

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. \_\_\_\_\_  
Reception No. \_\_\_\_\_ By \_\_\_\_\_ RECORDER DEPUTY.

**WARRANTY DEED**

**THIS DEED**, Made on this day of January 26, 2000,  
between DAVIS/COONEY LLC, A COLORADO LIMITED LIABILITY COMPANY

of the said County of Summit and State of Colorado, the Grantor(s), and  
TOWN OF BLUE RIVER, A COLORADO MUNICIPAL CORPORATION

whose legal address is : P. O. Box 1784, Breckenridge, CO 80424  
of the said County of Summit and State of Colorado, the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of ( \$10.00 )  
\*\*\* Ten and 00/100 \*\*\* **DOLLARS**

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of SUMMIT and State of Colorado, described as follows:  
TRACT B, ASPEN VIEW SUBDIVISION, COUNTY OF SUMMIT, STATE OF COLORADO

also known as street number BRECKENRIDGE, CO 80424

**TOGETHER** with all and singular hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described with appurtenances, unto the Grantee(s), his heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, **SUBJECT TO THOSE EXCEPTIONS REFERRED TO IN TITLE INSURANCE COMMITMENT NO. 1000000 ISSUED BY LAND TITLE GUARANTEE COMPANY AND EXCEPT GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2000 AND SUBSEQUENT YEARS.**

The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF** the Grantor(s) has executed this deed on the date set forth above.

DAVIS/COONEY LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: GERALD R. COONEY, MANAGER OF DAVIS/COONEY LLC, A COLORADO LIMITED LIABILITY COMPANY

STATE OF Colorado )  
 ) ss.  
Summit County of SUMMIT )

The foregoing instrument was acknowledged before me on this day of \_\_\_\_\_, by GERALD R. COONEY AS MANAGER OF DAVIS/COONEY LLC, A COLORADO LIMITED LIABILITY COMPANY.

My commission expires 9/30/03  
Witness my hand and official seal.

[Signature]  
Notary Public

Name and Address of Grantee: Town of Blue River, A Colorado Municipal Corporation  
legally Created Legal Description ( 38-35-106.5, C.R.S.)

Escrow Title# \_\_\_\_\_ When Recorded Return to: TOWN OF BLUE RIVER, A COLORADO MUNICIPAL CORPORATION

Form No. \_\_\_\_\_ WARRANTY DEED (Photographic Record WD1)

SPECIAL WARRANTY DEED AND ASSIGNMENT

THIS DEED and ASSIGNMENT, dated this 23rd day of February, 1995, is from Vidler Tunnel Water Co., a Colorado corporation ("Grantor"), to Davis-Cooney LLC, whose address is P.O. Box 2854, Alameda, California 94501.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell, convey and assign to Grantee, its successors and assigns forever, all of Grantor's right, title and interest in and to the following described water right located in Water Division No. 5, State of Colorado:

0.47 acre-feet of the 100 acre-feet of augmentation water to be annually released to the Blue River from Dillon Reservoir (the "Dillon Storage Water") pursuant to paragraph 6(b) of the Agreement dated September 18, 1985, between the City and County of Denver acting by and through its Board of Water Commissioners and the Board of County Commissioners of Summit County, Colorado (the "County"). The foregoing Dillon Storage Water was acquired by Grantor pursuant to a Special Warranty Deed from the County dated December 18, 1986, and recorded at Reception No. 329629 of the records of Summit County, Colorado,

and warrants the title against all persons claiming under Grantor.

To have and to hold the same unto Grantee, its successors and assigns forever.

Grantor specifically excepts and reserves from the foregoing conveyance the remaining 24.53 acre-feet per year of Dillon Storage Water which it acquired from the County.

Grantor further assigns to Grantee, its successors and assigns forever, an interest, proportionate to the amount of Dillon Storage Water conveyed herein, in and to the rights, benefits, and obligations of the Memorandum of Agreement dated October 25, 1988, between Grantor and the Colorado Water Conservation Board, recorded at Reception No. 408661 of the records of Summit County, Colorado.

EXHIBIT



ADDENDUM "C"

A tract of land situated in the "97" Placer, M.S. No. 13358, in Section 30, Township 7 South, Range 77 West of the Sixth Principal Meridian, in the Town of Blue River, County of Summit, State of Colorado, to wit:

Beginning at a point on the east line of the "97" Placer from which corner No. 2 of said Placer bears  $500^{\circ}30'01''$ E a distance of 525.27', thence  $N68^{\circ}17'18''$ W for a distance of 895.57' to a point on the east R.O.W. line of Colorado State Highway No. 9, thence northerly along said R.O.W. line to the left along the arc of a curve whose delta is  $10^{\circ}32'31''$  and whose radius is 634.01' for a distance of 116.66', thence  $N00^{\circ}18'45''$ E along said R.O.W. for a distance of 259.58', thence along said R.O.W. and to the left along the arc of a curve whose delta is  $08^{\circ}17'51''$  and whose radius is 1138.17' for a distance of 164.83', thence  $N07^{\circ}59'06''$ W along said R.O.W. for a distance of 642.58', thence  $S68^{\circ}17'13''$ E for a distance of 979.02' to a point on the east line of the "97" Placer, thence  $500^{\circ}30'01''$ E along said east line for a distance of 1145.33' to the point of beginning. The tract contains 21.01 acres, more or less. All bearings are referenced to the recorded plat of "The '97 Subdivision--Blue River Estates Inc.";



EXHIBIT \_\_\_\_

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WHOLLY WITHIN LOT 14, THE POMEROY P.R.D., TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, A SUBDIVISION AS RECORDED AT RECEPTION NO. 303810 IN THE RECORDS OF THE SUMMIT COUNTY CLERK AND RECORDER SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE N 66°26'28" W, 16.70 FEET; THENCE N 15°22'45" E, 116.17 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET, ARC LENGTH OF 43.19 FEET, DELTA ANGLE OF 07°36'52", A CHORD BEARING OF N 19°11'11" E, AND A CHORD LENGTH OF 43.16 FEET; THENCE S 09°16'27" W, 112.28 FEET; THENCE S 13°24'00" W, 50.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 1,709 SQUARE FEET OR 0.039 ACRES, MORE OR LESS.

ROAD IN LOT 14  
ROB ANDREWS LAND SURVEYING  
P.O. BOX 1118  
BRECKENRIDGE, CO 80424  
PROJECT NO. 94397  
03/08/95  
397RE.LEG

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EXHIBIT

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WHOLLY WITHIN THE POMEROY P.R.D., TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, A SUBDIVISION AS RECORDED AT RECEPTION NO. 303310 IN THE RECORDS OF THE SUMMIT COUNTY CLERK AND RECORDER SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHENCE THE NORTHEAST CORNER OF SAID SUBDIVISION BEARS S 68°17'08" E, 179.20 FEET DISTANT; THENCE S 35°42'52" W, A DISTANCE OF 92.07 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET, ARC LENGTH OF 154.74 FEET, DELTA ANGLE OF 88°39'38", A CHORD BEARING OF N 72°30'24" W, AND A CHORD LENGTH OF 139.76 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 325.00 FEET, ARC LENGTH OF 227.85 FEET, DELTA ANGLE OF 40°10'10", A CHORD BEARING OF S 43°04'42" W, AND A CHORD LENGTH OF 223.22 FEET; THENCE N 09°16'27" E, A DISTANCE OF 314.89 FEET; THENCE S 68°17'08" E, A DISTANCE OF 310.80 FEET TO THE TRUE POINT OF BEGINNING; AND CONTAINING 35,447 SQUARE FEET OR 0.814 ACRES, MORE OR LESS.

TRACT "A"  
ROB ANDREWS LAND SURVEYING  
P.O. BOX 1118  
BRECKENRIDGE, CO 80424  
PROJECT NO. 94397

EXHIBIT

AFFIDAVIT

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF SUMMIT    )

Laura Mansfield, being first duly sworn, states as follows:

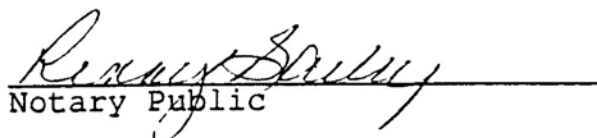
On August 22, 1995, I mailed by U.S. Mail, postage prepaid, a copy of the attached revised Notice to each of the parties on the attached list.

  
Laura Mansfield

SUBSCRIBED AND SWORN to before me this 22nd day of August, 1995, by Laura Mansfield,

Witness my hand and official seal.

My Commission expires: 12-15-98

  
Notary Public