

30
MCKENZIE, et. al.

QUITCLAIM DEED

WEST DRAIN NO. 44

(240)

0023-0059-0036-00

26-(36)

780

QUITCLAIM DEED

This Indenture, made the 30th day of March, in the year of our Lord, one thousand nine hundred and thirty-eight between J. F. McKenzie and Mrs. J. F. McKenzie, his wife, and J. H. Pollard, a single man, 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 Fifty-six and no/.00 Dollars (\$56.00) 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 East half (E½) 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 Refugio Colony Grant and tract numbered 1838 as shown on Dona Ana County, New Mexico, Plat Book; more particularly described as follows:

Beginning at a point on the southeasterly property line of the land of the grantors and from which point the South quarter (S¼) Corner Section thirty-one (31), Township twenty-six (26) South, Range three (3) East, N.M.P.M., bears South twenty-six degrees (26°) forty-two minutes (42') seventeen seconds (17") West, two thousand nine hundred one and eight tenths (2901.8) feet; thence North fifteen degrees (15°) fifty minutes (50') West five hundred forty-nine and six tenths (549.6) feet to a point on the northwesterly property line of the land of the grantors; thence North sixty-seven degrees (67°) fifty-five minutes (55') East along said property line fifty-seven and four tenths (57.4) feet to a point which point is the north 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 seventeen degrees (17°) eight minutes (08') East along the northeasterly property line of the land of the grantors five hundred forty-six and three tenths (546.3) feet to a point the east corner of the land of the grantors; thence South sixty-six degrees (66°) fourteen minutes (14') West along the southeasterly property line of the land of the grantors, seventy and one tenth (70.1) feet to the place of beginning. Said tract containing eight tenth (0.8) 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 hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

J. F. McKenzie (L.S.)
J. H. Pollard (L.S.)
Mrs. J. F. McKenzie (L.S.)

STATE OF TEXAS)
COUNTY OF EL PASO)

On this 30th day of March, 1938 before me personally appeared J. F. McKenzie and J. H. Pollard to me known to be the persons 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.

Marguerite G. Stevens

My commission expires May 31, 1939

Notary Public in and for El Paso County Texas

KNOW ALL MEN BY THESE PRESENTS, That the undersigned owner(s) and holder(s) of that certain Assignment Notes 1, 2, 3 dated September 6, 1929, and recorded at Page 307, Book 43, mortgage Records of Dona Ana County, New Mexico, has released and does hereby release the said Assignment Notes 1, 2, 3 insofar as the same pertains to the parcel or tract of land described in the above and foregoing quitclaim deed, and authorize said lien to be released and satisfied of record to that extent, provided, however, that said Assignment Notes 1, 2 & 3 shall in all other respects remain in full force and effect.

Witness (my, our) hand(s) and seal(s) this 30th day of March, 1938.

J. F. McKenzie

J. H. Pollard

STATE OF TEXAS)

COUNTY OF EL PASO) ss

On this 30th day of March, 1938 before me personally appeared J. F. McKenzie and J. H. Pollard to me known to be the persons described in and who executed the foregoing partial release of lien 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.

Marguerite G. Stevens

My commission expires
May 31, 1939.

Notary Public in and for El Paso County

STATE OF TEXAS)

COUNTY OF EL PASO) ss

On this 12th day of May, 1938, before me personally appeared Mrs. J. F. McKenzie wife of J. F. McKenzie, 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.

H. R. Gamble

My commission expires
May 31, 1939.

Notary Public in and for El Paso County, Texas

STATE OF NEW MEXICO)

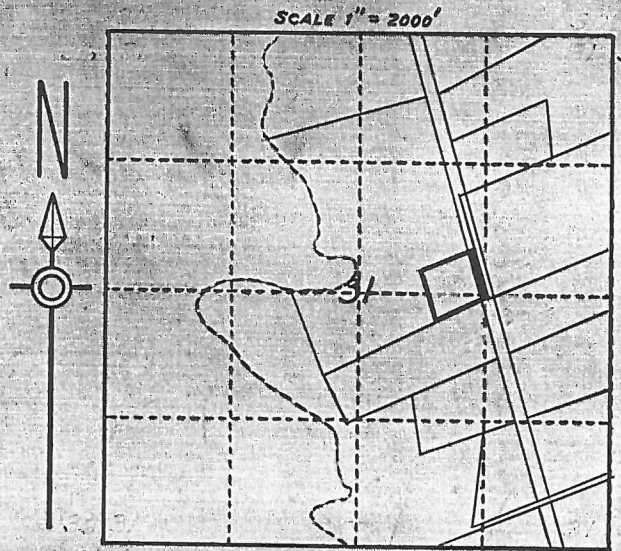
COUNTY OF DONA ANA) ss

I hereby certify that this instrument was filed for record on the 21 day of July A.D. 1938, at 4 o'clock, P m., and duly recorded in Book 85C Page 358, of the Records of Deeds and Mortgages of said County.

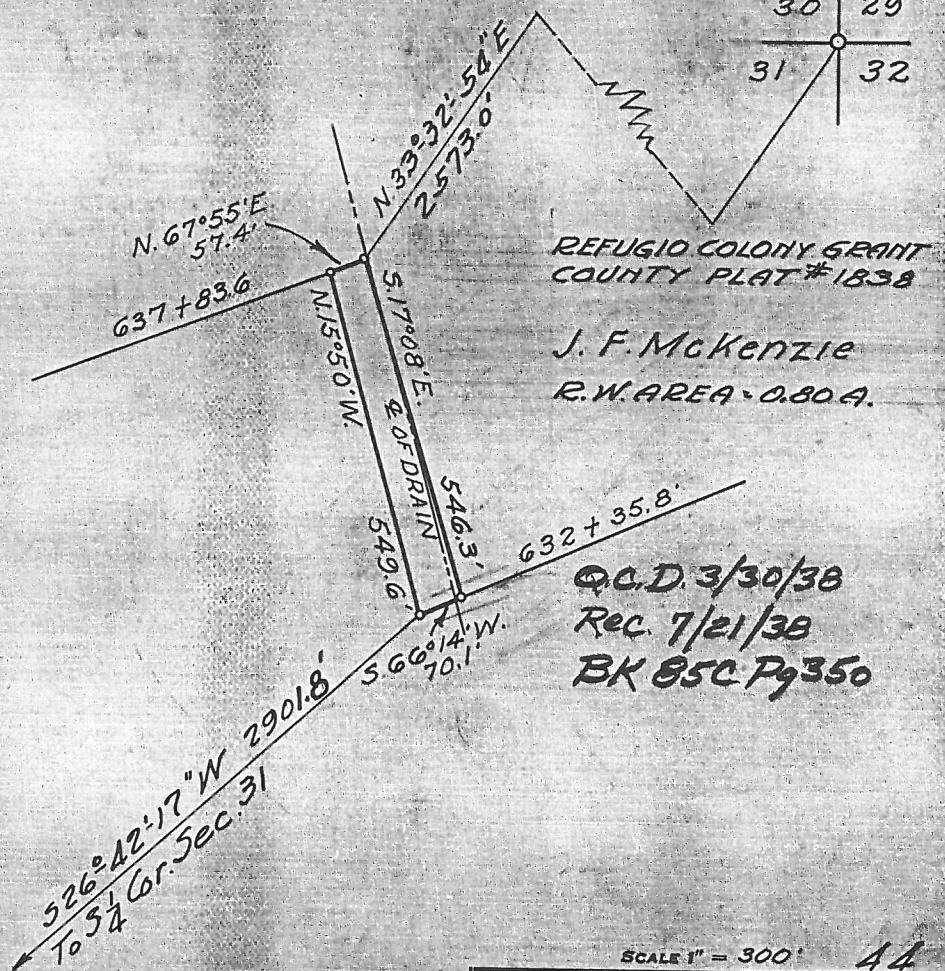
350

D. L. Apodaca
County Clerk & Ex-officio Recorder

9 Deputy



LOCATION PLAT
S. 31, T. 26S, R. 3E, N.M.P.M.
U.S.P.S. SURVEY
DONA ANA COUNTY, N.M.

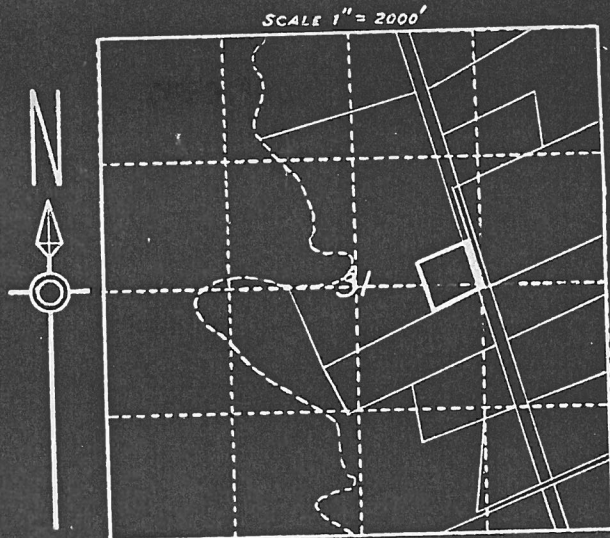


Constructed March 1920

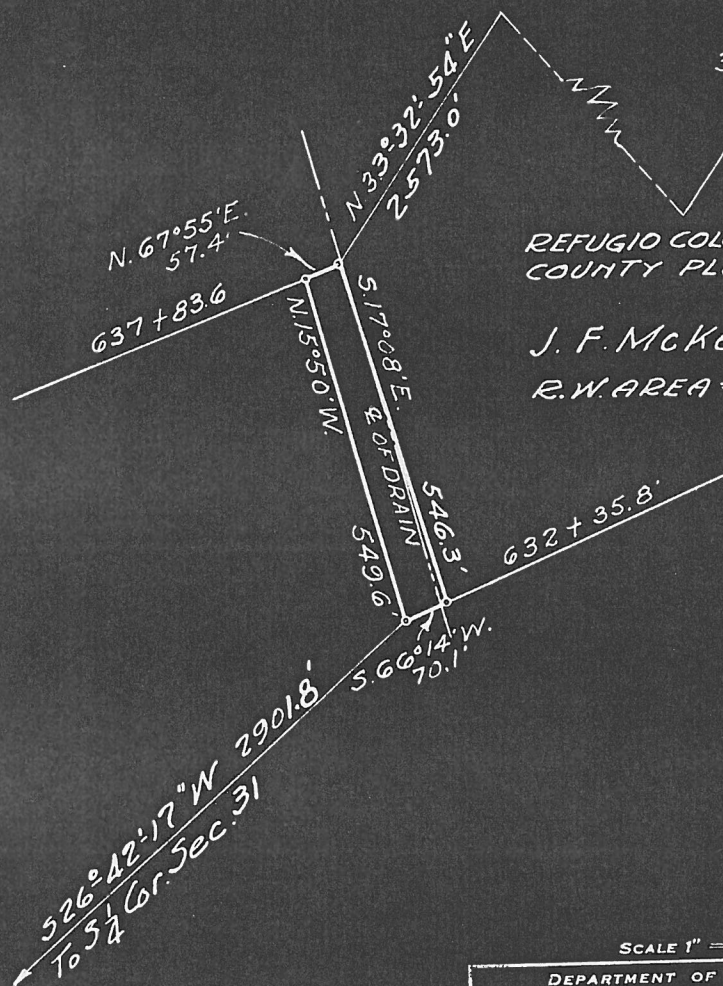
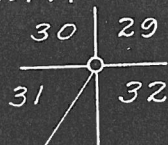
44

SCALE 1" = 300' 44

DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION RIO GRANDE PROJECT-NEW MEXICO-TEXAS ELEPHANT BUTTE DISTRICT WEST DRAIN RIGHT OF WAY	
FIELD WORK.....J. R.....	CHECKED G. W. H.....
DRAWN S. H. C. A. B. M. APPROVED A. W. B.....	
1109-L-18	EL PASO, TEX. 10/6/30



LOCATION PLAT
S. 31 T. 26 S. R. 3 E. N.M.P.M.
U.S.P.S. SURVEY
DONA ANA COUNTY, N.M.



REFUGIO COLONY GRANT
COUNTY PLAT #1838

J. F. MCKENZIE
R.W. AREA - 0.804.

Constructed March 1920

SCALE 1" = 300'		44
DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION RIO GRANDE PROJECT - NEW MEXICO-TEXAS ELEPHANT BUTTE DISTRICT WEST DRAIN RIGHT OF WAY		
FIELD WORK.....J. R.....		CHECKED G. W. H.
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1109-L-18	EL PASO, TEX. 10/6/30	

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

El Paso, Texas

July 11, 1938

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 March 20, 1938, from J.F. McKenzie & J.H. Pollard & Mrs. J.F. McKenzie conveying 0.80 acres of land, in Sec. 81, Twp. 26S, Range 9E Dona Ana County, Plat No. 1838, Right of Way Plat No. 44, Drain, together with certificate of officials of the Elephant Butte Irrigation District dated April 27, 1938, under the provisions of contract dated December 20, 1929, between said District and the United States.

L. R. Flock

Superintendent

To Superintendent

El Paso, Texas, JUL 11 1938

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.

E. J. Devrie

District Counsel

To The Commissioner

El Paso, Texas, AUG 23 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. Flock

Superintendent

CC - Chief Engineer
with enclosure

ELEPHANT BUTTE IRRIGATION DISTRICT

Las Cruces, New Mexico
April 27, 1938

CERTIFICATE TO ACCOMPANY QUIT CLAIM DEED

1. Reference is made to the accompanying quit claim deed from J. F. McKenzie and J. H. Pollard and Mrs. J. F. McKenzie conveying 0.80 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 \$ 56.00, 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 Arthur Starr
President

ATTEST:

Joseph R. Lucas
Secretary
(SEAL)

ELEPHANT BUTTE IRRIGATION DISTRICT

Las Cruces, New Mexico

April 27, 1938

CERTIFICATE TO ACCOMPANY QUIT CLAIM DEED

1. Reference is made to the accompanying quit claim deed from J. F. McKenzie and J. H. Pollard and Mrs. J. F. McKenzie conveying 0.80 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 \$ 55.00, 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 Arthur J. Star
President

ATTEST:

James R. Lusk
Secretary
(SEAL)