

# THE SMITH HILL RANCHES

## SECTION 12, TOWNSHIP 13 SOUTH, RANGE 86 W, OF THE 6TH PRINCIPAL MERIDIAN

### GUNNISON COUNTY, COLORADO

**ATTORNEY'S OPINION**

I, L. Richard Bratton, Esq., an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands herein dedicated. Such title is held in the name of The Phoenix Family Group Ltd., a Texas Limited Partnership, and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:

1. Exceptions and reservations in the United States patents of record.
2. A public road to the County of Gunnison, Colorado crossing a portion of the subject property as granted by a Rule Order and Judgment of Court as recorded November 4, 1925 in Book 223 at page 427.
3. A right of way for an existing road providing ingress and egress to the premises as reserved in Quit Claim Deed from Jo Leslie Dolan to the premises recorded December 3, 1982 in Book 587 at Page 917 (Affects PARCEL NO.1)
4. A 60 foot easement and right of way over and across all of the subject property, the location of which is not defined, as conveyed in Deed recorded April 9, 1978 in Book 514 at Page 923 and as provided for in Partition Decree, Civil action No. C7363 recorded April 6, 1978 in Book 513 at Page 926.
5. A 60 foot right of way over and across a portion of the NW1/2NW1/4 and the NW1/3 of the NW1/4SE1/4 of the subject property providing for ingress and egress to the premises described in Book 513 at Page 921 and in Book 513 at Page 922. The location of said right of way to be hereafter agreed upon and described as reserved in Deed of Commissioner recorded April 5, 1978 in Book 513 at Page 923.
6. Right of Way for County Road No. 734 as it may pass through a portion of the subject property.
7. Any rights, interest or easements in favor of the United States, State of Colorado or the public which exist or are claimed to exist in and over present and past bed, banks and water of Slate River.
8. Terms and conditions in Easement Agreement recorded February 14, 1991 in Book 687 at page 924.
9. All restrictions, reservations and easements as reserved to Adelaide F. Riggs in Warranty Deed recorded October 7, 1996 in Book 791 at Page 847.
10. Terms and conditions in Development Improvement Agreement between the Board of County Commissioners of Gunnison County, Colorado and The Phoenix Family Group, recorded June 3, 2003 as Reception No. 531188.
11. Covenants, conditions and restrictions as set forth in Restrictive Covenant recorded June 3, 2003 as Reception No. 531194.
12. Findings and conditions in Gunnison County Certificate of Minor Impact Approval, Certification No. 04, Series 2003, recorded June 13, 2003 as Reception No. 531548.
13. Terms of that certain Grant of Easement dated January 14, 2002, which was recorded on January 15, 2002 as Reception No. 517421, between Ralph R. Allen & Sons, Inc. a Colorado Corporation, (Grantor) and Phoenix Family Group, LTD, a Texas Limited Partnership, (Grantee).

This opinion does not address mortgages, deeds of trust or similar instruments wherein the subject property is utilized as security for a promissory note or other written instrument of debt; nor does it address instruments affecting title but not recorded as of the date of this opinion.

Dated this \_\_\_ day of August, 2003.

L. Richard Bratton  
 STATE OF COLORADO )  
 ) ss.  
 COUNTY OF GUNNISON )

The foregoing instrument was acknowledged before me this \_\_\_ day of August, 2003, by L. Richard Bratton.

My commission expires:  
 Witness my hand and official seal.

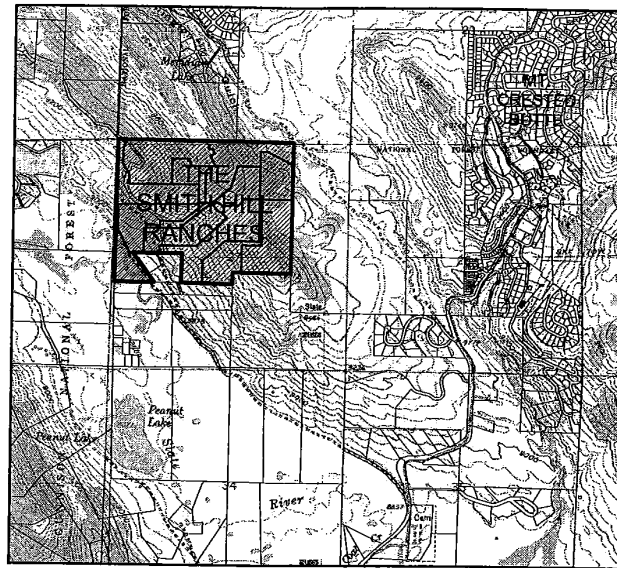
(SEAL) \_\_\_\_\_  
 Notary Public

**LAND SURVEYOR'S CERTIFICATE**

I, Norman C. Whitehead, being a Registered Land Surveyor in the State of Colorado, do hereby state that this survey was performed by me or under my direct responsibility, supervision, and checking. That no title search was made by me to determine ownership, easements or rights-of-way recorded or unrecorded, except as shown hereon

Dated this \_\_\_ day of \_\_\_\_\_, 2003.

Norman C. Whitehead, P.E.-P.L.S.  
 Colorado No. 27739



VICINITY MAP  
 1"=2000'±

**Plat Notes:**

1. All road rights-of-way are for the exclusive and private use of the members and guests of the home owners of The Smith Hill Ranches. Road rights-of-way are for vehicular, equestrian, and pedestrian access and utilities.
2. According to Book 687, Page 924, there is a non-exclusive easement for ingress and egress and installation and maintenance of underground utilities which is not to exceed 60" in width. It is to run generally from Smith Hill Road to the S 2/3 of the NW 1/4, se 1/4 Section 27 and is to be located below the elevation of 9,485 feet and within the NW 1/4 Section 27.
3. The Smith Hill Road description, Reception No. 150559, does not appear to follow the existing alignment when using the tie to the north quarter corner of section 28. The description does follow the existing road when the described road is overlaid over the existing road. It appears that the intent of the description was to follow the existing alignment.

Notice: According to Colorado State law you must commence any legal action based upon any defect in the survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification / statement shown hereon.

**DEDICATION**

The Phoenix Family Group, Ltd., a Texas limited partnership, being the owners and lienholders of the land described as follows:

A Parcel of land located within Section 27, Township 13 South, Range 86 West, of the 6th Principal Meridian, County of Gunnison, State of Colorado, being more particularly described as follows:

Parcel No. 1: The north 1/4, north 1/4, southwest 1/4, said Section 27, excepting therefrom the 2 parcels described in Book 787, Page 287 and Book 780, Page 331 and Parcel No. 2: The northwest 1/4; the west 1/4, northeast 1/4; north 1/3, northwest 1/4, southeast 1/4 of said Section 27 being more particularly described as follows:

Commencing at the northeast corner of said Section 27 said corner being monumented with a BLM brass cap;  
 Thence along the north line of said Section 27 South 89°58'48" West, a distance of 1,336.65 feet to the POINT OF BEGINNING;  
 Thence along the east line of the east half of east half of said Section 27 South 00°05'09" West, a distance of 3,063.36 feet, said corner being monumented with an aluminum cap LS No. 11250;  
 Thence North 89°40'12" West, a distance of 1,347.52 feet to a point on the east line of the southeast quarter of said Section 27, said corner being monumented with an aluminum cap LS No. 11250;  
 Thence along the said east line South 00°13'24" West, a distance of 218.22 feet to the southeast corner of the north half of the north half of the southwest quarter said Section 27, said corner being monumented with an aluminum cap LS No. 11250;  
 Thence along the south line of said north half North 89°59'09" West, a distance of 1,241.85 feet to the southeast corner of the parcels described in Book 787, Page 287 and in Book 780, Page 331, said corner being monumented with a plastic cap LS No. 11250;  
 Thence along the boundary of said tract the following 7 courses:  
 1. North 00°57'17" East, a distance of 659.17 feet, said corner being monumented with an aluminum cap LS No. 11250;  
 2. Thence North 89°54'32" West, a distance of 1,097.62 feet, said corner being monumented with a plastic cap LS No. 11250;  
 3. Thence South 31°55'28" East, a distance of 179.26 feet;  
 4. Thence South 36°15'41" East, a distance of 98.95 feet;  
 5. Thence South 38°48'07" East, a distance of 232.00 feet;  
 6. Thence South 34°58'00" East, a distance of 83.22 feet;  
 7. Thence South 36°08'13" East, a distance of 166.67 feet, said point being located on the south line of the north half of the north half of the southwest quarter said Section 27, said corner being monumented with a steel cap LS No. 11250;  
 Thence long the south line of said north half South 89°57'52" West, a distance of 827.82 feet to the southwest corner of said north half, said corner being monumented with an aluminum cap LS No. 11250;  
 Thence along the west line of said Section 27 North 00°12'15" West, a distance of 666.11 feet to the west quarter corner of said Section 27, said corner being monumented with a GLO brass cap;  
 Thence continuing along the west line of said Section 27 North 00°32'03" East, a distance of 2,608.11 feet, said corner being monumented with a BLM brass cap;  
 Thence along the north line of said Section 27 North 89°58'48" East, a distance of 4,004.99 feet to the POINT OF BEGINNING.

in Gunnison County, Colorado, under the name of The Smith Hill Ranches, have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate and convey to the owners of Ranches within this subdivision and their guests, but not to the public at large, the common right to use streets, alleys, roads and other areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. The lands comprising this project are subject to the Declaration of Protective Covenants of The Smith Hill Ranches recorded as Reception No. \_\_\_\_\_ of the records of Gunnison County, Colorado.

In witness whereof, Adelaide Elizabeth Biggs, as President of Ganky, Inc., a Texas corporation, General Partner of the Phoenix Family Group, Ltd., a Texas limited partnership, has executed this Dedication this day of August, 2003.

The Phoenix Family Group, Ltd., a Texas limited partnership  
 By: Ganky, Inc., a Texas corporation,  
 as General Partner

By: Adelaide Elizabeth Biggs, President

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF GUNNISON )

The foregoing instrument was acknowledged before me this \_\_\_ day of August, 2003, by Adelaide Elizabeth Biggs, as President of Ganky, Inc., a Texas corporation, General Partner of the Phoenix Family Group, Ltd., a Texas limited partnership.

Witness my hand and official seal.  
 My Commission expires:  
 My address is:

(SEAL) \_\_\_\_\_  
 Notary Public

**GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE**

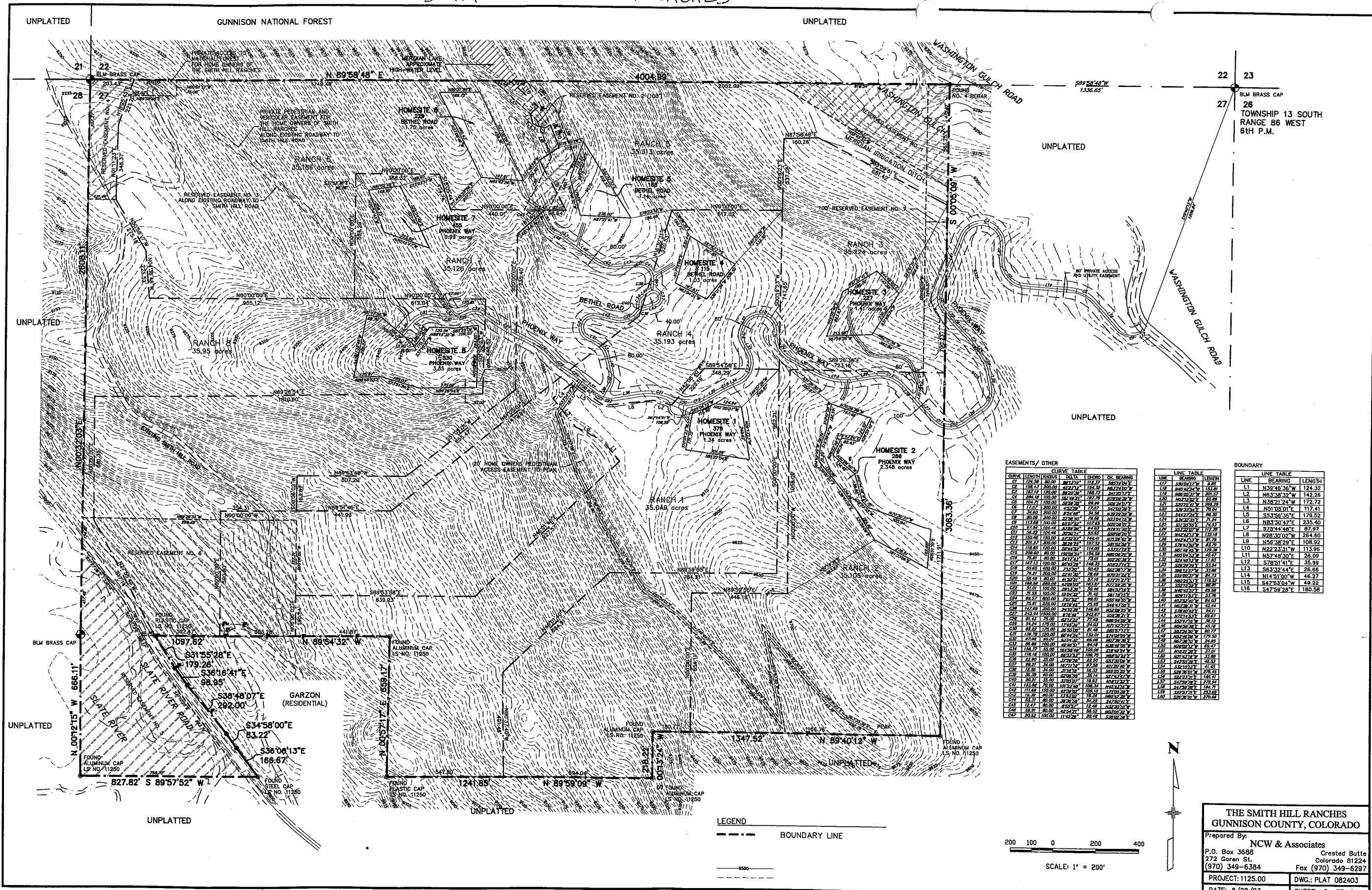
This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this \_\_\_ day of \_\_\_\_\_, A.D. 2003,

Reception No. \_\_\_\_\_, Time \_\_\_\_\_,  
 Date \_\_\_\_\_.

\_\_\_\_\_  
 County Clerk

<b>THE SMITH HILL RANCHES</b> GUNNISON COUNTY, COLORADO	
Prepared By:	NCW & Associates
P.O. Box 3688	Crested Butte
272 Goren St.	Colorado 81224
(970) 349-6384	Fax (970) 349-6297
PROJECT: 1125.00	DWG: PLAT 082403
DATE: 8/28/03	SHEET 1 OF 2

# SMITH HILL RANCHES



22 23  
27 26  
BLM BRASS CAP  
26  
TOWNSHIP 13 SOUTH  
RANGE B6 WEST  
6TH P.M.

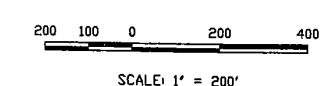
**EASEMENTS / OTHER**

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	124.54	80.00	87.17°	118.17	S63°24'34"
C2	124.43	200.00	82°27'12"	124.29	N61°24'00"W
C3	125.14	1250.00	80°20'00"	126.03	N42°20'12"W
C4	284.14	1000.00	124°40'21"	122.78	N28°02'30"W
C5	125.77	1000.00	80°20'00"	126.03	N42°20'12"W
C6	125.07	200.00	87.17°	118.17	S63°24'34"
C7	34.80	200.00	87.17°	34.58	N42°20'30"W
C8	85.89	200.00	87.17°	85.49	N42°20'30"W
C9	113.88	100.00	85°22'52"	107.65	N20°24'01"W
C10	124.44	100.00	85°22'52"	107.65	N20°24'01"W
C11	54.22	124.44	85°22'52"	54.00	N20°24'01"W
C12	150.88	100.00	87°20'52"	144.41	N21°28'16"W
C13	202.93	200.00	87°20'52"	197.59	S41°22'30"W
C14	118.85	100.00	86°44'32"	114.05	S41°22'30"W
C15	206.80	80.00	120°06'34"	124.58	N00°19'20"W
C16	78.91	80.00	121°14'17"	78.01	S02°20'46"W
C17	187.13	100.00	85°22'52"	174.35	N12°21'42"
C18	50.65	100.00	85°22'52"	50.65	S02°20'46"W
C19	78.91	200.00	87°20'52"	78.01	S02°20'46"W
C20	54.49	80.00	121°14'17"	53.71	N02°21'22"
C21	184.88	200.00	87°20'52"	178.61	N12°21'42"
C22	51.01	100.00	87°20'52"	50.44	S41°22'30"W
C23	78.91	100.00	121°14'17"	78.01	S02°20'46"W
C24	85.37	100.00	121°14'17"	84.61	N02°21'22"
C25	78.91	200.00	87°20'52"	78.01	S02°20'46"W
C26	143.84	100.00	87°20'52"	140.67	S02°20'46"W
C27	81.43	75.00	127°22'22"	77.60	N08°04'09"W
C28	34.24	175.00	127°22'22"	34.61	N17°04'22"W
C29	82.32	175.00	127°22'22"	81.48	S03°37'12"
C30	124.89	100.00	87°20'52"	120.01	S74°30'00"W
C31	86.88	100.00	87°20'52"	84.18	N38°36'10"W
C32	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C33	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C34	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C35	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C36	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C37	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C38	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C39	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C40	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C41	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C42	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C43	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C44	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C45	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C46	124.17	100.00	87°20'52"	120.01	S74°30'00"W
C47	124.17	100.00	87°20'52"	120.01	S74°30'00"W

**BOUNDARY**

LINE	BEARING	LENGTH
L1	N39°46'36"W	124.32
L2	N63°28'32"W	142.26
L3	N38°11'24"W	172.72
L4	N51°05'01"E	117.41
L5	S53°56'35"E	179.52
L6	N83°30'47"E	235.40
L7	S72°44'46"E	87.97
L8	N28°30'00"W	264.60
L9	N56°28'29"E	108.92
L10	N22°23'31"W	113.98
L11	N57°48'30"E	26.09
L12	S78°21'41"E	35.99
L13	S83°32'44"E	26.66
L14	N14°51'00"W	46.27
L15	S47°53'04"W	48.22
L16	S47°58'28"E	180.58

**LEGEND**  
 - - - - - BOUNDARY LINE



**THE SMITH HILL RANCHES**  
**GUNNISON COUNTY, COLORADO**

Prepared By:  
**NCW & Associates**  
 P.O. Box 3688  
 272 Goren St.  
 Colorado 81224  
 (970) 349-6384  
 Fax (970) 349-6297

PROJECT: 1125.00  
 DATE: 8/28/03

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DWG.: PLAT 082403  
 SHEET 2 OF 2