

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000308951
Book 508 Page 441
1 of 3
08/23/2005 03:08:27 PM
BY DOLORES

WARRANTY DEED

ARTHUR H. BURT AND CARMELLA MONTOYA BURT, HUSBAND AND WIFE, As Joint Tenants with Right of Survivorship for consideration paid, grant(s) to RICHARD SPERA, A SINGLE MAN, whose address is P.O. BOX 63, TAOS, NM 87571, the following described real estate in Taos County, New Mexico:

SEE EXHIBIT 'A', Attached Hereto and Made a Part Hereof.

SUBJECT TO all matters shown on Exhibit B attached hereto;

with warranty covenants.

Witness my/our hands this date: AUGUST 23, 2005.

ARTHUR H. BURT

CARMELLA MONTOYA BURT

ACKNOWLEDGMENT

STATE OF NEW MEXICO

COUNTY OF TAOS

This instrument was acknowledged before me on AUGUST 23, 2005, by ARTHUR H. BURT AND CARMELLA MONTOYA BURT, HUSBAND AND WIFE, As Joint Tenants with Right of Survivorship.

Notary Public

My Commission Expires: Dec 5 2006



OFFICIAL SEAL
ROBERTA A. DeHERRERA
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 12-5-2006

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ELAINE S. MONTANO, CLERK
000308951
Book 508 Page 442
2 of 3
08/23/2005 03:08:27 PM
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Exhibit A

A certain tract of land situated in a part of Projected Section 13, Township 25 North, Range 12 East, New Mexico Principal Meridian, Lower Ranchitos, County of Taos, State of New Mexico, within the Gijosa Grant, described as part of Tract 33, Map 29, Survey 2 of the 1941 Taos County Reassessment Survey, Taos County, New Mexico, being more particularly described as follows;

BEGINNING at the Northwest corner of this tract, a point at the center line of an acequia, on the Easterly right-of-way line of Taos County Road AC-102 (Callejon Road), whence State Engineer's Office control point "Vile" bears North 79° 17' 23" West, a distance of 6104.29 feet, and whence a 1/2 inch rebar and Alloy cap NMLS #5213, found as witness corner bears North 38° 07' 16" West, a distance of 5.00 feet;

Thence along said acequia center line the following three (3) courses;

- 1) North 65° 15' 05" East, a distance of 90.36 feet;
- 2) North 76° 51' 03" East, a distance of 8.19 feet;
- 3) North 63° 14' 10" East, a distance of 99.45 feet to a point whence a 1/2 inch rebar and alloy cap NMLS #5213, found as a witness corner bears North 39° 11' 44" West, a distance of 5.00 feet;

Thence departing said acequia center line South 39° 11' 44" East, a distance of 11.51 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence South 37° 06' 00" East, a distance of 75.50 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence South 32° 16' 00" East, a distance of 103.60 feet to a 1/2 inch rebar and plastic cap NMLS 12445, set;

Thence South 32° 23' 00" East, a distance of 55.50 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence South 36° 02' 00" East, a distance of 77.51 feet to a point at the center line of the Rio Fernando de Taos;

Thence along said Rio Fernando de Taos center line the following Five (5) courses;

- 1) South 40° 28' 03" West, a distance of 16.78 feet to a point;
- 2) South 80° 50' 51" West, a distance of 39.13 feet to a point;
- 3) North 42° 28' 25" West, a distance of 53.09 feet to a point;
- 4) South 50° 02' 25" West, a distance of 47.10 feet to a point;
- 5) South 10° 31' 21" West, a distance of 34.11 feet to a point on the Easterly right-of-way line of said County Road AC-102;

Thence North 65° 11' 00" West, along said Easterly right-of-way line, a distance of 53.26 feet to a 1/2 inch rebar and Alloy Cap NMLS #5213, found;

Thence North 52° 54' 00" West, a distance of 54.30 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence North 42° 07' 00" West, a distance of 80.50 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence North 40° 28' 00" West, a distance of 22.80 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence North 38° 55' 00" West, a distance of 54.60 feet to a 1/2 inch rebar and plastic cap NMLS #12445, set;

Thence North 38° 07' 16" West, a distance of 64.55 feet to the POINT OF BEGINNING.

This tract contains 1.231 acres, more or less. Together with any appurtenant water rights.

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000308951
Book 508 Page 443
3 of 3
08/23/2005 03:08:27 PM
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Exhibit B

- Reservations, Restrictions and Easements, if any, contained in the Patent from the UNITED STATES OF AMERICA to the GIJOSA GRANT, including but not limited to water rights, claims of title to water, any easements for ditches appurtenant thereto, and all interest in oil, gas and other minerals, if any, recorded in Book 28, Pages 228-229, records of Taos County, New Mexico.
- Easement notarized October 25, 1978 from Eloy and Loida Montoya to Kit Carson Electric, recorded in Book M-68, Page 67, records of Taos County, New Mexico.
- Easement notarized October 25, 1983 from Eloy Montoya to Kit Carson Electric, recorded in Book M-97, Page 463, records of Taos County, New Mexico.
- Any adverse claim based upon the assertion that:
 - a. Said land or any part thereof is now or at any time has been below the ordinary high water mark of the (Rio Fernando de Taos).
 - b. Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the (Rio Fernando de Taos), or has been formed by accretion to such portion so created.
- Encroachment of fence along the Eastern Boundary as shown on Survey Plat entitled "Carmela Montoya Burt", dated June 14, 2000, prepared by Russell E. Kottke NMPS #12445, Taos Surveying Job #T859 and shown on Improvement Location Report dated August 15, 2005, prepared by Craig T. Gillio, NMLS #14833, Job #205-162.
- 10 ft. utility easement along the Northern Western Boundary as shown on Survey Plat entitled "Carmela Montoya Burt", dated June 14, 2000, prepared by Russell E. Kottke NMPS #12445, Taos Surveying Job #T859 and shown on Improvement Location Report dated August 15, 2005, prepared by Craig T. Gillio, NMLS #14833, Job #205-162.
- Rights incident to the use and maintenance of irrigation ditch as shown on Survey Plat entitled "Carmela Montoya Burt", dated June 14, 2000, prepared by Russell E. Kottke NMPS #12445, Taos Surveying Job #T859.
- Any easement or claim of easement for gas meter, power pole, overhead utility line, propane tank and any underground utility line associated therewith all as shown on Improvement Location Report dated August 15, 2005, prepared by Craig T. Gillio, NMLS #14833, Job #205-162.
- Deviation of fence line from property boundary on the southeastern boundary as shown on Improvement Location Report dated August 15, 2005, prepared by Craig T. Gillio, NMLS #14833, Job #205-162.

