

EASEMENT QUITCLAIM DEED

THIS EASEMENT QUITCLAIM DEED, by and between Tony Ray, Grantor, and Action Excavating and Landscaping, Inc., a Colorado corporation, Grantee,

WITNESSETH:

WHEREAS, Grantor's real property (El Paso County, Colorado, Assessor's Parcel and Schedule No. 74104-12-001; and Grantee's real property (El Paso County, Colorado, Assessor's Parcel and Schedule No. 74104-00-004), of which the easement herein granted is a part, is contiguous to

WHEREAS, Grantor desires to grant in perpetuity a triangular easement parcel to Grantee to enable Grantee to have enhanced accessway space to, from and within, and an area on which a retaining wall may be placed for support of, Grantee's real property; and,

WHEREAS, Grantee, as consideration for such easement grant hereby agrees, and by the acceptance and recording of this Easement Quitclaim Deed hereby acknowledges and confirms, that Grantee, for so long as Grantor owns the Shadow Mountain Mobile Home Park (2701 West Robinson Street) as presently configured on Grantor's real property contiguous to Grantee's real property (2915 West Robinson Street), shall grade and maintain with a road base of Grantee's choice the roads within such mobile home park, the frequency of the grading and maintenance to be as and when the Grantor and Grantee, mutually, in their joint discretion, may determine is needed;

NOW, THEREFORE, in consideration of the recitals hereof and of the reliance of the parties upon this instrument, Grantor hereby sells, transfers, and quitclaims to Grantee, an exclusive easement on, under, over, along and across that portion of Grantor's real property described in EXHIBIT A, attached hereto, for improvements, installations, maintenance, and use, in Grantee's discretion, for utility lines, cables, conduits, wires, pipes and incidental facilities, for pedestrian, vehicular, and equipment accessway purposes to, from and within Grantee's real property and for the construction and maintenance of a retaining wall in support of all or any portion of Grantee's real property. Such easement shall be perpetual and shall run with Grantee's real property as an automatic appurtenance to and of such real property.

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TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise hereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee and its heirs, successors in interest and assigns forever.

Grantee's Address: 3533 West Colorado Avenue
Colorado Springs, Colorado 80904

SIGNED AND DELIVERED this 10th day of November, 1999, at Colorado Springs, Colorado.

Tony Ray
Tony Ray, Grantor

STATE OF COLORADO)
) ss
) COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me by Tony Ray on this 10th day of November, 1999.

Witness my hand and official seal.

My commission expires: _____

STEPHANIE L. HICKS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires November 23, 2002

Stephanie L. Hicks
Notary Public

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"EXHIBIT A"
(To Easement Quitclaim Deed)

LEGAL DESCRIPTION:

A portion of the Southeast One-Quarter of Section 10, Township 14 South, Range 67 West of the 6th P.M., also being a portion of that parcel described by deed (Book 1467, Page 153, El Paso County, Colorado records), situate in the city of Colorado Springs, El Paso County, Colorado, described as follows:

Beginning at the most Easterly corner of CHICO SUBDIVISION (Plat Book E-5, Page 128, said El Paso County records) (all bearings in this description are relative to those platted in said SUBDIVISION); thence S 76° 31' 44" E along the Easterly extension of the Northerly line of said SUBDIVISION, said line also being coincident with the Southerly right-of-way line of Robinson Street, 16.00 feet; thence S 39° 17' 32" W, 424.72 feet to the most Southerly corner of said SUBDIVISION; thence N 37° 19' 04" E along the Southeasterly line of said SUBDIVISION, 418.00 feet to the point of beginning;

Containing 0.07 (3,059 square feet), more or less.

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