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Execution No. 607438 HARRIET BEALS

BOOK 2239 PAGE 420

IN THE DISTRICT COURT WITHIN AND FOR
THE COUNTY OF EL PASO AND STATE OF COLORADO

Civil Action No. 54701

MID-COLORADO INVESTMENT COMPANY, INC.,
a Colorado corporation,

Plaintiff,

vs.

GEORGE HUTCHISON, FRED E. CORNELL,
PATRICIA F. CORNELL, MARION F. SANDERS,
BILLIE B. SANDERS, GUS L. SANTERRE,
MARILYN J. SANTERRE, WENDELL C. SPEAR,
VIDETTA G. SPEAR, FRANCES HEARD BILLUPS
as Trustee, GEROLD W. WEAKLAND, VESTA
L. WEAKLAND, LEONARD L. WILSON, EMILY
MAY WILSON, MARVIN J. WALTER, MARGOT A.
WALTER, VELMA J. BARNES, K. C. WOFFORD,
as Trustee, DAVID H. BIGGS, DAISY J.
BIGGS, K. C. WOFFORD, CLAUDE R. BLUE,
JOHN C. OCKEN, FRED M. CASSIDY, WILLIAM
D. BARNES, WILLIAM J. PAPE, BETTY D.
PAPE, IRVIN W. SHERWOOD, BETTYE ANN
SHERWOOD, RALPH KNIGHT and EDITH MAY
KNIGHT,

Defendants.

D E C R E E

This claim came on regularly for trial before
G RUSSELL MILLER one of the Judges of
the above entitled Court, sitting without a jury. Haney,
Howbert & Akers and Gibson, Gibson, Cole & Gerdes appeared
as attorneys for Plaintiff. Defendant George Hutchison
appeared by Murray, Baker & Wendelken, his attorneys.
Defendants Fred E. Cornell, Patricia F. Cornell, Marion F.
Sanders and Billie B. Sanders appeared by Karl R. Ross,
their attorney. Defendants Gus L. Santerre, Marilyn J.

Santerre, Gerold W. Weakland, Vesta L. Weakland, Velma J. Barnes, K. C. Wofford, Claude R. Blue, K. C. Wofford as Trustee, John C. Ocken, Fred M. Cassidy, William D. Barnes, William J. Pape, Betty D. Pape, Irvin W. Sherwood, Bettye Ann Sherwood, Ralph Knight, Edith May Knight, Wendell D. Spear, Videtta G. Spear, Leonard L.

David H. Biggs and Daisy J. Biggs
Wilson and Emily May Wilson, appeared by Tarter & Tarter, JAM

their attorneys. Defendants Frances Heard Billups, as trustee, ~~David H. Biggs~~, ~~Daisy J. Biggs~~, Marvin J. Walter JAM

and Margot A. Walter appeared not. Plaintiff filed its affidavit that Defendants Frances Heard Billups as trustee, David H. Biggs, Daisy J. Biggs, Marvin J.

Walter and Margot A. Walter were not in the military service of the United States of America as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended. The default of such Defendants Frances Heard Billups, as trustee, ~~David H. Biggs~~, ~~Daisy J. Biggs~~, JAM

Marvin J. Walter and Margot A. Walter was entered. The Court, having jurisdiction of this claim and the parties hereto by reason of proper service of summons on Defendants, having heard the testimony, both oral and documentary, and having examined the proofs offered and being fully advised in the premises, and having filed its Findings of Fact and Conclusions at Law directing that a decree be entered in accordance therewith,

NOW, THEREFORE, doth Order, Adjudge and Decree:

1. Those portions of the roadway, described in the Complaint herein as the road up Little Turkey Creek,

crossing the South half of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4}$) of Section 15 and all of Section 16 in Township 16 South, Range 67 West of the 6th Principal Meridian in El Paso County, Colorado, is a private road appurtenant to the various tracts of real property, and each and every part thereof, without regard to any increase of burden on the servient estate hereafter by reason of the subdivision of any of said tracts, belonging to the respective parties to this action, whose properties are herein described, for the use of said respective owners of such tracts of real property, their heirs and assigns, for the purposes of ingress and egress to and from said tracts of real property over and across said Section 16 and the said South half of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4}$) of Section 15 owned by Defendant Hutchison to a public road known as Colorado State Highway 115.

2. The description of said roadway is as follows:

Right of way for ingress and egress over and across Sections 15 and 16, Township 16 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado. All bearings are based on range line between Ranges 67 and 68 being true North. Said right of way being 10 feet on either side of the following described center line: Beginning at a point on the Westerly right of way line of Colorado State Highway 115 from which the Southeast corner of said Section 15 bears South $13^{\circ} 26' 23''$ East, 1164.75 feet;

thence North $52^{\circ} 13' 04''$ West, 117.17 feet; thence North $75^{\circ} 49' 04''$ West, 495.40 feet; thence North $64^{\circ} 38' 22''$ West, 253.40 feet; thence North $80^{\circ} 32' 16''$ West, 495.16 feet to a point on the North line of the South half of the Southeast quarter of said Section 15, said point being 1,496.47 feet West of the East line of the Southeast quarter Section 15; thence continue North $80^{\circ} 32' 16''$ West, 1,435.26 feet; thence North $73^{\circ} 36' 46''$ West, 179.88 feet; thence North $75^{\circ} 42' 28''$ West, 71.40 feet; thence North $38^{\circ} 03' 28''$ West, 56.47 feet; thence North $26^{\circ} 21' 16''$ West, 648.97 feet; thence North $33^{\circ} 59' 04''$ West, 66.04 feet; thence North $51^{\circ} 06' 58''$ West 60.83 feet; thence North $59^{\circ} 15' 10''$ West, 83.35 feet; thence North $66^{\circ} 41' 22''$ West 281.83 feet; thence North $52^{\circ} 33' 58''$ West, 179.45 feet; thence North $54^{\circ} 44' 40''$ West, 162.75 feet; thence North $83^{\circ} 08' 28''$ West, 166.55 feet; thence North $62^{\circ} 37' 10''$ West, 89.10 feet; thence South $76^{\circ} 32' 38''$ West 104.90 feet; thence South $48^{\circ} 02' 20''$ West, 72.32 feet; thence South $85^{\circ} 45' 14''$ West 39.73 feet; thence North $61^{\circ} 54' 46''$ West, 52.06 feet; thence North $80^{\circ} 18' 46''$ West, 127.00 feet; thence North $66^{\circ} 19' 04''$ West, 76.89 feet; thence North $53^{\circ} 33' 16''$ West, 125.86 feet; thence North $05^{\circ} 58' 28''$ West 158.80 feet; thence North $58^{\circ} 37' 58''$ West 75.35 feet; thence South $88^{\circ} 34' 20''$ West, 103.08 feet;

thence North $78^{\circ} 36' 28''$ West, 148.40 feet; thence
 South $81^{\circ} 12' 38''$ West, 55.00 feet; thence South 47°
 $24' 38''$ West, 71.35 feet; thence South $28^{\circ} 28' 08''$
 West 126.50 feet; thence South $50^{\circ} 26' 44''$ West,
 74.38 feet to a point on the line between Sections
 15 and 16; said point being 341.15 feet South of the
 West quarter corner of Section 15; thence continue
 South $50^{\circ} 26' 44''$ West, 159.25 feet; thence South
 $11^{\circ} 07' 44''$ West, 137.14 feet; thence South $50^{\circ} 27'$
 $32''$ West, 196.20 feet; thence South $59^{\circ} 43' 38''$ West
 63.56 feet; thence South $72^{\circ} 12' 50''$ West, 147.48
 feet; thence South $63^{\circ} 34' 26''$ West, 100.58 feet;
 thence South $77^{\circ} 29' 26''$ West, 153.20 feet; thence
 North $81^{\circ} 14' 04''$ West 45.09 feet; thence North 38°
 $43' 22''$ West, 33.95 feet; thence North $0^{\circ} 41' 22''$
 West, 73.95 feet; thence North $11^{\circ} 06' 22''$ West,
 93.95 feet; thence North $06^{\circ} 31' 38''$ East,
 102.20 feet; thence North $0^{\circ} 25' 38''$ East, 53.47
 feet; thence North $26^{\circ} 54' 52''$ West, 45.66 feet;
 thence North $60^{\circ} 24' 46''$ West, 81.62 feet; thence
 North $88^{\circ} 45' 58''$ West, 179.78 feet; thence North
 $81^{\circ} 57' 46''$ West, 198.90 feet; thence North $84^{\circ} 46'$
 $34''$ West, 380.60 feet; thence South $85^{\circ} 34' 08''$
 West, 91.65 feet; thence North $61^{\circ} 08' 52''$ West,
 48.35 feet; thence North $18^{\circ} 14' 28''$ West, 131.17
 feet; thence North $19^{\circ} 47' 26''$ East, 152.63 feet;
 thence North $06^{\circ} 54' 32''$ East 90.99 feet; thence
 North $01^{\circ} 11' 10''$ West, 93.23 feet; thence North

15° 20' 10" West, 99.87 feet; thence North 39° 12' 10" West, 68.12 feet; thence North 62° 57' 10" West 65.72 feet; thence North 89° 26' 58" West, 209.75 feet; thence North 80° 58' 40" West 53.85 feet; thence North 57° 06' 28" West 47.03 feet; thence North 39° 15' 58" West, 84.96 feet; thence North 26° 57' 40" West, 145.00 feet; thence North 45° 53' 40" West, 58.95 feet; thence North 76° 17' 28" West 77.75 feet; thence North 63° 11' 40" West 66.58 feet; thence North 45° 51' 10" West, 158.88 feet; thence North 59° 20' 10" West, 365.68 feet; thence North 81° 53' 22" West, 204.13 feet; thence North 60° 44' 22" West, 66.61 feet; thence North 38° 57' 22" West 81.07 feet; thence North 55° 58' 22" West 65.55 feet; thence North 82° 27' 04" West 186.59 feet; thence North 68° 38' 52" West, 344.13 Feet; thence North 79° 23' 52" West 86.57 feet; thence South 86° 13' 20" West, 204.28 feet; thence North 89° 35' 58" West 179.69 feet; thence North 80° 25' 46" West, 280.85 feet; thence South 85° 18' 44" West 52.60 feet; thence South 57° 34' 26" West 53.15 feet; thence South 37° 19' 26" West 117.58 feet; thence South 46° 02' 14" West 59.18 feet; thence South 80° 25' 38" West 59.00 feet; thence North 63° 14' 34" West 105.70 feet; thence North 55° 07' 34" West 168.48 feet; thence North 60° 36' 04" West 151.38 feet; thence North 68° 50' 04" West, 139.72 feet;

thence North $48^{\circ} 29' 52''$ West 100.85 feet; thence North $71^{\circ} 18' 46''$ West, 79.11 feet; thence North $61^{\circ} 02' 04''$ West, 64.42 feet; thence South $89^{\circ} 58' 44''$ West 90.47 feet; thence North $30^{\circ} 48' 22''$ West 78.25 feet; thence North $55^{\circ} 55' 22''$ West, 60.78 feet; thence South $51^{\circ} 49' 38''$ West 59.03 feet to a point on the West line of Section 16, said point being 519.60 feet South of the Northwest corner of said Section 16. Portion in Section 16 contains 3.44 Acres.

3. The descriptions of the various dominant estates in Sections 7, 17 and 8 in Township 16 South, Range 67 West of the 6th Principal Meridian, El Paso County, Colorado, to which said private road is appurtenant and the names of the owners thereof are as follows, namely:

In said Section 7:

Defendants Wendell C. Spear and Videtta G. Spear own

The South half of the Southwest quarter of the Southeast Quarter ($S\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$),

The North half of the Southeast Quarter of the Northeast Quarter ($N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$),

The South half of the Northeast quarter of the Northeast quarter ($S\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$), and

The North half of the Northeast quarter of the Northeast quarter ($N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$).

Defendants Leonard L. Wilson and Emily May Wilson own

The North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$); and

The South half of the Southeast quarter of the Northeast Quarter ($S\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$).

Defendants Marvin J. Walter and Margot A. Walter own

The South half of the Northeast Quarter of the Southeast quarter ($S\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$).

In said Section 8:

Defendants Wendell C. Spear and Videtta G. Spear own

A portion of the Northwest quarter, more particularly described as follows: Commencing at the Southwest corner of the Northwest quarter of said Section 8; thence North $6^{\circ} 25' 01''$ East on the West line of said Section 8; 662.83 feet to the point of beginning of the tract to be described herein; thence continue North $6^{\circ} 25' 01''$ East on said West line of Section 8, 662.83 feet to the North line of the Southwest quarter of the Northwest quarter of said Section 8; thence South $86^{\circ} 15' 06''$ East on said North line of the South half of the Northwest quarter of said Section 8, 818.40 feet; thence South $24^{\circ} 26' 16''$ West 56.54 feet; thence South $67^{\circ} 59' 14''$ West 39.16 feet; thence North $58^{\circ} 10' 34''$ West 133.69 feet; thence North $77^{\circ} 20' 18''$ West 102.55 feet; thence South $55^{\circ} 39' 02''$ West 34.69 feet; thence South $0^{\circ} 09' 26''$ East 383.87 feet to the South line of the North half of the Southwest quarter of the Northwest quarter of said Section 8; thence North $85^{\circ} 31' 43''$ West on said South line of the North half of the Southwest quarter of the Northwest quarter 428.37 feet to the point of beginning, and including the South 100 feet of the Southwest quarter of the Northwest quarter of the Northwest quarter;

A portion of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 8, more particularly described as follows: Beginning at the Northwest corner of said Section 8; thence South $87^{\circ} 42' 06''$ East on the north line of said Section 8; 343.99 feet; thence South $24^{\circ} 39' 22''$ West 110.63 feet; thence South $33^{\circ} 20' 12''$ West 82.89 feet; thence South $2^{\circ} 22' 18''$ West 52.52 feet; thence South $35^{\circ} 11' 09''$ West, 87.09 feet; thence South $1^{\circ} 27' 17''$ East 91.17 feet; thence South $38^{\circ} 46' 17''$ East, 63.32 feet; thence South $45^{\circ} 02' 23''$ East 53.15 feet; thence South $12^{\circ} 51' 01''$ East 38.20 feet; thence South $20^{\circ} 39' 23''$ East 169.28 feet;

thence North $86^{\circ}58'33''$ West, 422.10 feet to the West line of said Section 8; thence North $6^{\circ}25'01''$ East on said West line of Section 8, 662.83 feet to the point of beginning;

A portion of the Southwest quarter of the Northwest quarter of Section 8 more particularly described as follows: Commencing at the Southwest corner of the Northwest quarter of said Section 8; thence South $84^{\circ}48'28''$ East on the South line of said Southwest quarter of the Northwest quarter 386.79 feet to the point of beginning; thence North $27^{\circ}10'54''$ West 89.09 feet; thence North $3^{\circ}35'14''$ West, 103.99 feet; thence North $28^{\circ}17'38''$ East, 140.06 feet; thence North $19^{\circ}19'30''$ East 76.50 feet; thence North $11^{\circ}20'10''$ East 121.42 feet; thence North $26^{\circ}03'22''$ East 108.71 feet; thence North $0^{\circ}09'26''$ West 65.02 feet to the South line of the North half of the Southwest quarter of the Northwest quarter of said Section 8; thence continue North $0^{\circ}09'26''$ West 383.87 feet; thence North $55^{\circ}39'02''$ East 34.69 feet; thence South $77^{\circ}20'18''$ East 102.55 feet; thence South $58^{\circ}10'34''$ East 133.69 feet; thence North $67^{\circ}59'14''$ East 39.16 feet; thence North $34^{\circ}29'20''$ East 166.02 feet; thence North $28^{\circ}47'16''$ East 142.76 feet; thence North $24^{\circ}26'16''$ East 56.54 feet to the North line of the Southwest quarter of the Northwest quarter of said Section 8; thence South $86^{\circ}15'06''$ East on said North line 505.71 feet to the East line of the Southwest quarter of the Northwest quarter; thence South $6^{\circ}13'49''$ West on said East line 1358.95 feet to said South line of the Southwest quarter of the Northwest quarter; thence North $84^{\circ}48'28''$ West on said South line 940.64 feet;

The Southwest quarter of the Northwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$);

The North half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$);

The South half of the Southeast Quarter of the Northwest Quarter ($S\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$);

The North half of the Northeast quarter of the Southwest quarter ($N\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$).

Defendants William J. Pape and Betty D. Pape own

A portion of the Northwest quarter of Section 8, more particularly described as follows: Commencing

at the Northwest corner of said Section 8; thence South $87^{\circ}42'06''$ East on the North line of said Section 8, 343.99 feet to the point of beginning of the tract to be described herein; thence continue South $87^{\circ}42'06''$ East on said North line 2299.39 feet to the Northeast corner of the Northwest quarter of said Section 8; thence South $6^{\circ}03'10''$ West on the East line of said Northwest quarter, 696.12 feet to the Southeast corner of the North half of the North half of the Northwest quarter; thence North $86^{\circ}58'33''$ West on the South line of said North half of the North half of the Northwest quarter 2223.51 feet; thence North $20^{\circ}39'23''$ West, 169.28 feet; thence North $12^{\circ}51'01''$ West 38.10 feet; thence North $45^{\circ}02'23''$ West 53.15 feet; thence North $38^{\circ}46'17''$ West 63.32 feet; thence North $1^{\circ}27'17''$ West 91.17 feet; thence North $35^{\circ}11'09''$ East 87.09 feet; thence North $2^{\circ}22'18''$ East 52.52 feet; thence North $33^{\circ}20'12''$ East 82.89 feet; thence North $24^{\circ}39'22''$ East 110.63 feet to the point of beginning;

Defendants Ralph Knight and Edith May Knight own

The North half of the Northwest quarter of the Southwest quarter ($N\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$).

Defendants Marion F. Sanders and Billie B. Sanders own

The South half of the Northwest quarter of the Southwest quarter ($S\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$).

Defendant Frances Heard Billups, as Trustee, owns

The South half of the Northeast quarter of the Southwest quarter ($S\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$);

The Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$); and

The Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and that property described in deed recorded in Book 2193 at Page 434 in the office of the Clerk and Recorder of El Paso County, Colorado.

Defendants Gerold W. Weakland and Vesta L. Weakland own

The East half of the Southwest quarter of the Southwest quarter ($E\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$).

Defendants Fred E. Cornell and Patricia F. Cornell own

The Southeast quarter of the Northwest quarter of the Southeast quarter ($SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$), the Northeast

quarter of the northwest quarter of the Southeast quarter ($NE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$) and the North half of the Northeast quarter of the Southeast quarter ($N\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$);

The South half of the Northeast quarter of the Southeast quarter ($SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$).

Defendant Velma J. Barnes owns

The West half of the Southeast quarter of the Southeast quarter ($W\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$), except that part thereof described in deed recorded in Book 2193 at Page 434 in the office of the Clerk and Recorder of El Paso County, Colorado.

Defendants Gus L. Santerre and Marilyn J. Santerre own

The West half of the Northwest quarter of the Southeast quarter ($W\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$).

Defendants K. C. Wofford and Claude R. Blue own

The East half of the Southeast quarter of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$).

Defendants David H. Biggs and Daisy J. Biggs own

The West half of the Southwest quarter of the Southwest quarter ($W\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$).

Defendants Leonard L. Wilson and Emily May Wilson own

A portion of the Northwest quarter of Section 8, more particularly described as follows: Beginning at the Southwest corner of the Northwest quarter of said Section 8; thence North $6^{\circ}25'01''$ East on the West line of said Section 8, 662.83 feet to the North line of the South half of the Southwest quarter of the Northwest quarter of said Section 8; thence South $85^{\circ}31'43''$ East on said North line 428.37 feet; thence South $0^{\circ}09'26''$ East 65.02 feet; thence South $26^{\circ}03'22''$ West 108.71 feet; thence South $11^{\circ}20'10''$ West 121.42 feet; thence South $19^{\circ}19'30''$ West 76.50 feet; thence South $28^{\circ}17'38''$ West 140.06 feet; thence South $3^{\circ}35'14''$ East 103.99 feet; thence South $27^{\circ}10'54''$ East 89.09 feet to the South line of the Northwest quarter of said Section 8; thence North $84^{\circ}42'28''$ West on said South line of the Northwest quarter 386.79 feet to the point of beginning.

And Defendants Irvin W. Sherwood and Bettye Ann Sherwood own

The South half of the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of the Northwest quarter.

In said Section 17:

Defendant Fred M. Cassidy owns

The West half of the Southwest quarter of the Northeast quarter ($W\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$).

Defendant William D. Barnes owns

The East half of the Southwest Quarter of the Northeast quarter ($E\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$).

Defendant K. C. Wofford, as Trustee, owns

Part of the West half ($W\frac{1}{2}$) of the East half ($E\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section 17, Township 16S Range 67 West of the 6th P.M.; Commencing at the Northeast corner of said Section 17; thence North $81^{\circ}50'42''$ West along the North line of said Section 17, 668.28 feet; thence South $0^{\circ}27'35''$ East on the East line of said West half of the East half of the said Northeast quarter 507.05 feet to the point of beginning. Thence continue on last course, 443.67 feet; thence North $82^{\circ}19'43''$ West 667.87 feet to the West line of said West half of the East half of the Northeast quarter; thence North $0^{\circ}26'06''$ West along said West line 446.30 feet; thence South $82^{\circ}06'11''$ East, 668.06 feet to the point of beginning.

Defendant John C. Ocken owns

Part of the West half of the East half of the East half of the Northeast quarter of Section 17, Township 16, Range 67 West of the 6th P.M.; Commencing at the Northeast corner of said Section 17, thence South $0^{\circ}29'04''$ East 2520.21 feet to the Southeast corner of said Northeast quarter; thence North $83^{\circ}07'25''$ West 333.65 feet to the point of beginning; thence continue on last course 333.65 feet to the West line of said West half of the East half of the East half; thence North $0^{\circ}27'35''$ West along said West line 1858.68 feet; thence South $88^{\circ}42'42''$ East 192.89 feet; thence North $50^{\circ}33'47''$ East, 177.09 feet; thence South $0^{\circ}28'20''$ East 2006.74 feet to the point of beginning.

Plaintiff owns

In Section 7, Township 16 South, Range 67 West
of the 6th Principal Meridian in El Paso County,
Colorado:

North half of Southwest quarter of the Southeast quarter
($N\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$)

South half of the Southeast quarter of the Southeast
quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$)

North half of the Southeast quarter of the Southeast
quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$)

In Section 17, Township 16 South, Range 67 West
of the 6th Principal Meridian in El Paso County,
Colorado:

West half of the Northwest quarter of the Northeast
quarter ($W\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$)

The Southeast quarter of the Northwest quarter of the
Northeast quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$)

The Northeast quarter of the Northwest quarter of the
Northeast quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$)

All of the East half of the Northeast quarter of said
Section 17, except:

- (1) Beginning at the Southwest corner of said East
half, run thence North $0^{\circ}26'06''$ West on the West
line of said East half of said Northeast quarter
1593.63 feet to the point of beginning of the
tract to be hereby described; thence continuing
on same course 446.3 feet; thence North $82^{\circ}06'11''$
West 668.06 feet; thence South $0^{\circ}27'35''$ East
443.67 feet; thence North $82^{\circ}19'43''$ West 667.87
feet to the point of beginning;
and
- (2) Beginning at a point 333.65 feet West on the
South line of the Northeast quarter of said Sec-
tion from the Southeast corner thereof; thence
continuing North $83^{\circ}07'25''$ West on said South
line 333.65 feet to the West line of the West
half of the East half of the East half of said
Section 17; thence North $0^{\circ}27'35''$ West along
said West line 1858.68 feet; thence South $88^{\circ}42'42''$
East 192.89 feet; thence North $50^{\circ}33'47''$ East
177.09 feet; thence South $0^{\circ}28'20''$ East
2006.74 feet to the point of beginning;
and
- (3) That tract in said Section 17 described in deed
recorded in Book 2193 at Page 434 in said office,
owned by Defendant Velma J. Barnes.

NOTE: All ownerships of property in this decree related
as of October 13, 1967, the date this claim was
commenced.

4. The owners of said Section 16 and the South half of the Southwest quarter of Section 15 may, at their discretion, erect and maintain three gates, one at or near the point where said road intersects the East line of said Section 16, one at or near the point where the road intersects the West line of said Section 16 and one where the road terminates at the right of way line of State Highway 115 with the duty on the users of the road to close the gates after use. The owners and their heirs and assigns of the servient estate may use the aforesaid road and may erect thereon such cattle guards as they may need; provided, however, the construction of the cattle guards shall be accomplished in a manner so as not to obstruct passage or travel on the road. A lock on one or more gates may be maintained if an agreement among the owners of the dominant and servient estates of the road is entered into so providing.

5. Any landowner over whose property the said private road is located may post a sign, not obstructing travel thereon, notifying the general public to the effect that the road is a private road and that any person using the road and not having the right to use the road would be considered a trespasser.

6. The road constructed upstream and along little Turkey Creek and one of its tributaries, which is now graded and running through Sections 17 and 8 to the

to the lands to the West thereof now owned by R. C. Davis, is declared to be a private road for the use and benefit of the now owners of said lands and any lessee thereof and such others as now have the right to use the same. The owners of the servient estate may erect gates thereon and may by agreement lock one or more of them and may erect thereon signs in the same manner as provided in paragraph 4 hereof.

7. The easement herein established does not authorize any user thereof to deviate or depart from the right of way thereof onto the adjoining real property.

8. All counts of the Amended Complaint and of the Supplemental Complaint, other than Counts Six and Seven, are hereby dismissed. All parties shall bear their own costs.

Done in open Court this 11th day of June, 1968, at Colorado Springs, El Paso County, Colorado.

BY THE COURT:

B. Russell Miller
JUDGE

APPROVED:

HANEY, HOWBERT & AKERS

BY Robert J. Mason

GIBSON, GIBSON, COLE & GERDES

BY George M. Miller
Attorneys for Plaintiff

MURRAY, BAKER & WENDELKEN

By [Signature]

Attorneys for Defendant Hutchison

[Signature]

KARL R. ROSS
Attorney for Defendants Fred E.
Cornell, Patricia F. Cornell,
Marion F. Sanders and Billie B.
Sanders

TARTER AND TARTER

By [Signature]

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