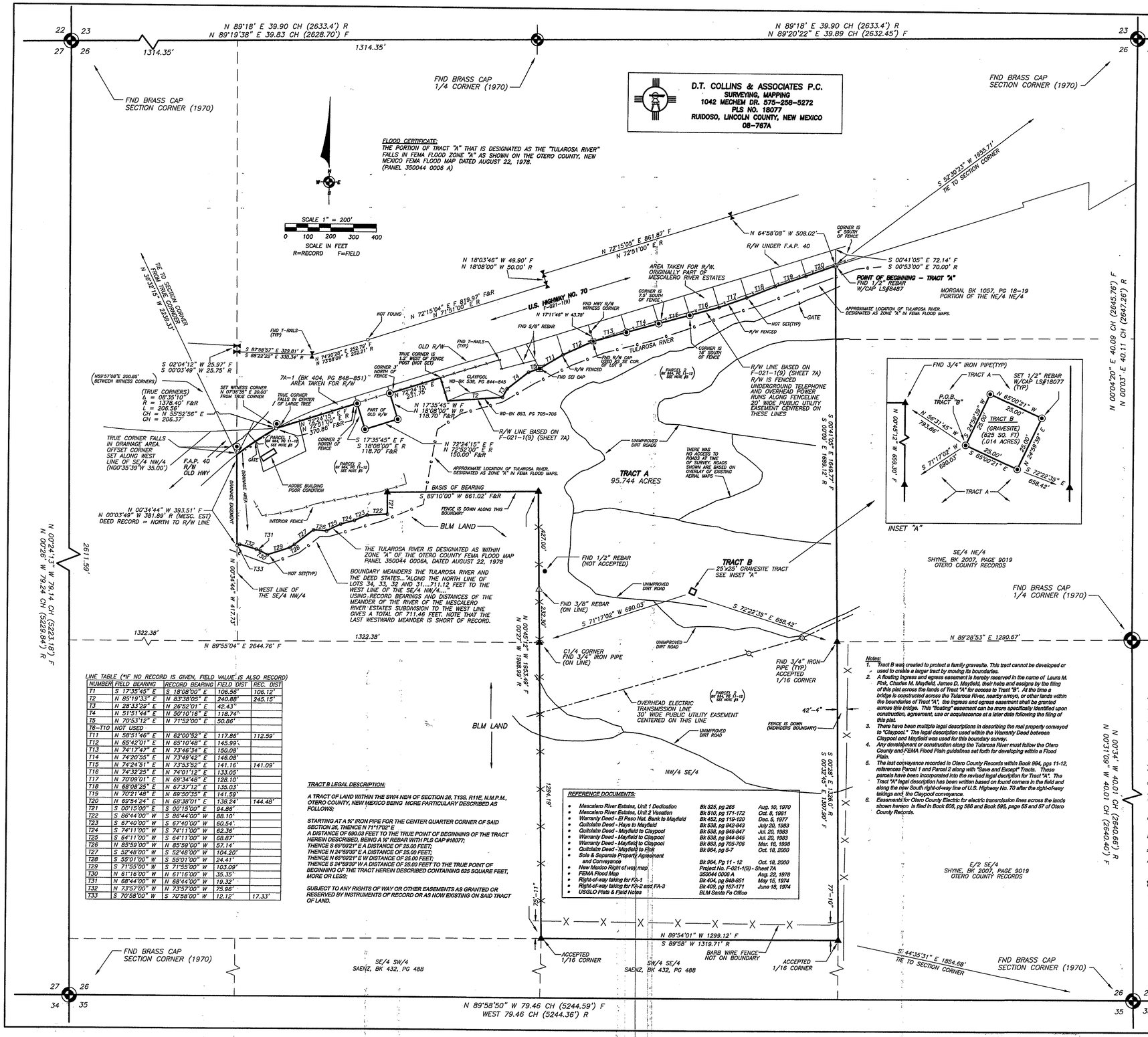

BOUNDARY SURVEY PLAT
CLAIM OF EXEMPTION

OF A TRACT OF LAND WITHIN
SECTION 26, TOWNSHIP 13 SOUTH, RANGE 11 EAST,
N.M.P.M., OTERO COUNTY, NEW MEXICO
JANUARY 2009
95.758 ACRES

TRACT A DESCRIPTION

A TRACT OF LAND LOCATED IN A PART OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 11 EAST, N.M.P.M., OTERO COUNTY, NEW MEXICO, MORE PARTICULARY DESCRIBED AS FOLLOWS;

STARTING AT A BRASS CAP MONUMENT FOR THE NE CORNER OF SAID SECTION 26, THENCE S 52°30'23" W A DISTANCE OF 1655.71 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, SAID POINT BEING A ½" REBAR WITH PLS CAP #8487, THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 70 (NEW MEXICO PROJECT NO. F-021-1(9));
THENCE S 00°41'05" E A DISTANCE OF 1649.77 FEET TO A ¾" IRON PIPE BEING THE NE CORNER OF THE NW/4 SE/4;
THENCE S 00°32'45" E A DISTANCE OF 1307.50 FEET TO A ¾" IRON PIPE BEING THE SE CORNER OF THE NW/4 SE/4;
THENCE N 89°54'01" W A DISTANCE OF 1299.12 FEET TO A ¾" IRON PIPE BEING THE SW CORNER OF THE NW/4 SE/4;
THENCE N 00°45'12" W A DISTANCE OF 1294.19 FEET TO A ¾" IRON PIPE, SAID POINT BEING THE CENTER QUARTER CORNER OF SAID SECTION;
THENCE N 00°45'12" W A DISTANCE OF 659.30 FEET TO A ¾" IRON PIPE;
THENCE S 89°10'00" W A DISTANCE OF 661.02 FEET TO A ¾" IRON PIPE;
THENCE S 00°19'00" E A DISTANCE OF 94.89 FEET TO THE NORTHEAST CORNER OF LOT 34, OF THE VACATED MESCALERO RIVER ESTATES SUBDIVISION;
THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF LOTS 34, 33, 32 AND 31 OF THE VACATED MESCALERO RIVER ESTATES SUBDIVISION THE FOLLOWING TWELVE COURSES;
S 88°44'00" W A DISTANCE OF 88.10 FEET;
THENCE S 67°40'00" W A DISTANCE OF 60.54 FEET;
THENCE S 74°11'00" W A DISTANCE OF 62.36 FEET;
THENCE S 64°11'00" W A DISTANCE OF 68.87 FEET;
THENCE N 65°39'00" W A DISTANCE OF 57.14 FEET;
THENCE S 52°48'00" W A DISTANCE OF 104.20 FEET;
THENCE S 68°01'00" W A DISTANCE OF 24.41 FEET;
THENCE N 71°85'00" W A DISTANCE OF 103.09 FEET;
THENCE N 61°16'00" W A DISTANCE OF 35.35 FEET;
THENCE N 68°44'00" W A DISTANCE OF 19.32 FEET;
THENCE N 73°57'00" W A DISTANCE OF 75.96 FEET;
THENCE S 70°38'00" W A DISTANCE OF 12.12 FEET TO A POINT ON THE WEST LINE OF THE SE/4 NW/4 OF SAID SECTION 26;
THENCE ALONG SAID WEST LINE OF THE SAME NW/4 OF SAID SECTION N 00°34'44" W A DISTANCE OF 393.51 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 70, WHENCE THE NW CORNER OF SAID SECTION 26 BEARS N 38°32'13" W A DISTANCE OF 2238.33 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE IS 08°35'10" AND WHOSE RADIUS IS 1378.40 FEET AN ARC DISTANCE OF 206.56 FEET (CHHN S9°52'56" E - 206.37);
THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 70 THE FOLLOWING COURSES: N 72°24'15" E A DISTANCE OF 370.86 FEET;
THENCE S 17°35'45" E A DISTANCE OF 118.70 FEET;
THENCE N 72°24'15" E A DISTANCE OF 150.00 FEET;
THENCE N 17°35'45" W A DISTANCE OF 118.70 FEET;
THENCE N 72°24'15" E A DISTANCE OF 231.75 FEET;
THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S 17°35'45" E A DISTANCE OF 106.56 FEET;
THENCE N 85°19'33" E A DISTANCE OF 240.88 FEET;
THENCE N 28°33'29" E A DISTANCE OF 42.43 FEET;
THENCE N 51°51'44" E A DISTANCE OF 118.74 FEET;
THENCE N 70°53'12" E A DISTANCE OF 50.86 FEET TO A FOUND U.S. HIGHWAY R/W CAP;
THENCE CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY THE FOLLOWING NINE (9) COURSES:
N 58°51'46" E A DISTANCE OF 117.88 FEET;
THENCE N 65°42'01" E A DISTANCE OF 145.99 FEET TO A FOUND U.S. HIGHWAY R/W CAP, WHENCE A U.S. HIGHWAY WITNESS CORNER BEARS N 17°11'46" W A DISTANCE OF 43.78 FEET;
THENCE N 74°17'47" E A DISTANCE OF 150.08 FEET;
THENCE N 74°20'55" E A DISTANCE OF 146.08 FEET;
THENCE N 74°24'51" E A DISTANCE OF 141.16 FEET;
THENCE N 74°32'35" E A DISTANCE OF 133.05 FEET;
THENCE N 70°09'01" E A DISTANCE OF 128.10 FEET;
THENCE N 68°09'25" E A DISTANCE OF 135.03 FEET;
THENCE N 70°21'46" E A DISTANCE OF 141.59 FEET;
THENCE N 69°54'24" E A DISTANCE OF 138.24 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED CONTAINING 95.758 ACRES, MORE OR LESS.

SAVE AND EXCEPT A TRACT OF LAND WITHIN THE SW/4 NE/4 OF SAID SECTION 26, T13S, R11E, N.M.P.M., OTERO COUNTY, NEW MEXICO KNOWN AS TRACT "B", BEING MORE PARTICULARY DESCRIBED AS FOLLOWS;
STARTING AT A ¾" IRON PIPE FOR THE CENTER QUARTER CORNER OF SAID SECTION 26, THENCE N 71°17'02" E A DISTANCE OF 690.03 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, BEING A ½" REBAR WITH PLS CAP #18077;
THENCE S 65°00'21" E A DISTANCE OF 25.00 FEET;
THENCE N 24°59'39" E A DISTANCE OF 25.00 FEET;
THENCE N 65°00'21" E W DISTANCE OF 25.00 FEET;
THENCE S 24°59'39" W A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED CONTAINING 625 SQUARE FEET, MORE OR LESS;

SUBJECT TO ANY RIGHTS OF WAY OR OTHER EASEMENTS AS GRANTED OR RESERVED BY INSTRUMENTS OF RECORD OR AS NOW EXISTING ON SAID TRACT OF LAND.

SURVEYOR'S CERTIFICATE

I, ERIC E. COLLINS, NEW MEXICO PROFESSIONAL SURVEYOR NUMBER 18077, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

THIS IS A BOUNDARY SURVEY ON AN EXISTING TRACT OF LAND AND IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

ERIC E. COLLINS, NMPS No. 18077

ERIC E. COLLINS 18077 PROFESSIONAL SURVEYOR

CLAIM OF EXEMPTION

I, LAURA M. FINK, CLAIM AN EXEMPTION FROM THE REQUIREMENTS OF THE NEW MEXICO SUBDIVISION ACT AND THE OTERO COUNTY, NEW MEXICO, SUBDIVISION REGULATIONS FOR THE FOLLOWING REASON. I CERTIFY THAT THIS TRANSACTION INVOLVES:

THE DIVISION OF LAND TO CREATE BURIAL PLOTS IN A CEMETARY. (TRACT "B" AS SHOWN HEREON IS A FAMILY GRAVESITE LOCATED WITHIN TRACT "A". SEE RESTRICTIONS OF TRACT WITHIN NOTES SECTION OF THIS SURVEY)

Laura M. Fink
LAURA M. FINK

ACKNOWLEDGMENT

STATE OF New Mex.) SS
COUNTY OF Lincoln)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF Jan, 2009, BY LAURA M. FINK, A MARRIED WOMAN DEALING IN HER SOLE AND SEPARATE PROPERTY.

OFFICIAL SEAL
T. Hart
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 7-23-2010

MY COMMISSION EXPIRES: 7-23-2010
NOTARY PUBLIC

APPROVAL BY OTERO COUNTY:

APPROVED BY SUMMARY PROCEDURE BY OTERO COUNTY THIS 30th DAY OF January, 2009.

OTERO COUNTY PLANNER

FILING:

FILED FOR RECORD IN THE OFFICE OF THE CLERK OF OTERO COUNTY, NEW MEXICO, ON THIS 30 DAY OF January, 2009, IN CABINET ____, SLIDE NUMBER ____
Book 68 Page 97-98
ATTEST: Lisa Gage — Robin Holmes
DEPUTY — COUNTY CLERK

RECEPTION NUMBER 200900322 FEE _____ TIME _____ M.

FINK		N/A – SEE PLAT	
OWNER OF PROPERTY		SUBDIVISION	
26	T 13 S	R 11 E	OTERO
SECTION	TOWNSHIP	RANGE	COUNTY

INDEXING INFORMATION FOR COUNTY CLERK

SEC 26 T13 R11
BK 68 PG 97-98

LINE TABLE (*IF NO RECORD IS GIVEN, FIELD VALUE IS ALSO RECORD)

NUMBER	FIELD BEARING	RECORD BEARING	FIELD DIST	REC. DIST
T1	S 17°35'45" E	S 18°08'00" E	106.56	106.12'
T2	N 85°19'33" E	N 83°38'05" E	240.88'	245.15'
T3	N 28°33'29" E	N 26°52'01" E	42.43'	
T4	N 51°51'44" E	N 50°10'16" E	118.74'	
T5	N 70°53'12" E	N 71°52'00" E	50.86'	
T6–T10	NOT USED			
T11	N 58°51'46" E	N 62°00'52" E	117.86'	112.59'
T12	N 65°42'01" E	N 65°10'48" E	145.99'	
T13	N 74°17'47" E	N 73°46'34" E	150.08'	
T14	N 74°20'55" E	N 73°49'42" E	146.08'	
T15	N 74°24'51" E	N 73°53'52" E	141.16'	141.09'
T16	N 74°32'25" E	N 74°01'12" E	133.05'	
T17	N 70°09'01" E	N 69°34'48" E	128.10'	
T18	N 68°08'25" E	N 67°37'12" E	135.03'	
T19	N 70°21'46" E	N 69°50'35" E	141.59'	
T20	N 69°54'24" E	N 68°38'01" E	138.24'	144.48'
T21	S 00°15'00" E	S 00°15'00" E	94.86'	
T22	S 86°44'00" W	S 86°44'00" W	88.10'	
T23	S 67°40'00" W	S 67°40'00" W	60.54'	
T24	S 74°11'00" W	S 74°11'00" W	62.36'	
T25	S 64°11'00" W	S 64°11'00" W	68.87'	
T26	N 85°59'00" W	N 85°59'00" W	57.14'	
T27	S 52°48'00" W	S 52°48'00" W	104.20'	
T28	S 55°01'00" W	S 55°01'00" W	24.41'	
T29	S 71°55'00" W	S 71°55'00" W	103.09'	
T30	N 61°16'00" W	N 61°16'00" W	35.35'	
T31	N 68°44'00" W	N 68°44'00" W	19.32'	
T32	N 73°57'00" W	N 73°57'00" W	75.96'	
T33	S 70°58'00" W	S 70°58'00" W	12.12'	17.33'

TRACT B LEGAL DESCRIPTION:

A TRACT OF LAND WITHIN THE SW/4 NE/4 OF SECTION 26, T13S, R11E, N.M.P.M., OTERO COUNTY, NEW MEXICO BEING MORE PARTICULARY DESCRIBED AS FOLLOWS;

STARTING AT A ¾" IRON PIPE FOR THE CENTER QUARTER CORNER OF SAID SECTION 26, THENCE N 71°17'02" E A DISTANCE OF 690.03 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED, BEING A ½" REBAR WITH PLS CAP #18077;
THENCE S 65°00'21" E A DISTANCE OF 25.00 FEET;
THENCE N 24°59'39" E A DISTANCE OF 25.00 FEET;
THENCE N 65°00'21" E W DISTANCE OF 25.00 FEET;
THENCE S 24°59'39" W A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED CONTAINING 625 SQUARE FEET, MORE OR LESS;

SUBJECT TO ANY RIGHTS OF WAY OR OTHER EASEMENTS AS GRANTED OR RESERVED BY INSTRUMENTS OF RECORD OR AS NOW EXISTING ON SAID TRACT OF LAND.

REFERENCE DOCUMENTS:

• Mescalero River Estates, Unit 1 Dedication	Bk 325, pg 265	Aug. 10, 1970
• Mescalero River Estates, Unit 2 Vacation	Bk 510, pg 171-172	Oct. 8, 1981
• Warranty Deed - El Paso Nat. Bank to Mayfield	Bk 452, pg 119-120	Dec. 5, 1977
• Quitclaim Deed - Hays to Mayfield	Bk 536, pg 842-843	July 20, 1983
• Quitclaim Deed - Mayfield to Claypool	Bk 538, pg 846-847	Jul. 20, 1983
• Warranty Deed - Mayfield to Claypool	Bk 538, pg 844-845	Jul. 20, 1983
• Warranty Deed - Mayfield to Claypool	Bk 683, pg 705-706	Mar. 16, 1998
• Quitclaim Deed - Mayfield to Fink	Bk 964, pg 5-7	Oct. 18, 2000
• Sole & Separate Property Agreement and Conveyance	Bk 964, Pg 11 - 12	Oct. 18, 2000
• New Mexico Right of way map	Project No. F-021-1(9) - Sheet 7A	
• FEMA Flood Map	350044 0006 A	Aug. 22, 1978
• Right-of-way taking for FA-1	Bk 404, pg 848-851	May 15, 1974
• Right-of-way taking for FA-2 and FA-3	Bk 409, pg 167-171	June 18, 1974
• USGLO Plats & Field Notes	BLM Santa Fe Office	

Notes:
1. Tract B was created to protect a family gravesite. This tract cannot be developed or used to create a larger tract by moving its boundaries.
2. A floating ingress and egress easement is hereby reserved in the name of Laura M. Fink, Charles M. Mayfield, James D. Mayfield, their heirs and assigns by the filing of this plat across the lands of Tract "A" for access to Tract "B". At the time a bridge is constructed across the Tularosa River, nearby arroyo, or other lands within the boundaries of Tract "A", the ingress and egress easement shall be granted across this bridge. This "floating" easement can be more specifically identified upon construction, agreement, use or acquiescence at a later date following the filing of this plat.
3. There have been multiple legal descriptions in describing the real property conveyed to "Claypool." The legal description used within the Warranty Deed between Claypool and Mayfield was used for this boundary survey.
4. Any development or construction along the Tularosa River must follow the Otero County and FEMA Flood Plain guidelines set forth for developing within a Flood Plain.
5. The last conveyance recorded in Otero County Records within Book 964, pgs 11-12, references Parcel 1 and Parcel 2 along with "Save and Except" Tracts. These parcels have been incorporated into the revised legal description for Tract "A". The Tract "A" legal description has been written based on found corners in the field and along the new South right-of-way line of U.S. Highway No. 70 after the right-of-way takings and the Claypool conveyance.
6. Easements for Otero County Electric for electric transmission lines across the lands shown hereon is filed in Book 606, pg 586 and Book 595, page 55 and 57 of Otero County Records.