

MARSHALL, FRANK DEVEREUX, et. al. QUITCLAIM DEED WEST DRAIN NO. 46 (240)

0023-0054-0034-00

QUITCLAIM DEED

THIS INDENTURE, made the 11th day of June, in the year of our Lord, one thousand nine hundred and thirty-two, between Franc Devereux Marshall and Holman T. Marshall, her husband, and Josephine Frederica Devereux & John Julian Devereux

parties of the first part, and the United States of America, party of the second part, in pursuance of the provisions of the act of June 17, 1902 (32 Stat. 368), and acts amendatory thereof and supplementary thereto.

WITNESSETH: That the parties of the first part, for and in consideration of the allowance of credits in the sum of Two hundred twenty-four and no/100 Dollars (\$224.00) upon the construction charge assessments of the Elephant Butte Irrigation District against lands of the said parties of the first part, pursuant to contract of December 20, 1929, between the said District and the United States, do by these premises demise, release, and forever quitclaim unto the said party of the second part, and to its successors 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 lying and situate in Dona Ana County, New Mexico and in the Northeast quarter (NE 1/4) Section thirty-one (31) Township twenty-six (26) South, Range three (3) East, N.M.P.M., Bureau of Reclamation Survey; being also within the Refuge Colony Grant and tract numbered 1836, as shown on Dona Ana County, New Mexico, Plat Book; more particularly described as follows:

Beginning at a point which is a northerly corner of the land of the grantors and from which point the Northwest Corner Section thirty-one (31), Township twenty-six (26) South, Range three (3) East, N.M.P.M., bears North seventy-seven degrees (77°) twenty-four minutes West, three thousand four hundred twenty-nine and eight tenths (3429.8) feet; thence South eighteen degrees (18°) fifteen minutes (15') East, along an easterly property line of the land of the grantors, five hundred twenty-seven and three tenths (527.3) feet to a point which is a corner of the land of the grantors; thence North sixty-three degrees (63°) thirty minutes (30') East along a northerly property line of the land of the grantors fifty-five and nine tenths (55.9) feet; thence South fifteen degrees (15°) fifty minutes (50') East five hundred forty-two and one tenth (542.1) feet to a point on a southerly property line of the land of the grantors; thence South sixty-five degrees (65°) thirty-seven minutes (37') West along said property line, seventy-six and five tenths (76.5) feet to a point which is a corner of the land of the grantors; thence South seventeen degrees (17°) eight minutes (08') East, along an easterly property line of the land of the grantors, five hundred fifty-three and no tenths (553.0) feet to a point which is a southerly corner of the land of the grantors and from which point the Northeast Corner Section thirty-one (31), Township twenty-six (26) South, Range three (3) East, N.M.P.M., bears North thirty-three degrees (33°) thirty-two minutes (32') fifty-four seconds (54") East, two thousand five hundred seventy-three and no tenths (2573.0) feet; thence South sixty-seven degrees (67°) fifty-five minutes (55') West along a southerly property line of the land of the grantors, seventy-seven and five tenths (77.5) feet; thence North fifteen degrees (15°) fifty minutes (50') West, nine hundred twenty-five and two tenths (925.2) feet; thence North seventy-four degrees (74°) ten minutes (10') East, twenty and no tenths (20.0) feet; thence North fifteen degrees (15°) fifty minutes (50') West, seven hundred ten and two tenths (710.2) feet to a point on the most northerly property line of the land of the grantors; thence North seventy-nine degrees (79°) thirty-seven minutes (37') East, along said northerly property line, forty-three and no tenths (43.0) feet to the place of beginning. Said tract containing three and two tenths (3.2) acres, more or less, all as shown on plat attached hereto and made a part hereof.

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 party of the second part, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand^s and seal^s the day and year first above written.

Signed, sealed, and delivered in the presence of—

Franc Devereux Marshall [L. s.]
Holman T. Marshall [L. s.]
Josephine Frederica Devereux [L. s.]
John Julian Devereux [L. s.]

Correct as to Engr. Data R M

STATE OF NEW MEXICO

COUNTY ON ~~DOÑA ANA~~

~~White Pine~~

ss:

On this 8th

day of

June

19 32

, before me personally appeared
~~Franco Devereux Marshall and Holman T. Marshall~~

to me known to be the person 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.

H. C. Lathrop

Notary Public ~~in and for Dona Ana County~~

My commission expires January 6, 1934

PARTIAL RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS, That the undersigned owner(s) and holder(s) of that certain
dated _____, 19____, and recorded at Page _____, Book _____,
(Mortgage or other lien)

Records of Dona Ana County, New Mexico, ha_____ released and
do_____ hereby release the said _____ insofar as the same pertains to the parcel
(Mortgage or other lien)
or tract of land described in the above and foregoing quitclaim deed, and authorize said lien to be released and satis-
fied of record to that extent, provided, however, that said _____ shall in all other
(Mortgage or other lien)
respects remain in full force and effect.

WITNESS (my, our) hand(s) and seal(s) this _____ day of _____, 19____

STATE OF NEW MEXICO

COUNTY OF DONA ANA

ss:

On this _____ day of _____, 19____, before me appeared _____

to me personally known, who being by me duly sworn did say that he is the _____
(Such as president or other officer)
of _____
(Here describe the corporation)

and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was
signed and sealed in behalf of said corporation by authority of its board of directors and said _____
acknowledges said instrument to be the free act and deed of said corporation.

Notary Public in and for Dona Ana County.

My commission expires _____

STATE OF NEW MEXICO

COUNTY OF DONA ANA

ss:

On this _____ day of _____, 19____, before me personally appeared _____

to me known to be the person described in and who executed the foregoing _____
(Quitclaim deed or partial release of lien)
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.

Notary Public in and for Dona Ana County.

My commission expires _____

STATE OF NEW MEXICO

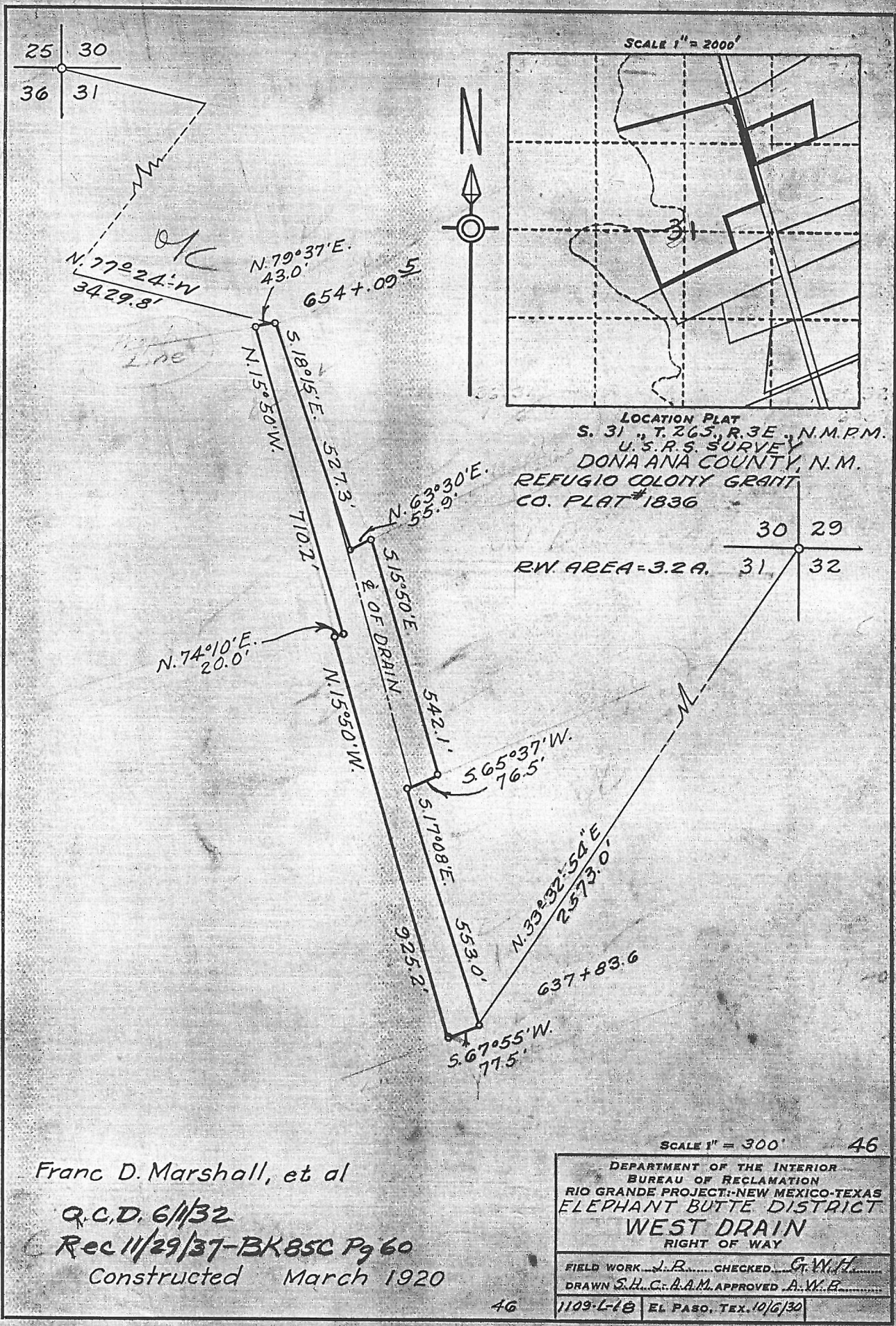
COUNTY OF DONA ANA

ss:

I hereby certify that this instrument was filed for record on the 29 day of Nov
A. D. 1937, at 9 o'clock, P.m., and duly recorded in Book 85-C, Page 60, of the
Records of Deeds and Mortgages of said County.

S. L. Apodaca
County Clerk and Ex-officio Recorder.

F. C. Lopez
Deputy.



Franc D. Marshall, et al

Q.C.D. 6/1/32

Rec 11/29/37-BK85C Pg 60

Constructed March 1920

UTAH
STATE OF ~~NEW MEXICO~~ }
COUNTY OF ~~DONAHUE~~ } ss:
~~SALT LAKE~~

On this eleventh day of June, 1933, before me personally appeared
Josephine Frederica Devereux, un-married

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.

Lawrence H. Heath

My commission expires

June 4, 1933

Notary Public in and for ~~Donahue County~~
Salt Lake County

UTAH
STATE OF ~~NEW MEXICO~~ }
COUNTY OF ~~DONAHUE~~ } ss:
~~SALT LAKE~~

On this eleventh day of June, 1933, before me personally appeared
John Julian Devereux (widower)

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

Lawrence H. Heath

My commission expires

June 4, 1933

Notary Public in and for ~~Donahue County~~
Salt Lake County

J. J. Devereaux

A tract of land lying and situate in Dona Ana County, New Mexico and in the N.E. $\frac{1}{4}$ Sec. 31, T26S, R3E, N.M.P.M., Bureau of Reclamation Survey; being also within the Refugio Colony Grant and tract numbered 1836, as shown on Dona Ana County, New Mexico, Plat Book; more particularly described as follows:

Beginning at a point which is ^{the corner} a northerly corner of the land of the grantors and from which point the N.W. Cor. Sec. 31, T26S, R3E, N.M.P.M. bears $N77^{\circ}24'W$, 3429 $\frac{1}{2}$ ft. thence $S18^{\circ}15'E$, along an easterly property line of the land of the grantors, 527 $\frac{3}{4}$ ft. to a point which is a corner of the land of the grantors; thence $N63^{\circ}30'E$ along a northerly property line of the land of the grantors 55 $\frac{1}{2}$ ft; thence $S15^{\circ}50'E$, 542 $\frac{1}{2}$ ft to a point on a southerly property line of the land of the grantors; thence $S65^{\circ}37'W$ along said property line, 76 $\frac{5}{8}$ ft to a point which is a corner of the land of the grantors; thence $S17^{\circ}08'E$ along an easterly property line of the land of the grantors, 553 $\frac{1}{2}$ ft to a point which is a southerly corner of the land of the grantors and from which point the N.E. Cor. Sec. 31, T26S, R3E, N.M.P.M., bears $N33^{\circ}32'54''E$, 2573 $\frac{1}{2}$ ft; thence $S67^{\circ}55'W$ along a southerly property line of the land of the grantors, 77 $\frac{5}{8}$ ft; thence

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

El Paso, Texas 8/8/33

From Superintendent

To District Counsel

Subject: Acquisition of land utilized for drains - Deed under contract dated December 20, 1929, between the Elephant Butte Irrigation District and the United States - Rio Grande Project.

1. For your consideration, there is transmitted herewith, deed dated 6/1, 1932, from Francis H. Marshall, J. J. Devering, et al conveying 32 acres of land, in Sec. 31, Twp. 26 S Range 3 E, Dona Ana County, Plat No. 1836, Right of Way Plat No. 46, West Drain, together with certificate of officials of the Elephant Butte Irrigation District dated 6/14, 1932, under the provisions of contract dated December 20, 1929, between said District and the United States.

L. R. Fiock

Superintendent

To Superintendent

El Paso, Texas,

DEC 28 1933

The above described deed appears on its face to be in satisfactory form and to be properly executed. The certificate of the officials of the Elephant Butte Irrigation District as to title is properly executed and based thereon, in accordance with the provisions of the above mentioned contract, the deed and certificate are approved as to form and legal sufficiency and the deed may be recorded and the original thereof transmitted to the Washington office in the usual manner and credit may be extended to the District in the amount stated in said certificate in accordance with provisions of the above mentioned contract.

H. J. S. Devries,

District Counsel

To The Commissioner

El Paso, Texas,

JAN 22 1938

The deed above described has been accepted and recorded. The original executed deed and certificate are transmitted herewith to the Washington office for filing.

L. R. Fiock

Superintendent.

CC - Chief Engineer
with enclosure.

ELEPHANT BUTTE IRRIGATION DISTRICT

Las Cruces, New Mexico

June 14, 1938

CERTIFICATE TO ACCOMPANY QUIT CLAIM DEED

1. Reference is made to the accompanying quit claim deed from
Franco Devereux Marshall & Holman T. Marshall,
Josephine Fredericka Devereux & J. J. Devereux conveying 5.8

acres of land in Section 31 Township 26 S Range 3 E to

The United States for drain right of way, and on account of which the
District has fixed credit on assessments to be allowed the said grantor
in the total sum of \$ 224.00 of which amount a credit
of \$ _____ has already been allowed by the

District to the said landowner on assessments for the year _____
pursuant to contract between the District and the United States dated
December 20, 1929

2. It is certified from investigation made, that the grantor(s)
named in the said deed appear(s) to be the owner(s) and in possession
of the land described in said deed and that said land was at the time
of said conveyance free from tax liens and other recorded liens and
encumbrances.

ELEPHANT BUTTE IRRIGATION DISTRICT

By [Signature]
President.

ATTEST:

[Signature]
Secretary.

(SEAL)