

LETTER OF INTENT

**El Paso County
Development Services Department
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910**

May 28, 2020

**RE: Letter of Intent re Request for Subdivision Exemption
Mountain View Electric Association, Inc.
Vollmer MVEA Substation at Sterling Ranch**

Dear Ladies and Gentlemen:

NEED FOR THE PROJECT

Mountain View is a Colorado cooperative electric utility rendering retail electric service in eight counties in eastern Colorado, including major portions of El Paso County. Mountain View holds a Certificate of Public Convenience and Necessity from the Colorado Public Utilities Commission for its service territory.

Tri-State Generation and Transmission Association, Inc. (Tri-State) is Mountain View's wholesale electricity provider and will own and operate the "high side" of the proposed substation.

This Letter of Intent is submitted in support of a request for approval of a subdivision exemption for the development of a 115kv to a 12.5kv substation. The primary purpose of this substation is to transform voltage from 115kv to 12.5kv which is less than 50kV. The substation is necessary to serve the new residential development in area surrounding the proposed exempt parcel known as the Sterling Ranch Subdivision.

THE PROPOSED SUBSTATION PROPERTY

The proposed exempt parcel's location and size are depicted in the survey plat attached hereto at Exhibit A.

This Association is an equal opportunity provider and employer.

Falcon: 11140 E. Woodmen Rd., Falcon, CO 80831
Limon: 1655 5th St., P.O. Box 1600, Limon, CO 80828
Monument: 15706 Jackson Creek Pkwy, Suite 100, Monument, CO 80132

www.mvea.coop • (800) 388-9881
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El Paso County
Development Services Department
Page 2
May 28, 2020

This parcel is eligible for exemption pursuant to § 7.2.2(E)(6)(d) of the El Paso County Land Development Code.

Applicant has reviewed El Paso County's Small Area Master Plan for the Falcon/Peyton Area, and the requested exemption does not conflict with the goals and principles set forth therein. The proposed exemption and new parcel do not conflict with the Master Transportation Corridor and Parks Master Plans in the vicinity. Site location is included in El Paso County planning file number ASS1196 requesting a 1041 permit.

IMPROVEMENTS

Mountain View and Tri-State plan to construct, operate, and maintain the aforementioned substation necessary on the parcel it is requesting be exempted.

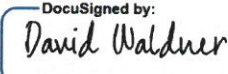
SUMMARY

Mountain View believes that approval of this request complies with all requirements of the El Paso County Land Development Code, and that is a benefit to the MVEA consumers in El Paso County service area and neighboring properties. Mountain View requests approval of the Subdivision exemption plat for the proposed substation.

Accompanying the Petition are exhibits that relate to this request. These exhibits are listed below.

Respectfully submitted,

MOUNTAIN VIEW ELECTRIC
ASSOCIATION, INC.

By: 
David J. Waldner, Manager of Engineering

Exhibits to the Application:

Exhibit A: Exemption Survey Plat

Exhibit B: Grading, Erosion and Sediment Control Plan

Additional Documentation Submitted Herewith:

Adjacent Property Owner Notification (letters and certified mail receipts)

Application Petition

Legal Description in MS Word format

Title Commitment (current within 30 days)

Vicinity/Location Map

ZORN & RICHARDSON, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

EDWARD L. ZORN
elzorn@zornlawoffice.com

MATTHEW J. RICHARDSON
mjrichardson@zornlawoffice.com

RAYMOND M. LAWS
rmlaws@zornlawoffice.com

May 27, 2020

El Paso County
Development Services Department
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910

Re: Mineral Ownership at Vollmer MVEA Substation at Sterling Ranch

Dear Ladies and Gentlemen:

I have reviewed Fidelity National Title Company's Commitment No. 570-F0580148-370-CSP, Amendment No. 7 issued on January 22, 2020 (the "Commitment") in connection with the above-referenced subdivision exemption application. I have also reviewed certain documents referenced therein and recorded in the El Paso County Real Estate Records, as well as other recorded real estate documents not specifically referenced in the Commitment. Based on that review, I believe there are no severed mineral interests on the subject property.

As referenced in Exception 8 of the Commitment, Ralph Bennett and Opal Bennett reserved a ½ interest in the minerals by virtue of Deed recorded February 24, 1954 in Book 1419 at Page 198. Mr. and Mrs. Bennett owned those minerals as joint tenants, as evidenced by their 1952 vesting Deed recorded in Book 1383 at Page 295. The remainder of the chain of title with regard to the severed half-interest is as follows (supporting documents referenced below are enclosed):

1. Opal Bennett predeceased Ralph Bennett in 1976 and he became the sole owner of their half-interest in the minerals. Opal's death certificate was recorded in 1979 in Book 3162 at Page 299.
2. After Ralph passed away, the entire one-half interest was transferred to the Ralph Bennett and Opal L. Bennett Trust via the 1987 Deed recorded in Book 5350 at Page 1364.
3. The Ralph Bennett and Opal L. Bennett Trust's interest was transferred to Mountain View Properties in 1988 by the Deed recorded in Book 5504 at Page 1439.
4. Mountain View Properties transferred its interest to Mountain View Properties of Peyton, LLP in 2003 by the Deed recorded at Reception No. 203129447.
5. Mountain View Properties of Peyton, LLP transferred its interest to the Carla W. Dines Trust Under Article III of the Thomas M. Dines Life Insurance Trust Agreement Dated October 8, 1960 and the Dines Family Trust Under Article III of the Thomas M. Dines Life

Insurance Trust Agreement Dated October 8, 1960 in 2006 by the Deed recorded at Reception No. 206045406.

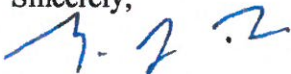
6. Morley-Bentley Investments Inc received the Carla W. Dines Trust Under Article III of the Thomas M. Dines Life Insurance Trust Agreement Dated October 8, 1960 and the Dines Family Trust Under Article III of the Thomas M. Dines Life Insurance Trust Agreement Dated October 8, 1960's interest in 2006 by the Deed recorded at Reception No. 206045408.

By the 2006 Deed to Morley-Bentley Investments Inc referenced above, ownership of the severed minerals merged with the surface ownership. The other half-interest in the minerals has stayed with the surface ownership for the relevant history of the parcel. Therefore, it does not appear that there are any severed mineral interest owners entitled to notice of this application for subdivision exemption.

If you desire any further clarification, please let me know and I will do my best to supply the same.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. J. Richardson', with a stylized flourish at the end.

Matthew J. Richardson

4 17 87

01554148

1987 APR 17 AM 10:22

BOOK 5350 PAGE 1364

ARDIS H. SCHMITT
El Paso County Clerk & Recorder

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That REX L. BENNETT, Personal Representative of the Estate of RALPH BENNETT, Deceased, of the County of El Paso and State of Colorado, for the consideration of ONE DOLLARS and other good and valuable considerations, in hand paid, hereby sells and quit claims to REX L. BENNETT and DARRELL D. THOMAS as Co-Trustees of the RALPH BENNETT and OPAL L. BENNETT TRUST dated December 18, 1970, of the County of El Paso and State of Colorado, whose mailing address is P. O. Box 634, Colorado Springs, Colorado 80901, the following real property, situate in the County of El Paso and State of Colorado, to-wit:

All of my right, title and interest in and to the minerals in and under or that may be produced from the following property situate in El Paso County, Colorado, to-wit:

All of Section 34 in Township 12 South Range 65 West of the 6th P.M., El Paso County, Colorado.

with all its appurtenances.

Signed and delivered this 30th day of March, 1987.

STATE DOCUMENTARY

APR 17 1987

SEE \$ *None*

Rex L. Bennett
Rex L. Bennett, Personal Representative of the Estate of Ralph Bennett, Deceased.

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

The foregoing instrument was acknowledged before me this 30th day of March, 1987, by Rex L. Bennett, Personal Representative of the Estate of Ralph Bennett, Deceased.

Witness my hand and official seal.

My commission expires: 5-6-89



Phyllis J. Ruse
Notary Public

RETURN TO

DARRELL D. THOMAS
WALTA YEMMELT
SOS AYIUS OLIMHEV TWA
SOSAYIUS OLIMHEV TWA

Form 11

STATE OF COLORADO
DEPARTMENT OF LAW

RELEASE OF INHERITANCE TAX LITIGATION

Estate of ELIZABETH LENNON
Date of Death MAY 25, 1951

It appeared to the attorney general that it is not necessary to require the Government to prove that the defendant was actually engaged by the Colorado inheritance tax law against the Government, but that it is sufficient to show that the defendant was a resident in which the above named decedent lived at his death, and that the estate in which the above named decedent lived at his death was not transferred to him under the provisions of the Colorado inheritance tax law. Associated with this opinion is a letter from the attorney general to the Colorado Attorney General, dated June 1, 1930, in which the attorney general stated that the Colorado inheritance tax law is not applicable to the Colorado inheritance tax law, and that the Colorado inheritance tax law is not applicable to the Colorado inheritance tax law.

Dated at Denver, Colorado,

UCT0EEF 30 1B5 2

Net Weight

NOTE—This release involves property in a situation which the property is situated.

Balance of Inheritance Tax Lien

STATE OF COLORADO,
County of _____

I hereby certify that this instrument was
filed for record in my office at 3:36 o'clock
PM NOV 13 1952 1952

and is only recorded in Book 1363

CHARLES OZIAS

By Myrtle Thompson

Book 1383 Page 235
RECORDED
CHIEF CLERK
10 37
NOV 13 1892
NATTLE THOMPSON DEPUTY

John Berry, Made-Gris 10th day of November In the year of our Lord
between **RALPH BENNETT** .
of Richmond

of the County of _____, State of Colorado, of the first part, and

RAUL BERNETT and OPAL DEE BERNETT
of the County of _____, State of Colorado, of the second part

[illegible][illegible][illegible][illegible][illegible]

...and all other beneficial elements across any part of said premises, if any, and secure the same, together with all other rights, franchises and licenses for oil, coal, gas and all other minerals which are now or hereafter may be discovered.

of this, however, taken and demand realisation of the said part 7 of the first part, either in law or in fact, to the corresponding provisions, with the amendments and approximations.

[illegible]

and the above-mentioned premises in the quiet and peaceable possession of the said parties of the second part, to have and to hold, they and theirs, their heirs and assigns, to each and every of them, their heirs and assigns, of such part, term, quantity and value, unto each and every person of the first part thereof, to divide the whole or any part thereof, the said part *Y* of the first part shall and lawfully may.

WALL STAND FOREVER DEFEND.
 In the presence of the said party of the first part hereto set out
 and read, the said party of the first part above written,
 do hereby certify and declare in the presence of
Naomi Bennett hand

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS
500 5TH AVENUE
NEW YORK 17, N. Y.

The foregoing instrument was acknowledged before me this _____ day of _____ 19____
by _____

Without my hand and official seal.
My commission expires _____
Edward O. Miller
Notary Public

My commission expires January 8, 1906



TRUSTEE'S SPECIAL WARRANTY DEED

4,592.18
DF

~~4,592.18~~
~~00005~~

THIS TRUSTEE'S SPECIAL WARRANTY DEED ("Deed"), made on this 29 day of March, 2006, between **THE CARLA W. DINES TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960** (the "Carla W. Dines Trust") and **THE DINES FAMILY TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960** (the "Dines Family Trust") (collectively "Grantors"), whose address is 1740 Broadway, Denver, CO 80274, and **MORLEY-BENTLEY INVESTMENTS, LLC**, a Colorado limited liability company, whose address is 15 North Nevada, Colorado Springs, CO 80903 ("Grantee").

WHEREAS, during his lifetime, Thomas M. Dines established the Thomas M. Dines Life Insurance Trust Under Agreement dated October 8, 1960 (the "Life Insurance Trust"), which was subsequently amended by a First Amendment to Thomas M. Dines Life Insurance Trust dated March 2, 1962 (the "First Amendment"), and by a Second Amendment to Thomas M. Dines Life Insurance Trust dated May 15, 1964 (the "Second Amendment"). Thomas M. Dines made and executed his Last Will and Testament dated October 13, 1960 (the "Will"), as amended by The First Codicil to the Last Will and Testament of Thomas M. Dines dated March 2, 1962 (the "First Codicil"), and The Second Codicil to the Last Will and Testament of Thomas M. Dines dated May 15, 1964, (the "Second Codicil"). The Will, First Codicil and Second Codicil were duly admitted to probate by the District Court in and for the City and County of Denver, State of Colorado, Probate No. P-39746. The Will devised property owned by Thomas M. Dines to the Life Insurance Trust; and

WHEREAS, by Trustee's Deed dated effective February 26, 1966, the property described below, which was owned by the Life Insurance Trust, was distributed to Grantors, as tenants in common in the following shares and proportions:

As to The Carla W. Dines Trust, and its successors and assigns, an undivided 58.55% interest in and to the Property; and

As to The Dines Family Trust, and its successors and assigns, an undivided 41.45% interest in and to the Property; and

WHEREAS, Grantors have determined that it is in the best interest of the Trusts to sell the property described below to Grantee, and Grantors are authorized by the Carla W. Dines Trust and by the Dines Family Trust to sell the property and distribute same to Grantee;

WITNESSETH, that Grantors, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, convey, and confirm unto Grantee, and Grantee's successors and assigns forever, all of the following described real property, situate, lying, and being in the County of El Paso, Colorado, more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"),

After recording return

Lawyers Title Insurance Corporation
114 E. Pikes Peak Avenue, Suite 100
Colorado Springs, CO 80903

LTPP 23/3

LTCS

subject to the covenants and restrictions set forth below,

TOGETHER with all and singular the hereditaments and appurtenances, and fixtures, if any, belonging to the Property, or in anyway appertaining to the Property, and the reversion and reversions, remainder and remainders, rents, issues, and profits of the Property; and all of Grantors' estate, right, title, interest, claim, and demand whatsoever, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, but subject, however, to taxes and assessments for 2006 and thereafter, and easements, rights-of-way, covenants, restrictions and reservations of record, and subject further to the following restrictions:

1. No owner of all or any portion of the Property shall: (1) seek any future mining permits in connection with the Property; (2) mine sand, gravel or other aggregate following March 31, 2009, which is the expiration of the Aggregate Lease which is recorded at Reception No. 200081216 in the El Paso County, Colorado records (the "Lease"); (3) extend the term of the Lease beyond March 31, 2009; or (4) establish a mining plant or processing plant on the Property; and
2. Development of a golf course or golf courses with more than nine (9) holes on all or any portion of the Property shall be prohibited.

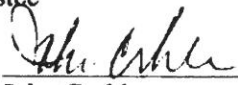
TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, and Grantee's successors and assigns, forever. Grantors, for Grantors, and for Grantors' heirs, personal representatives, successors, and assigns, covenant and agree that Grantors shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's successors and assigns, against all and every person or persons claiming the whole or any part of the Property, by, through, or under Grantors.

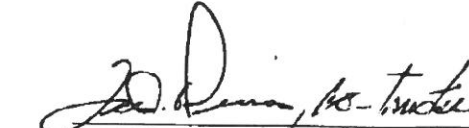
IN WITNESS WHEREOF, this Deed has been executed as of the date first written above.

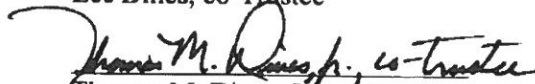
GRANTORS:

**THE CARLA W. DINES TRUST
UNDER ARTICLE III OF THE
THOMAS M. DINES LIFE
INSURANCE TRUST AGREEMENT
DATED OCTOBER 8, 1960**

Wells Fargo Bank, N.A.,
co-Trustee


By: 
Name: John Corkle
Title: Vice President

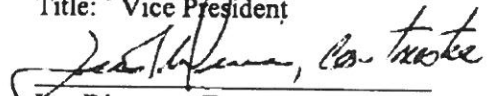

Lee Dines, co-Trustee

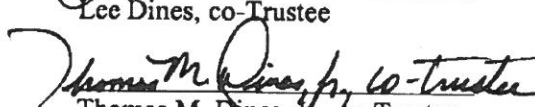

Thomas M. Dines, Jr., co-Trustee

**THE DINES FAMILY TRUST
UNDER ARTICLE III OF THE
THOMAS M. DINES LIFE
INSURANCE TRUST AGREEMENT
DATED OCTOBER 8, 1960**

Wells Fargo Bank, N.A.,
co-Trustee

By: 
Name: John Corkle
Title: Vice President


Lee Dines, co-Trustee


Thomas M. Dines, Jr., co-Trustee

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

The foregoing instrument was acknowledged before me this 15 day of March, 2006, by John Corkle, as Vice President of Wells Fargo Bank, N.A., co-trustee of THE CARLA W. DINES TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960 and THE DINES FAMILY TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960.

WITNESS my hand and official seal.

My commission expires: _____

[SEAL]

DIXIE POWERS NOTARY PUBLIC STATE OF COLORADO
--

My Commission Expires 9/11/2006


Notary Public

STATE OF COLORADO)
) ss.
CITY AND EL PASO)

The foregoing instrument was acknowledged before me this 15 day of March, 2006, by Thomas M. Dines, Jr., as co-trustee of THE CARLA W. DINES TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960 and THE DINES FAMILY TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960.

WITNESS my hand and official seal.

My commission expires: _____

[SEAL]

DIXIE POWERS NOTARY PUBLIC STATE OF COLORADO
--

My Commission Expires 9/11/2006


Notary Public

STATE OF Hawaii)
) ss.
COUNTY OF Mauai)

The foregoing instrument was acknowledged before me this 14th day of March, 2006, by Lee Dines, as co-trustee of THE CARLA W. DINES TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960 and THE DINES FAMILY TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960.

WITNESS my hand and official seal.

My commission expires: 5/29/09

[SEAL]



Notary Public

Loreli Hilleary

Exhibit "A"

PARCEL A:

THE WEST HALF OF THE WEST HALF OF THE EAST HALF AND EAST HALF OF THE WEST HALF AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27; THE EAST HALF OF THE SOUTHEAST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 28; THE WEST HALF OF THE EAST HALF AND THE WEST HALF OF SECTION 34; THE EAST HALF AND THE EAST HALF OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 33 LYING SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33 LYING SOUTH AND EAST OF SAID COUNTY ROAD, DEEDED TO COLORADO INTERSTATE GAS COMPANY BY WARRANTY DEED RECORDED IN BOOK 1173 AT PAGE 359; AND THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTHEAST OF THE COUNTY ROAD KNOWN AS VOLLMER ROAD, OF SECTION 32 EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32 DEEDED TO J. MARCUS BROWN BY TRUSTEES' DEED RECORDED IN BOOK 3292 AT PAGE 168; ALL IN TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO.

Robert C. Balink El Paso Cty, CO

06/11/2003

01:10

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\$0.00

Page

Rec

\$10.00

1 of 2



QUIT CLAIM DEED

(statutory form)

KNOW ALL MEN BY THESE PRESENTS, That MOUNTAIN VIEW PROPERTIES, A Partnership ("Grantor"), whose mailing address is P.O. Box 124, Colorado Springs, CO 80901, for the consideration of One Dollar and other good and valuable considerations in hand paid, hereby sells and quit claims to MOUNTAIN VIEW PROPERTIES OF PEYTON, LLP, a Colorado limited liability partnership ("Grantee"), whose mailing address is P.O. Box 124, Colorado Springs, CO 80901, its entire interest in the following real property situated in the County of El Paso and State of Colorado, to wit:

All of our right, title and interest in and to all oil, gas, and other minerals and mineral rights in, upon and under the below described land, as reserved in the Deed Recorded in Book 1419 at Page 198, Records of El Paso County, Colorado:

The West Half of Section 26, all of Section 34, the East Half and the East Half of the West Half of Section 27, the Southwest Quarter of the Southwest Quarter of Section 27, the East Half of the Southeast Quarter of Section 28, the East Half, the East Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 33; the Southeast Quarter of the Southeast Quarter of Section 32 and all that part of the Southwest Quarter of the Southeast Quarter of Section 28 and of the Northwest Quarter of Section 33 lying South and East of the County Road across said premises, all in Township 12 South, Range 65 West; also the East Half of Section 3, the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of Section 3, the Northeast Quarter of the Northeast Quarter of Section 8, the North Half of the Northwest Quarter and the North Half of the Northeast Quarter of Section 9, and the Northwest Quarter of the Northwest Quarter of Section 10, all in Township 13 South, Range 65 West of the 6th P.M.

with all its appurtenances subject to existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed.

Signed and delivered this 7th day of April, 2003.

MOUNTAIN VIEW PROPERTIES,
a Partnership:

Sharon R. Bennett-Cullers
SHARON R. BENNETT-CULLERS, Partner

Janice Bennett Good
JANICE BENNETT GOOD, Partner

STATE OF COLORADO)
COUNTY OF EL PASO) ss:

The foregoing instrument was acknowledged before me this 7 day of April, 2003, by SHARON R. BENNETT-CULLERS.

Witness my hand and official seal.



Patricia A. Leggett
Notary Public

My Commission Expires: 11/17/2003 MY COMMISSION EXPIRES

STATE OF COLORADO)
COUNTY OF El Paso) ss:

The foregoing instrument was acknowledged before me this 27 day of March, 2003, by JANICE BENNETT GOOD.

Witness my hand and official seal.



Annette Casados
Notary Public
My Commission Expires 5/9/2005



206045406

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made on March ²⁹, 2006, between MOUNTAIN VIEW PROPERTIES OF PEYTON, LLP, a Colorado limited liability partnership ("Grantor"), whose address is P. O. Box 124, Colorado Springs, Colorado 80901, and THE CARLA W. DINES TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960 (the "Carla W. Dines Trust") and THE DINES FAMILY TRUST UNDER ARTICLE III OF THE THOMAS M. DINES LIFE INSURANCE TRUST AGREEMENT DATED OCTOBER 8, 1960 (the "Dines Family Trust") (collectively "Grantees"), whose address is 1740 Broadway, Denver, CO 80274;

WHEREAS, Grantor owns certain severed mineral rights in, upon and under certain lands located in El Paso County, Colorado, and more fully described below, together with the full and free right to enter upon said premises and use so much of the surface thereof as may be reasonably necessary for operating, drilling and marketing the production thereof beneath a part of the surface estate owned by Grantee (the "Mineral Interest"); and

WHEREAS, Grantee has negotiated a sale of the surface estate and requires, as a condition of the sale, that the Mineral Interest owned by Grantor be extinguished inasmuch as it covers lands owned by Grantee, so that it will not be an exception to title to the property; and

WHEREAS, Grantee has solicited Grantor to sell the Mineral Interest described below inasmuch as it covers the surface estate owned by Grantee, and Grantor is willing to sell and convey the Mineral Interest to Grantee to accommodate its sale of such real property;

KNOW ALL MEN BY THESE PRESENTS THAT Grantor, for and in consideration of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has remised, released, sold and quit claimed, and by these presents does remise, release, sell and quit claim unto Grantee all of Grantor's right, title and interest in and to the following described real property ("Property"), subject to the covenants set forth below:

W/2 of the W/2 of the E/2 and the E/2 of the W/2 and the SW/4 of the SW/4 of Section 27, and

E/2 of the SE/4 and that portion of the SW/4 of the SE/4 lying South and East of the County Road known as Vollmer Road of Section 28, and

W/2 of the E/2 and the W/2 of Section 34, and

E/2 and the E/2 of the SW/4 and the SW/4 of the SW/4 of Section 33 and all that part of the NW/4 of Section 33 lying South and East of the County Road known as Vollmer Road, except that portion of the SW/4 of the NW/4 of said Section 33

{A0072660 / 1}

After recording return to
Lawyers Title Insurance Corporation
444 E. Pikes Peak Avenue, Suite 100
Colorado Springs, CO 80903

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\$230.00

lying South and East of said County Road deeded to Colorado Interstate Gas Company by Warranty Deed recorded in Book 1173 at Page 359, and

That portion of the SE/4 of the SE/4 of Section 32 lying South and East of the County Road known as Vollmer Road,

All in Township 12 South, Range 65 West of the 6th P.M., El Paso County, State of Colorado,

RESERVING, however, in Grantor all interests owned by Grantor outside the boundaries of the Property;

TOGETHER with all and singular the hereditaments and appurtenances belonging thereto, or in anyway appertaining thereto, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all of Grantor's estate, right, title, interest, claim, and demand whatsoever, either in law or equity, of, in and to the above bargained premises, with the hereditaments and any and all rights belonging to or used in conjunction therewith;

TO HAVE AND TO HOLD the premises above bargained and described, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, unto Grantee, and Grantee's successors and assigns, forever, subject to the following covenants, which shall run with the Property and be binding on and inure to the benefit of Grantee's successors and assigns, as tenants in common in the following shares and proportions:

As to The Carla W. Dines Trust, and its successors and assigns, an undivided 58.55% interest in and to the Property; and

As to The Dines Family Trust, and its successors and assigns, an undivided 41.45% interest in and to the Property.

No owner of all or any portion of the Property shall: (1) seek any future mining permits in connection with the Property; (2) mine sand, gravel or other aggregate following expiration of the Aggregate Lease (recorded at Reception No. 200081216 of the El Paso County, Colorado records) ("Lease") on March 31, 2009; (3) extend the term of the Lease beyond March 31, 2009; and (4) establish a mining plant or processing plant on the Property.

For purposes of this Quit Claim Deed and covenants, mining shall not include grading for subdivision purposes and an owner of the Property shall be entitled to sell dirt or overburden for purposes other than sand, gravel or other aggregate. These covenants shall expire on December 31, 2105.

IN WITNESS WHEREOF, this Deed has been executed as of the date first written above.

GRANTOR:

MOUNTAIN VIEW PROPERTIES OF PEYTON,
LLP, a Colorado limited liability partnership

By: Janice Bennett Good
Janice Bennett Good, General Partner

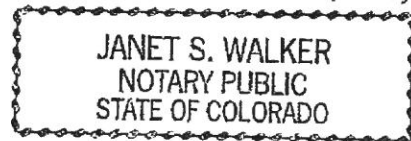
By: Sharon Bennett Cullers
Sharon Bennett Cullers, General Partner

STATE OF COLORADO)
COUNTY OF Chaffee) ss.

The foregoing instrument was acknowledged before me on March 14, 2006, by Janice Bennett Good, as General Partner of MOUNTAIN VIEW PROPERTIES OF PEYTON, LLP, a Colorado limited liability partnership.

WITNESS my hand and official seal.

My commission expires: 8-16-08



[SEAL]

Janet S. Walker
Notary Public

STATE OF COLORADO)
COUNTY OF El Paso) ss.

The foregoing instrument was acknowledged before me on March 15, 2006, by Sharon Bennett Cullers, as General Partner of MOUNTAIN VIEW PROPERTIES OF PEYTON, LLP, a Colorado limited liability partnership.

WITNESS my hand and official seal.

My commission expires: 12/7/08

[SEAL]



[Signature]
Notary Public

{A0072660 / 1}

My Commission Expires 12/07/2008

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STATE DOCUMENTARY

01699723

88 MAY -9 PM 3:29

BOOK 5504 PAGE 1439

MAY 9 1988
FILEDARDIS W. SCHMITT
EL PASO COUNTY
CLERK & RECORDER

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that REX L. BENNETT and DARRELL D. THOMAS as Co-Trustees of the RALPH BENNETT and OPAL L. BENNETT TRUST dated December 18, 1970, of the County of El Paso, State of Colorado, for the consideration of One Dollar and other good and valuable considerations, in hand paid, hereby sell and quit claim to MOUNTAIN VIEW PROPERTIES, A Partnership, whose mailing address is P. O. Box 634, Colorado Springs, Colorado, 80901, of the County of El Paso, and State of Colorado, the following described real property, situate in the County of El Paso and State of Colorado, to-wit:

All of our right, title and interest in and to all oil, gas and other minerals and mineral rights in, upon and under the below described land, as reserved in Deed recorded in Book 1419 at Page 198, Records of El Paso County, Colorado.

The West Half of Section 26, all of Section 34, the East Half and the East Half of the West Half of Section 27, the Southwest Quarter of the Southwest Quarter of Section 27, the East Half of the Southeast Quarter of Section 28, the East Half, the East Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 33; the Southeast Quarter of the Southeast Quarter of Section 32 and all that part of the Southwest Quarter of the Southeast Quarter of Section 28 and of the Northwest Quarter of Section 33 lying South and East of the County Road across said premises, all in Township 12 South, Range 65 West; also the East Half of Section 3, the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of Section 3, the Northeast Quarter of the Northeast Quarter of Section 8, the North Half of the Northwest Quarter and the North Half of the Northeast Quarter of Section 9, and the Northwest Quarter of the Northwest Quarter of Section 10, all in Township 13 South, Range 65 West of the 6th P.M.

With all of its appurtenances.

Signed and delivered this 5th day of May, 1988.

Rex L. Bennett
REX L. BENNETT
Darrell D. Thomas
DARRELL D. THOMAS
Co-Trustees of the RALPH BENNETT
and OPAL L. BENNETT TRUST dated
December 18, 1970.

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BOOK 5504 PAGE 1440

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this
5th day of May, 1988, by Rex L. Bennett and Darrell
D. Thomas, Co-Trustees of the Ralph Bennett and Opal L. Bennett
Trust dated December 18, 1970.

Witness my hand and official seal.

My Commission expires: May 6, 1989.



[Signature]
Notary Public

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COUNTY OF EL PASO STATE OF COLORADO, REC'D
 RECEIVED AT 11:00 O'CLOCK A.M. APR 12 1979
 RECEPTION NO. 543911 ARDIS W. SCHMITT Deputy

BOOK 3162 PAGE 299

STATE OF COLORADO
 CERTIFICATE OF DEATH

DATE REGISTERED BY STATE REGISTRAR

COLORADO STATE
 DEPARTMENT OF
 PUBLIC HEALTH
 (Rev. 1-68)

THIS IS A
 CERTIFICATE
 OF DEATH
 TO BE
 USED
 ON THE
 BASIS OF
 THE
 INFORMATION
 FURNISHED
 BY THE
 DECEASED
 OR BY
 THE
 PERSON
 WHOSE
 NAME
 IS
 GIVEN
 AS
 THE
 CAUSE
 OF
 DEATH
 OR
 BY
 THE
 PHYSICIAN
 OR
 CORONER
 WHO
 HAS
 EXAMINED
 THE
 BODY
 AND
 WHOSE
 NAME
 IS
 GIVEN
 AS
 THE
 CAUSE
 OF
 DEATH

LOCAL FILE NUMBER 785 Dist. 69		STATE FILE NUMBER	
DECEASED - NAME First Middle Last Opa Bennett		SEX F	
DATE OF BIRTH MONTH, DAY, YEAR June 11, 1976		DATE OF DEATH MONTH, DAY, YEAR June 11, 1976	
RACE White		CITY, TOWN OR LOCATION OF DEATH El Paso	
CITY, TOWN OR LOCATION OF BIRTH Colorado Springs		HOSPITAL OR OTHER INSTITUTION - NAME Penrose Hospital	
STATE OF BIRTH (IF NOT IN U.S.) Texas		COUNTRY OF BIRTH USA	
SOCIAL SECURITY NUMBER 901-01-6307		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Married	
RESIDENCE - STATE Colorado		RESIDENCE - CITY, TOWN, OR LOCATION El Paso	
RESIDENCE - COUNTY El Paso		RESIDENCE - STREET AND NUMBER 2836 Country Club Dr.	
FATHER'S NAME Frank Anderson		MOTHER'S MAIDEN NAME Unavailable Little	
INFORMANT - NAME Mr. Ralph Bennett		RELATION TO DECEASED Husband	
MAILING ADDRESS 2836 Country Club Dr., Colo. Spgs., Colo.		CITY, TOWN, OR LOCATION Colorado Springs	
CAUSE OF DEATH (PART I) 1. Immediate Cause (a) Acute Hemorrhagic Pancreatitis		DURATION OF ILLNESS 1 Week	
CONDITIONS OF DEATH (b) 2. Other Significant Conditions (c) None		AUTOPSY Yes	
ACCIDENT, SUICIDE, HOMICIDE None		DATE AND HOUR OF INJURY None	
PLACE OF INJURY None		LOCATION None	
CERTIFICATION - PHYSICIAN 1. I attended the deceased from birth to death and last saw him/her on June 11, 1976		DATE SIGNED June 14, 1976	
CERTIFICATION - CORONER 2. I am a coroner and have examined the body and found the cause of death to be as stated above		DATE SIGNED June 14, 1976	
CERTIFIER - SIGNATURE James G. Smith, Jr., M.D.		MAILING ADDRESS 222 BROADMOOR HOTEL; P.O. Box 1439, Col. Spgs., Co.	
BIRTHAL June 15, 1976		CITY, TOWN, OR LOCATION Colorado Springs, Colorado	
FUNERAL HOME - NAME AND ADDRESS Swan Funeral Home, 316 N. Tejon, Colorado Springs, Colo. 80903		LICENSURE NO. None	
FUNERAL OFFICER - SIGNATURE Stanley W. Newman		DATE RECEIVED BY LOCAL REGISTRAR June 14, 1976	

I HEREBY CERTIFY THAT THE INFORMATION SET FORTH ABOVE WAS CORRECTLY COPIED FROM THE RECORD OF DEATH IN MY CUSTODY AS REQUIRED BY LAW. ISSUED IN COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

THIS 12th DAY OF APRIL, 1979.

Mildred Allen, Deputy Registrar, by J.F.
 Local Registrar of Vital Statistics



Any Person alters, uses, attempts to use, or furnishes to another for deceptive use any vital statistics certificate.