

## EASEMENT

0248 196

**FOR and in consideration** of the sum of \$1.00, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, John Hal Burson and Renetta Burson, his wife, Pat Bailey and Amy Bailey, his wife and Rocky Lane Burson, by and through their Attorney-in-Fact John H. Burson and Robert C. Burson and Cheri K. Burson, his wife, hereinafter called "Grantor" do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto and **Robert C. Burson and Cheri K. Burson**, whose address is 2100 East Berrendo Road, Roswell, New Mexico, hereinafter called Grantee, an easement and right-of-way into, upon and across the following described real property of Grantor situated in Chaves County, New Mexico:

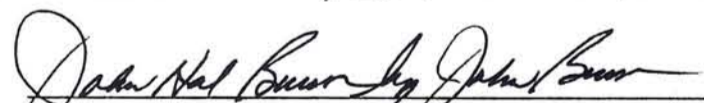
See Exhibit "A" attached hereto and made a part hereof for all purposes.

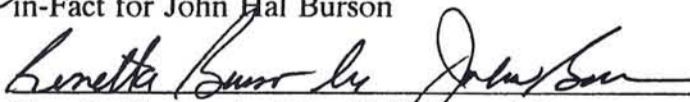
The right-of-way, easement, rights, and privileges herein granted shall be used for the purpose of providing pedestrian and vehicular ingress and egress between the paved highway lying north of Grantor's property described above, known as Berrendo Road and the property of Grantee which adjoins the property of Grantor to the north and east. The easement rights, and privileges herein granted shall be perpetual. Grantor hereby bind themselves, their heirs and legal representatives to warrant and forever defend the above-described easements and rights unto Grantee, their successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof. The easements, rights and privileges granted herein are exclusive, and Grantor covenants that they will not convey any other easement or conflicting rights within the area covered by this grant.

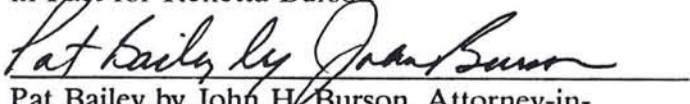
This instrument shall be binding on, and shall inure to the benefit of, the heirs, executors, administrators, successors and assigns of the parties hereto. In addition to the easement, rights, and privileges herein conveyed, Grantee shall have the right to use so much of the surface of the above-described property of the Grantor as may be reasonable and necessary upon existing roads or to construct and build a private road on the easement. Should Grantee construct and install a road, Grantee shall replace and restore all fences or other structures which may have been relocated or removed during the construction period. Grantee shall not be responsible to Grantor for any reasonable compensation for such fences or other structures which may be not be replaceable and for such vegetation as may be damaged or destroyed during the construction of a road.

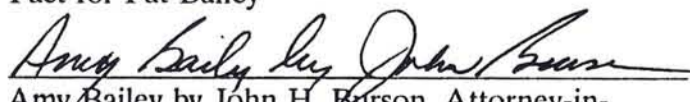
Said easement is and shall be used only for the use and benefit of the tract of land owned by the Grantee that joins the above-described easement and shall be an easement running with the land.

*IN WITNESS WHEREOF* this grant has been executed this 16th day of November, 1995.

  
John Hal Burson by John H. Burson, Attorney-in-Fact for John Hal Burson

  
Renetta Burson by John H. Burson, Attorney-in-Fact for Renetta Burson

  
Pat Bailey by John H. Burson, Attorney-in-Fact for Pat Bailey

  
Amy Bailey by John H. Burson, Attorney-in-Fact for Amy Bailey

*Rocky Lane Burson by John H. Burson*  
Rocky Lane Burson by John H. Burson, Attorney-in-Fact for Rocky Lane Burson

*Robert C. Burson*  
Robert C. Burson

*Cheri K. Burson*  
Cheri K. Burson

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson, Attorney in Fact for John Hal Burson and his wife, Renetta Burson.

My commission expires: 2-4-99 *Patsy Felber*  
Notary Public

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson, Attorney in Fact for Pat Bailey and his wife Amy Bailey.

My commission expires: 2-4-99 *Patsy Felber*  
Notary Public

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by John H. Burson, Attorney in Fact for Rocky Lane Burson.

My commission expires: 2-4-99 *Patsy Felber*  
Notary Public

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF CHAVES )

The foregoing instrument was acknowledged before me this 16th day of November, 1995 by Robert C. Burson and his wife, Cheri K. Burson.

My commission expires: 2-4-99 *Patsy Felber*  
Notary Public

After recording, return to:  
Eric J. Coll  
Sanders, Bruin, Coll & Worley, P.A.  
POBox 550, Roswell NM 88202

## EXHIBIT "A"

## TRACT ONE:

A certain tract of land situated within and being a portion of Lots 3, 4, 5 and 6 in Block 22 of Berrendo Irrigated Farms Subdivision and being more particularly described as follows:

Beginning at a point from which the Northwest corner of Section 22, Township 10 South, Range 24 East, New Mexico Principal Meridian bears N. 80° 44' 19" W. a distance of 888.43 feet; thence S. 87° 07' 51" E. along the south right-of-way line of Berrendo Road a distance of 443.11 feet; thence S. 01° 58' 58" W. a distance of 224.68 feet; thence S. 75° 17' 32" E. a distance of 972.71 feet; thence S. 87° 07' 34" E. a distance of 20.50 feet; thence S. 00° 00' 00" W. a distance of 1513.69 feet; thence S. 89° 50' 49" W. a distance of 989.82 feet; thence N. 00° 34' 19" E. a distance of 317.63 feet; thence S. 89° 53' 36" W. a distance of 424.39 feet; thence N. 00° 33' 31" E. a distance of 47.51 feet; thence N. 89° 50' 49" E. a distance of 29.71 feet; thence N. 00° 25' 00" E. a distance of 641.78 feet; thence S. 89° 38' 00" W. a distance of 27.45 feet; thence N. 00° 26' 00" E. a distance of 1005.08 feet to the point and place of beginning and containing 52.982 acres, more or less.

## TRACT TWO:

A certain tract of land situated within and being a portion of Lots 2, 3, 6 and 7 in Block 22 of Berrendo Irrigated Farms Subdivision and being more particularly described as follows:

Beginning at a point from which the Northwest corner of Section 22, Township 10 South, Range 24 East, New Mexico Principal Meridian bears N. 74° 19' 41" W. a distance of 2360.69 feet; thence S. 87° 07' 34" E. a distance of 1019.01 feet; thence S. 00° 08' 41" W. a distance of 402.70 feet; thence S. 02° 17' 49" E. a distance of 1057.92 feet; thence S. 89° 50' 49" W. a distance of 1059.12 feet; thence N. 00° 00' 00" E. a distance of 1513.69 feet to the point and place of beginning and containing 35.223 acres, more or less.

State of New Mexico, } SS County of Chaves }	
FILED FOR RECORD	
AT 4:44	NOV 17 1995 P.M.
and recorded in book <u>248</u> page <u>196</u>	
Rhoda Goodloe County Clerk	
<i>D. Hill Phelan</i> Deputy	

#137241 Fee: \$11.00

Burson Land & Livestock  
2100 E. Berrendo Rd.  
Roswell, NM 88201