thousand two hundred sixty-four and two-tenths (3264.2) feet; thence south twenty-five (25) degrees forty-one (41) minutes east one hundred ninety-three and four-tenths (195.4) feet; thence south three (3) degrees twenty-five (25) minutes east one hundred twelve and nine-tenths (112.9) feet to a point on the property line between land of the Grantor herein and land of Eliza Mitchell, from which point the northeast corner of said section four (4) bears north no (0) degrees four (4) minutes west three thousand five hundred fifty and one-tenth (3550.1) feet; thence north eighty-nine (89) degrees twenty-seven (27) minutes west thirty-five and one-tenth (35.1) feet; thence north three (3) degrees twenty-five (25) minutes west one hundred three and seven-tenths (103.7) feet; thence north twenty-five (25) degrees forty-one (41) minutes west one hundred thirty-eight and five-tenths (138.5) feet; thence north ten (10) degrees twenty-one (21) minutes east fifty-nine and five-tenths (59.5) feet to the point of beginning; said described tract of land containing twenty-two hundredths (0.22) acre, more or less;

Correct as to Engineering Data S. M.A.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof,

To Have and to Hold, all and singular the said premises, together with all the appurtenances, unto the said part of the second part, and unto its successors or heirs and assigns, forever.

In Witness Whereof, the said part les of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of A. B. C. Gerken (L. S.) Ella C. Gerken (L. S.) (L. S.)

STATE OF ~~NEW MEXICO,~~ } ss.

County of El Paso

On this 15th day of June 1921, before me personally appeared A B C Gerken and Ella C Gerken

to me known to be the person S described in and who executed the foregoing instrument, and acknowledged that they executed the same as their 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.

(SEAL)

GEO W HOADLEY

My Com exp June 1st 1923

Notary Public in and for El Paso County, Texas.

STATE OF NEW MEXICO, } ss.

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_, before me personally appeared \_\_\_\_\_

to me known to be the person \_\_\_\_\_ described in and who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same as \_\_\_\_\_ 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.

**Quit Claim Deed**

TO

STATE OF NEW MEXICO,  
County of Dona Ana } ss.

I hereby certify that this instrument was

filed for record on the 15 day

of 9<sup>00</sup> July A. D. 1921

at 9<sup>00</sup> o'clock AM, and duly recorded in

Book 62 Page 310 of the Records

of Deeds and Mortgages of said County.

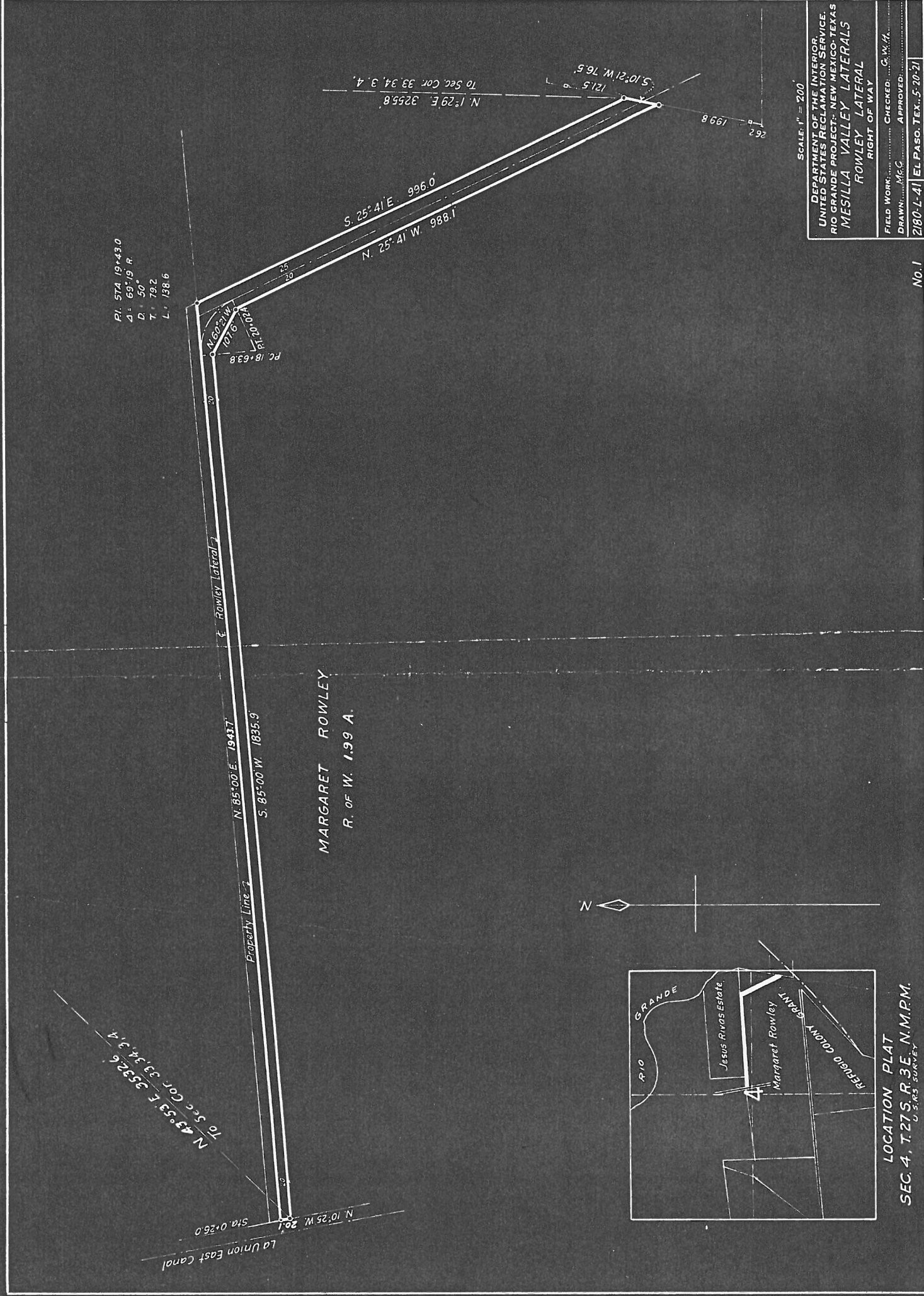
(Opp.) M. H. Neavey  
County Clerk and Ex-Officio Recorder.

Deputy.

Fees \$ \_\_\_\_\_

2-D

Side  
In the TEXAS  
20' on the S.W.  
25' on the N.E.



Form 7-523t  
Revised June, 1919

DEPARTMENT OF THE INTERIOR  
UNITED STATES RECLAMATION SERVICE

Rio Grande Project

El Paso, Texas,

July 29 1921

(Place)

(Date)

Project Manager to Chief of Construction, thru District Counsel.

Subject: Forwarding for ~~approval~~ ~~contract~~ ~~dated~~ ~~deed~~ ~~executed~~ ~~under~~ ~~date~~ ~~of~~ ~~June~~ ~~15,~~ ~~1921,~~ ~~running~~ ~~from~~ ~~with~~ ~~A~~ ~~B~~ ~~C~~ ~~Gerken~~ ~~et~~ ~~ux.~~ ~~to~~ ~~the~~ ~~United~~ ~~States.~~   
 ~~acceptance~~   
 ~~deed~~   
 ~~contract~~   
 ~~dated~~   
 ~~executed~~   
 ~~under~~   
 ~~date~~   
 ~~of~~   
 ~~June~~   
 ~~15,~~   
 ~~1921,~~   
 ~~running~~   
 ~~from~~   
 ~~with~~   
 ~~A~~   
 ~~B~~   
 ~~C~~   
 ~~Gerken~~   
 ~~et~~   
 ~~ux.~~   
 ~~to~~   
 ~~the~~   
 ~~United~~   
 ~~States.~~

Estimated amount involved, \$ 0 Authority No.   
 Accompanied by bond and 2 copies or Clearing Acct.   
 (Insert "Yes" or "No" bond) No bond.

Purpose: Donation of 0.22 acre of land for Rawley lateral.

INSTRUCTIONS

Advise Project Manager at El Paso, Texas,   
 District Counsel at El Paso, Texas,   
 and Chief Engineer, Denver, Colorado   
 of the ~~approval~~ ~~of~~ ~~the~~ ~~above~~, using extra copy hereof.   
 Inclosures listed on the reverse

NOTE: Before submitting contract see that the instructions on reverse hereof have been FULLY complied with. See also par. 16, Page 205, Vol. 1 of Manual.

L. M. LAWSON   
 (Signature)

Denver, Colo.

The above described contract and bond, if any, approved

by \_\_\_\_\_ on \_\_\_\_\_   
 Chief of Construction.

Acting Chief Engineer \_\_\_\_\_ Denver, Colo. July 29, 1921.   
 Chief of Construction to Director: ~~deed~~ ~~to~~ ~~be~~ ~~accepted.~~

It is recommended that the above described ~~contract~~ ~~be~~ ~~executed~~   
 approved and bond if any approved.

- Inlosures:   
 Orig. & 3 copies of form letter.   
 " Deed   
 " certificate as to tile and encumbrances   
 " possessory certificate.   
 1 Blueprint No. 3

R. F. Walter

(Signature)

executed \_\_\_\_\_ Washington, D. C. AUG 10 1921   
 Contract approved and bond, if any, approved by \_\_\_\_\_   
 on AUG 10 1921

copies of \_\_\_\_\_   
 copies of \_\_\_\_\_   
 \_\_\_\_\_ Assistant Director, U.S.R.S.   
 Morris Bien

El Paso, Texas, June 23, 1921.

County Clerk for Dona Ana County,  
Las Cruces, N. Mex.

Dear Sir:

Transmitted herewith for official record is quitclaim  
deed dated June 15, 1921, running from A. B. C. Gerken et ux.  
to the United States.

Very truly yours,

incl.

P W DENT

District Counsel.

Certificate as to Title.

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

A tract of land containing 0.22 acre, more or less, in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  sec. 4, T. 27 S., R. 3 E., New Mexico principal meridian, Dona Ana County, New Mexico, and more particularly described in quitclaim deed dated June 15, 1921, running from A. B. C. Gerken et ux. to the United States of America:

That I have made personal examination of the tax and title records of the said Dona Ana County, New Mexico, and find that the said grantors, who are the reputed owners, are the actual owners, and that there are no unpaid taxes, unsatisfied mortgages, or other liens outstanding against the said land.

El Paso, Texas,  
June 16, 1921.

C. F. HARVEY

Clerk.



POSSESSORY CERTIFICATE.

Rio Grande Project,  
El Paso, Texas, June 15, 1921.

I, Geo. W. Hoadley, Assistant Engineer, United States Reclamation Service, certify that I have personally examined the land acquired by the United States by quitclaim deed dated June 15, 1921, from A. B. C. Gerken et ux., in NE $\frac{1}{4}$  of SE $\frac{1}{4}$  sec. 4, T. 27 S., R. 3 E., New Mexico meridian, Dona Ana County, State of New Mexico, for the Rio Grande Project, and that at the time of the execution of said deed the said grantors were in actual, sole, and exclusive possession of the land, claiming to be the owners thereof, and no person claiming a right in such land adverse to the Grantors is in possession of any part of it.

GEO W HOADLEY

Assistant Engineer.