

A HISTORY OF LA CHULA VISTA RANCH I SUBDIVISION

Gipin County Colorado

Compiled by Frank Barnes

Beginning with a parcel of land granted to one Kirk J. French on September 13, 1922 under the authority of the Homestead Act enacted by Congress on May 20, 1862. And ending with the creation of La Chula Vista Ranch (I) by one Frank L. and Constance Stone on February 16, 1950.

All the following records are drawn from records recorded at the Clerk and Recorder's office of Gilpin County Colorado.

From beginning to end the parcel is described unchanged as "The South Half of the Northwest corner and the Southwest Quarter of the Northeast Quarter of Section 3 in Township 2 South of Range 72 West of the Sixth Principal Meridian."

The survey error introduced by surveyors Chisolm and Casey when they created the original survey Plat of La Chula Vista Ranch (I) has resulted in an un-plated narrow strip of land laying between what has been considered until now the west boundary of said subdivision, and east of the actual west boundary of Section 3.

One can only draw the conclusion that the west boundary of Section 3 was clearly intended to be the west boundary of La Chula Vista Ranch subdivision. And because the west boundary of Section 3 is clearly marked today by BLM monuments and other markers and signage should therefore be recognized as the true west boundary of La Chula Vista Ranch.

G-5507-2

(1)
Book 177
Page 31

United States of America
to
Kirk J. French

Patent
Denver 21868
Dated: Sept. 13, 1922
Recorded: May 28, 1924
Recorded: Patent No. 879344

UNITED STATES OF AMERICA

To All To Whom These Presents Shall Come: G R E E T I N G:

Whereas, a certificate of the Register of the Land Office at Denver, Colorado has been deposited in the General Land Office whereby it appears that pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads To the Actual Settlers on the Public Domain and the Acts Supplemental thereto", the claim of Kirk J. French has been established and duly consummated in conformity to law; for the South Half of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section Three in Township Two South of Range Seventy-two West of the Sixth Principal Meridian, Colorado, containing one hundred sixty acres and fifty-two hundredths of an acre, according to the official plat of the survey of the said lands, returned to the general land office by the Surveyor General;

Now Know Ye that there is therefore granted by the United States unto the said claimant, the tracts of land above described, To Have and To Hold the said tract of land with the appurtenances thereof unto the said Claimant and to the heirs and assigns of said Claimant forever; subject to any vested and accured water rights for mining, agriculture, manufacturing or other purposes and rights to ditches and reservers used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Court. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

Signed: Warren G. Harding, President
by Viols B. Pugh, Secretary

M.P. LeRoy, Recorder of the
General Land Office.

GLO SEAL.

G-5507-5

(11)
Book 201
Page 79

IN THE CIRCUIT COURT OF
COUNTY OF WAYNE

IN CHANCERY

11
EMMA FRENCH,)
 Plaintiff)
 vs.) No. 173373 DECREE
KIRK J. FRENCH,)
 Defendant)

At a session of said Court held at the Court House in the City of Detroit in said County of Wayne on the 14th day of November, A.D. 1929.

Present: Theodore J. Richter, Circuit Judge

This cause having been brought on to be heard upon the Bill of Complaint, filed herein, taken and confessed by the Defendant and upon this Court, from which it satisfactorily appeared to this Court that the material facts charged in said Bill are true, and that the Defendant, Kirk J. French, has been guilty of the several acts of cruelty and non-support charged therein.

On motion of Robert H. Meriewether, Attorney for the Plaintiff, It is ORDERED, ADJUDGED AND DECREED, and this Court by virtue of the authority therein vested and in pursuance of the Statutes in such case made and provided doth ORDER, ADJUDGE AND DECREE, that the marriage between the plaintiff, Emma French and Kirk J. French is dissolved and the same is hereby dissolved accordingly and a divorce from the bonds of marriage between the parties is ADJUDGED AND DECREED. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff be and she is hereby adjudged and awarded by way of Dower an undivided one-third interest in the property located in the City of Pinecliff, State of Colorado and more particularly described as follows: Lot Two (2) the south half of the North west Quarter and the Southwest Quarter of the Northeast Quarter of Section Three (3), Township Two (2) South of Range Seventy-two (72) West of the Sixth Principal Meridian, Colorado, containing one hundred and sixty and fifty-two hundredths (160.52/100) acres.

And the said Defendant, Kirk J. French is Ordered and Directed to convey to this Plaintiff by warranty deed or other appropriate conveyance properly executed an undivided one-third (1/3) interest in the above described property by way of Dower and in default thereof. That this Decree shall operate as a conveyance to the absolute title to one-third interest in said property to the Plaintiff herein, free of any and all claims that said Defendant, Kirk J. French as to such one-third interest or his heirs or assigns in law or equity. The parties hereto to hold said land as tenants in common and not as joint tenants.

Signed: Theodore J. Richter, Circuit Judge.

A TRUE COPY
J.W. Jamieson
Deputy Clerk.

Certificate of true copy by Thomas F. Farrell, Clerk of the Circuit Court for the County of Wayne in Chancery, State of Michigan, on Nov. 14, 1929.

Official Seal.
Recorded: Nov. 25, 1929.

G-5507-6

(12)
Book 190
Page 254

Emma French, By Hugh Lawry
County Treasurer
to
Kirk J. French

Treasurer's Deed
Dated: Nov. 18, 1936
Recorded: Dec. 12, 1936

12
KNOW ALL MEN BY THESE PRESENTS, That, Whereas, the following described several parcels of real property, viz:

Undivided one-third ($1/3$) interest Lot No. 2 (two) in South One-half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$), an undivided one-third ($1/3$) interest of Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$) Section Three (3), Township Two (2) South Range Seventy-two (72) West, Fifty Three and Fifty Two Hundredths Acres (53.52 acres.) One-third ($1/3$) interest in garage on land in Section Three (3), Township Two (2) South, ("2S) Range Seventy-two West (72W) and one-third ($1/3$) interest in house on land in Section Three (3) Township Two (2) South, Range Seventy-two West (72W).
all situate in Gilpin County, Colorado, assessed Emma French, situate in the County of Gilpin and State of Colorado, was subject to taxation for the year 1931.

And, Whereas, the taxes were separately assessed upon said several parcels of real property for the year aforesaid remained due and unpaid at the date of the sale hereinafter named;

And, Whereas, the Treasurer of the said County could not duly advertise and offer for sale the real property above described on or before the second Monday of November, 18th, 19__, for and on account and because of the fault as set forth to-wit: Necessary delay in preparing delinquent tax list for publication and delay of the printer in connection therewith and having allowed time for the publication of and having published notice of sale as provided by law;

And, Whereas, the Treasurer of the said County did on the 24th day of December, 1932, by virtue of the authority vested in him by law at an adjourned sale, the sale begun and publicly held on December 19, 1932, separately expose to public sale at the office of the Treasurer in the County aforesaid in substantial conformity with the requirements of the Statutes in such case made and provided the said several parcels of real property above described for the payment of the taxes, interest and costs then due and remaining unpaid on the several parcels of land;

And, Whereas, at the sale so held as aforesaid by the Treasurer no bids were offered or made by any person or persons for the several parcels of property, and the Treasurer having become satisfied that no bids for said property could be had, therefore the several parcels of property were by the then Treasurer of the said County stricken off to said County and certificates were duly issued therefor to the said County in accordance with the Statutes in such case made and provided;

And Whereas, the said Gilpin County, acting by and through its County Treasurer did duly assign the Certificate of Sale of said parcels of property so issued as aforesaid to said County, and all its rights, title and interest in said several parcels of property held by virtue of said sale to Kirk J. French of the County of Wayne, State of Michigan, for the sum of \$22.01 all costs and taxes for the year 1931 and 1932;

G-5507-7

And, Whereas, the said Kirk J. French has paid subsequent taxes on said several parcels of property to the amount of \$24.88 for the years 1933, 1934 and 1935;

And, Whereas, more than three years have elapsed since the date of said sale and the several parcels of property have not been redeemed therefrom;

And, Whereas, said property was assessed for said year at a sum of less than \$100.00;

And, Whereas, all of the provisions of the statutes prescribing prerequisites for obtaining tax deeds have been fully complied with;

First Party grants, bargains and sells the above and foregoing several parcels of real estate to Second Party, his heirs and assigns forever, subject to all the rights of redemption by minors, insane persons or idiots as provided by law.

Hugh L. Lawry, Treasurer of Gilpin County, Colorado.

(Official Seal).

Certificates No. 19965, 19966 and 19967 in Book No. I of the Tax Sale Records.

Acknowledged Nov. 18, 1936 before Clifford I. Parsons, County Clerk, Gilpin County, Colorado by Hugh L. Lawry as Public Trustee and County Treasurer of the County and State aforesaid.

Official Seal.

(13)
Book 218
Page 109

Kirk J. French
to
Frank Stone and
Constance Stone

Warranty Deed to Joint
Tenants
Dated: Sept. 20, 1948
Recorded: Oct. 4, 1948
Consideration: \$3250.00

13 First Party grants, bargains, sells, conveys and confirms to Second Parties, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lots or parcels of land situate, lying and being in the County of Gilpin and State of Colorado, to-wit:

Lots Two (2), The $S\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section Three (3), Township Two (2) South, Range Seventy-two (72) West of the Sixth (6th) Principal Meridian, containing 160.52 acres more or less, recorded in book 177, page 31 of Gilpin County Records.

EXCEPT general taxes for the year 1948 which Second Parties assume and agree to pay, also EXCEPT Moffat Tunnel Improvement District Taxes, if any.

Kirk J. French

Acknowledged Sept. 20, 1948 before John F. Morris, Notary Public, Wayne County, Michigan by Kirk J. French.
Bears Notarial Seal.

Notarial Commission expires: Nov. __, 1950.

G-5507-8

(14)
Book 199
Page 160

Frank L. Stone and
Constance Stone
to
Public Trustee, for use of
Kirk J. French and Alice M.
French, as joint tenants with
right of survivorship

Deed of Trust
Dated: Sept. 20, 1948
Recorded: Oct. 4, 1948

14
Refers to one promissory note bearing even date herewith,
payable in the principal sum of \$2500.00 with interest thereon
from the date thereof at the rate of 5% per annum, in monthly
installments of \$25.00 or more including interest, beginning
Nov. 1, 1948.

First Parties grant, bargain, sell and convey to Second
Party, in trust, the following described property situate in
the County of Gilpin and State of Colorado, to-wit:

Lots 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 2 South,
Range 72 West of the 6th Principal Meridian, containing 160.52
acres more or less.

Contains provisions in case of default, including provisions
for attorney's fees.

Covenants of Title Warranty and Waiver of Homestead.

Constance Stone

Frank L. Stone

Acknowledged Sept. 20, 1948 before Keith Myster, Notary
Public, City and County of Denver, Colorado by Frank L. Stone
and Constance Stone.

Bears Notarial Seal.

Notarial Commission expires: Nov. 8, 1949.

(15)
Book 215
Page 382

15
Frank L. Stone and Constance
Stone, as Joint Tenants
to
Esther Biegel Strohm

Warranty Deed
Dated: Oct. 4, 1948
Recorded: Jan. 12, 1949
Consideration: \$10.00

First Parties grant, bargain, sell, convey and confirm to
Second Party, heirs and assigns forever, all the following des-
cribed lots or parcels of land, situate, lying and being in the
County of Gilpin and State of Colorado, to-wit:

Five A. in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 2 So. Range 72 West
of the 6th P.M., containing 216,320 sq. ft., more or less.

Subject to Trust Deed dated Sept. 20, 1948

EXCEPT GENERAL TAXES FOR THE YEAR 1948 WHICH Second
Party assumes and agrees to pay, also Except Moffat Tunnel
Improvement District Taxes, if any.

All mineral Rights reserved.

Frank L. Stone

Constance A. Stone

Acknowledged Jan. 10, 1949 before James E. Winter, Notary
Public, _____ County, Colorado by _____.

Bears Notarial Seal.

Notarial Commission expires: Jan. 17, 1950.

G-5507-9

(16)
Book 199
Page 170

Esther Biegal Strohm
to
Public Trustee, for use of
Frank L. Stone and Constance
Stone as Joint Tenants with
right of survivor ship

Deed of Trust
Dated: Oct. 4, 1948
Recorded: April 1, 1949

16 Refers to one promissory note bearing even date herewith,
payable for the principal sum of \$5600.00 after the date hereof,
with interest thereon from the date thereof at the rate of 4%
per annum, payable in monthly installments of \$100 or more plus
interest beginning Nov. 24, 1948.

First Party grants, bargains, sells and conveys to Second
Party, in trust forever, the following described property situate
in the County of Gilpin and State of Colorado, to-wit:

Five acres in Lot 2 of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 3 Township
2, South Range 72 West of the 6th P.M., containing 416.520 sq.
ft., more or less with cabin 24 by 26 feet overall as per agree-
ment which is a part of this trust deed.

Contains provisions in case of default, including attorney's
fees in the event of foreclosure.

Covenants of title warranty and waiver of Homestead.

Esther Biegal Strohm

Acknowledged Oct. 4, 1948 before James E. Winter, Notary
Public, _____ County, Colorado by _____.

Bears Notarial Seal.

Notarial Commission expires: Jan. 17, 1950.

(17)
Book 217
Page 437

Esther Biegal Strohm
to
Frank L. Stone and
Constance Stone

Quit Claim Deed to Joint
Tenants
Dated: Jan. 14, 1950
Recorded: July 3, 1950
Consideration: \$10.00

17 First Party remises, releases, sells, conveys and quit-claims
to Second Parties, not in tenancy in common but in joint tenancy,
the survivor of them, their assigns and the heirs and assigns of
such survivor forever, all the right, title, interest, claim and
demand in and to the following lots or parcels of land situate,
lying and being in the County of Gilpin and State of Colorado,
to-wit:

Five (5) Acres in Lot Two (2) of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of
Sec. Three (3), Township Two (2) S., Range 72 W. of the
6th P.M., containing 416 x 520 sq. ft. more or less.

This deed is made for the purpose of conveying any interests
which the grantor received by virtue of a warranty deed recorded
in book 215, page 382. This property also described as: Five
A. in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. So. Range 72 West of the 6th P.M.,
containing 216,320 sq. ft., more or less. Subject to trust deed
dated Sept. 20, 1948.

G 5507-10

Signed: Esther Biegel Strohm.
Acknowledged May 2, 1950 before Lucy H. Pier, Notary Public,
City and County of Denver, Colorado, by Esther Biegel Strohm.
Notarial Seal.
Notarial Commission expires July 24, 1952.

I certify that I drafted this instrument.
George H. Lerg, Attorney at Law.

(18) Frank L. Stone and
Plat Files Constance Stone
Rec. Bk.
#34140

Plat
La Chula Vista Ranch
Dated: Feb. 16, 1950
Filed: Feb. 16, 1950

18 Consists of plat of Lot 2, the South Half of the Northwest
Quarter, and the Southwest Quarter of the Northeast Quarter of
Section Three, Township Two South, Range Seventy-two West of the
Sixth Principal Meridian, showing the property divided into
Blocks 1 to 8 with each block divided into 20 lots.

Dedication reserves to sub-dividers such parts of Lots 5, 14,
15, 17 and 18 in Block 4, Lot 1 in Block 6 and Lots 3, 4, 5, 8,
9, 11, 12 and 20 in Block 5 as lie within $12\frac{1}{2}$ feet of each side of
center line of Bonita Creek.

Dedication further provides that the rights to use water from
any spring situated upon any lot shall not be an exclusive right
in the owner of the lot, but shall be used jointly with other
grantees of La Chula Vista Ranch.

Dedication further requires all grantees to dispose of their
garbage "in an approved sanitary manner and provide their premises
with an outside sanitary toilet, and no garbage disposal pit or
toilet vault to be constructed within 60 feet of any stream or
spring."

Dedication is acknowledged Feb. 16, 1950 before Mabel M.
Laird, Notary Public, Gilpin County, Colorado, by Frank L. Stone
and Constance Ann Stone.

Notarial Seal.

Notarial Commission expires Nov. 15, 1953.

Plat bears Engineer's Certificate by Colin Chisholm and John
M. Casey, executed by John M. Casey, and subscribed and sworn to
Feb. 2, 1950 before Mabel M. Laird, Notary Public, Gilpin County,
Colorado.

Notarial Seal.

Notarial Commission expires Nov. 15, 1953.