Recorded at _____ o'clock _____ M., _____
Reception No. _____ Recorder.

(3)

WARRANTY DEED

THIS DEED, Made this **20TH** day of **JUNE, 1995** between
JOANN M. CLARK and JAMES M. PHILLIPS and JACK M. PHILLIPS and JOHN M. PHILLIPS
of the County of **EAGLE** and State of **COLORADO**, grantor, and

ROY JAY MILLER and RENA KAY MILLER

whose legal address is **PO BOX 5, ~~EAGLE, COLORADO 81631~~** Gypsum CO 81637
of the County of **EAGLE** and State of **COLORADO**, grantees:

WITNESS, that the grantor, for and in consideration of the sum of **ONE HUNDRED THOUSAND AND 00/100ths DOLLARS, ($100,000.00),** 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 grantees, their heirs and assigns forever, **not in tenancy in common but in joint tenancy**, all the real property, together with improvements, if any, situate, lying and being in the County of **EAGLE**, and State of Colorado, described as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS INCORPORATED HEREIN BY THIS REFERENCE

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION.

also known by street and number as **3785 HIGHWAY 6, GYPSUM, COLORADO 81637**

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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, 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 the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensealing 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 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, **except for taxes for the current year, a lien but not yet due or payable, easements, restrictions, reservations, covenants and rights-of-way of record, if any,**

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their 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, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF the grantor has executed this deed on the date set forth above.

James M. Phillips By Jack M. Phillips — JoAnn M. Clark
JAMES M. PHILLIPS by **JACK M. PHILLIPS as Attorney in fact** — **JOANN M. CLARK**

John M. Phillips — Jack M. Phillips
JOHN M. PHILLIPS — **JACK M. PHILLIPS**

NOTARY PUBLIC LINDA K. GLOVER STATE OF COLORADO

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this **20TH** day of **JUNE, 1995** by **JOANN M. CLARK and JACK M. PHILLIPS as Attorney in fact for JAMES M. PHILLIPS and JACK M. PHILLIPS and JOHN M. PHILLIPS**

My commission expires: 12-23-97

Witness my hand and official seal.
Linda K Glover
Notary Public

ES00521895 95NW0252

No. 921A. Rev. 3-85 WARRANTY DEED (to Joint Tenants)

Return to Grantee

566055 B-670 P-36 06/22/95 04:03P PG 1 OF 2 Eagle County Clerk & Recorder
REC 10.00 DOC 10.00

566925 B-670 P-906 07/06/95 05:20P PG 1 OF 2 Eagle County Clerk & Recorder
Sara J. Fisher
REC 11.00 DOC

LEGAL DISCRIPTION

THAT PART OF TRACT NO. 49, IN SECTION NO. 5, IN TOWNSHIP 5 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, ACCORDING TO THE INDEPENDENT RESURVEY APPROVED BY THE U.S. SURVEYOR GENERAL'S OFFICE JUNE 20, 1922 AND ACCEPTED JUNE 6TH 1923, AND ORGINALLY DESCRIBED AS A PART OF LOT NO. 5 OF SECTION NO. 32, IN TOWNSHIP 4 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT; BEGINNING AT A POINT WHENCE ANGLE POINT OF TRACT 40, (BEING IDENTICAL WITH THE NORTH 1/4 OF SECTION 5, FIRST SURVEY) IN TOWNSHIP 5 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS SOUTH 51°48' EAST 310.10' FEET DISTANT; THENCE NORTH 24°36' EAST 183.00 FEET; THENCE NORTH 67°54' WEST 544.06 FEET; THENCE SOUTH 16°08' EAST 246.37 FEET; AND THENCE SOUTH 69°30' EAST 383.80 FEET TO THE PLACE OF BEGINNING, CONTAINING AN AREA OF 2 ACRES, MORE OR LESS.

96290

CERTIFICATION OF VITAL RECORD

STATE OF COLORADO

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

HOLD TO LIGHT TO VIEW WATERMARK

VOID COPY VOID COPY VOID COPY VOID

STATE OF COLORADO
CERTIFICATE OF DEATH

STATE FILE NUMBER

FUNERAL DIRECTOR

1. DECEDENT'S NAME (First, Middle, Last): Rena Kay MILLER
2. SEX: Female
3. DATE OF DEATH (Month, Day, Year): February 15, 2013
4. SOCIAL SECURITY NUMBER: 524-58-1946
5a. AGE - (Years): 65
5b. UNDER 1 YEAR (Mos / Days):
5c. UNDER 1 DAY (Hrs / Mins):
6. DATE OF BIRTH (Month / Day / Year): May 13 1947
7. BIRTHPLACE (City and State or Foreign Country): Leadville, CO
8. WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No
9a. PLACE OF DEATH (Check only one): HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ DOA ☐ Other (Specify) — OTHER: ☐ Assisted Living/Nursing Home ☐ Hospice ☒ Decedent's Residence
9b. FACILITY NAME (If not institution, give street and number): 3785 Hwy 6
9c. CITY, TOWN, OR LOCATION OF DEATH: Gypsum
9d. COUNTY OF DEATH: Eagle
10a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired): Bookkeeper
10b. KIND OF BUSINESS/INDUSTRY: Plumbing
11. MARITAL STATUS: ☒ Married ☐ Never Married ☐ Widowed ☐ Divorced ☐ Unknown
12. SPOUSE (If wife, give maiden name): Roy Miller
13a. RESIDENCE - STATE: Colorado
13b. COUNTY: Eagle
13c. CITY, TOWN, OR LOCATION: Gypsum
13d. STREET AND NUMBER: 3785 Hwy 6
13e. INSIDE CITY LIMITS? ☐ Yes ☒ No
13f. ZIP CODE: 81637
14. WAS DECEDENT OF HISPANIC ORIGIN? (If "Yes", specify Cuban, Mexican, Puerto Rican, etc.) ☒ No ☐ Yes Specify:
15. RACE: American Indian, Black, White, etc. (Specify): White
16. EDUCATION: (Specify only highest grade completed) Elementary or secondary (0 - 12) College (13-16 or 17+): 12
17. FATHER - NAME (First, Middle, Last): Lawrence William Tracy
18. MOTHER - NAME (First, Middle, Maiden): Irene Elizabeth Ross
19. INFORMANT - NAME and relationship to deceased: Melissa Haycock - Daughter
20a. METHOD OF DISPOSITION: ☐ Burial/Entombment ☒ Cremation ☐ Donation ☐ Removal from State ☐ Resomation ☐ Other (Specify)
20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): Everett Family Crematory
20c. LOCATION - City or Town, State: Gypsum, Colorado
21a. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH: Signature: Jeanette M. Everett
21b. NAME AND ADDRESS OF FACILITY: Everett Family Funeral Home LLC, 305 McGregor Dr., Gypsum, Colorado
22a. REGISTRAR'S SIGNATURE: Signature: Viola M. Hermosillo deputy registrar
22b. DATE FILED (Month, Day, Year): March 6, 2013

PHYSICIAN/CORONER

23. TIME OF DEATH: Unknown ☐ AM ☐ PM ☐ Milt
24. DATE AND TIME PRONOUNCED DEAD: Month February Day 15 Year 2013 Time 9:50 ☐ AM ☒ PM ☐ Milt
25. WAS CORONER NOTIFIED? ☒ Yes ☐ No

TO BE COMPLETED BY SIGNING PHYSICIAN:
26a. To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. ☒ MD ☐ DO
Signature:
26b. DATE SIGNED (Month, Day, Year): 2/18/2013
26c. NAME, AND MAILING ADDRESS OF SIGNING PHYSICIAN: ALEXANDER URQUHART, SHAW REGIONAL CANCER CENTER, 322 BEARD CREEK RD EDWARDS CO 81632

TO BE COMPLETED BY CORONER:
27a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place, and due to the cause(s) and manner as stated. ☐ Coroner ☐ Assoc/Deputy Coroner
Signature:
27b. DATE SIGNED (Month, Day, Year):
27c. NAME AND COUNTY:
28. NAME OF ATTENDING PHYSICIAN IF OTHER THAN SIGNING PHYSICIAN:

29. MANNER OF DEATH: ☒ Natural ☐ Accident ☐ Suicide ☐ Homicide ☐ Pending Investigation ☐ Undetermined
30. DID TOBACCO USE CONTRIBUTE TO DEATH: ☐ Yes ☐ No ☒ Probably ☐ Unknown
31. IF FEMALE: ☐ Not pregnant within last year ☐ Pregnant at time of death ☐ Not pregnant, but pregnant within 42 days of death ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Unknown if pregnant within the past year
32a. DATE OF INJURY (Month, Day, Year):
32b. TIME OF INJURY: ☐ AM ☐ PM ☐ Milt
32c. INJURY AT WORK? ☐ Yes ☐ No
32d. DESCRIBE HOW INJURY OCCURRED:
32e. PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify):
32f. LOCATION INJURED (Street and Number or Rural Route Number, City, County, State):

33. IMMEDIATE CAUSE - enter only one cause per line for (a), (b), and (c). Do not enter mode of dying (e.g. Cardiac or Respiratory Arrest) alone.

Part 1. Conditions if any which gave rise to immediate cause stating the underlying cause last (c).

(a) metastatic urothelial carcinoma of the ureter — Interval between onset and death: 1 month
DUE TO OR AS A CONSEQUENCE OF:
(b) — Interval between onset and death:
DUE TO OR AS A CONSEQUENCE OF:
(c)

Part 2. OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not related to cause in Part 1

34. AUTOPSY ☐ Yes ☒ No
35. If YES, were findings considered in determining cause of death? ☐ Yes ☐ No

DATE ISSUED March 6, 2013

Ronald S. Hyman
RONALD S. HYMAN
STATE REGISTRAR

0060093336

THIS IS A TRUE CERTIFICATION OF NAME AND FACTS AS RECORDED IN THIS OFFICE. Do not accept unless prepared on security paper with engraved border displaying the Colorado state seal and signature of the Registrar. PENALTY BY LAW, Section 25-2-118, Colorado Revised Statutes, 1982, if a person alters, uses, attempts to use or furnishes to another for deceptive use any vital statistics record. NOT VALID IF PHOTOCOPIED.

REV 01/07

American Bank Note Company

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

EAGLE COUNTY, CO
TEAK J SIMONTON
Pgs: 3 02:58:37PM
REC: $21.00 DOC: $
200908899
05/12/2009

AGREEMENT ESTABLISHING DISPUTED BOUNDARY PURSUANT TO C.R.S. §38-44-112

This Agreement Establishing Disputed Boundary is made effective September 1, 2007, by and between COYOTE RIVER RANCH, LLC, a Colorado limited liability company ("the LLC"), whose address is P.O. Box 88, Wolcott, Colorado 81655 and ROY JAY MILLER AND RENA KAY MILLER ("the Millers") whose address is 3785 Hwy. 6, Gypsum, Colorado 81637. 3+1/21-

RECITALS

The Millers are the owners of the real property described in that warranty deed dated June 20, 1995, recorded June 6, 1995, in Book 670, Page 36, Reception No. 566055, and re-recorded July 6, 1995, in Book 670, Page 906, Reception No. 566925 of the real property records of Eagle County, Colorado ("the Miller Parcel").

The LLC is the owner of the real property being a portion of Tract 49, situated in Sections 31 and 32, Township 4 South, Range 86W of the Sixth P.M., described in that deed recorded December 17, 2004, at Reception No. 900946 + 900947 of the real property records of Eagle County, Colorado ("the LLC Parcel"). The Miller Parcel is located within the LLC Parcel.

A dispute exists between the Millers and the LLC as to the boundary lines of the Miller Parcel. On April 17, 2007, Don A. Bagent, Colorado Registered Professional Land Surveyor No. 26950, performed a Boundary Survey, which he certified on April 25, 2007, ("the Boundary Survey").

C.R.S. §38-44-112 provides:

> Any uncertain line, uncertain corner, or uncertain boundary of an existing parcel of land that is recorded in the real estate records in the office of the clerk and recorder for the county where the land is located and that is in

PLEASE RETURN TO:
OTTO, PORTERFIELD & AYRES LLC
P.O BOX 3149
VAIL, COLORADO 81658

dispute may be determined and permanently established by written agreement of all parties thereby affected, signed and acknowledged by each as required for conveyances of real estate, clearly designating the same, and accompanied by a map or plat thereof that shall be recorded as an instrument affecting real estate, and shall be binding upon their heirs, successors, and assigns. If the map or plat is prepared by a licensed professional land surveyor, monuments shall be set for any line, corner, or boundary included in the agreement.

The parties desire to utilize C.R.S. §38-44-114 to permanently establish the boundaries of the Miller Parcel and to settle the dispute. Now therefore, the parties agree as follows:

1. The boundaries of the Miller Parcel and the legal description of the Miller Parcel shall be as set forth in the Boundary Survey, which has been recorded in the real property records of Eagle County, Colorado on May 4 2009, ~~2008~~, at Reception No. 200908321.

2. This agreement shall not affect the access and egress to or from the Miller Parcel.

3. This agreement shall be binding upon the heirs, successors and assigns of the parties.

COYOTE RIVER RANCH, LLC
a Colorado limited liability company

By:
Its:

ROY JAY MILLER

RENA KAY MILLER

STATE OF COLORADO)
)ss
COUNTY OF EAGLE)

The foregoing agreement was acknowledged before me by Karl Berger as Manager of Coyote River Ranch, LLC this 11th date of May, 2008.9

KATHRYN BOWEN NOTARY PUBLIC STATE OF COLORADO
My Commission Expires 10/19/2010

Notary Public
My commission expires: 10/19/2010

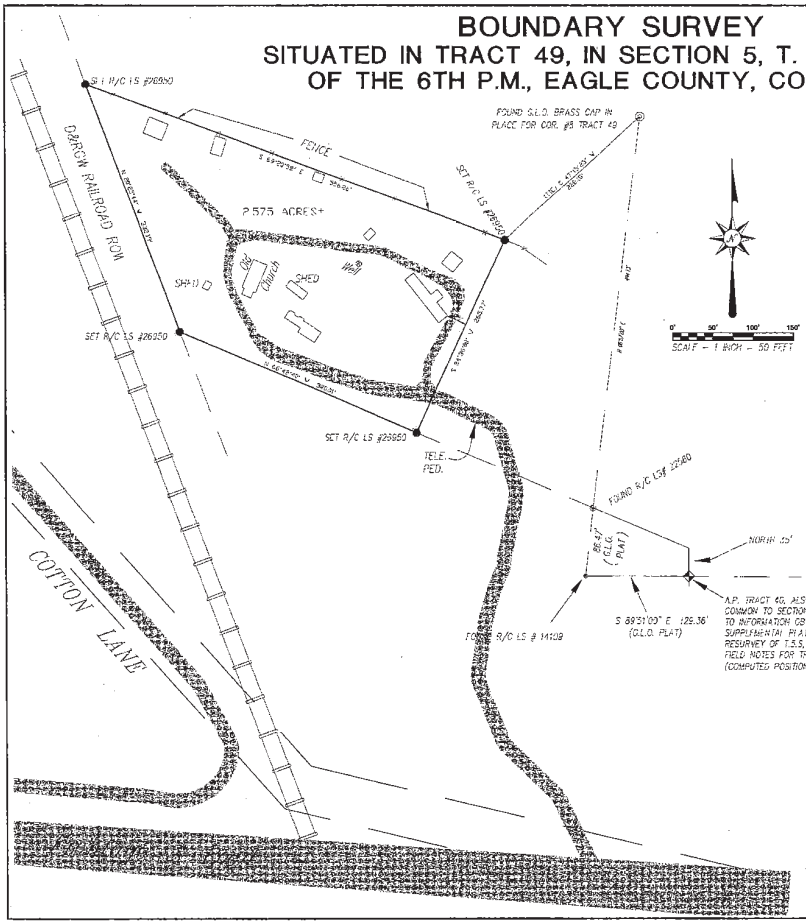
STATE OF COLORADO)
)ss
COUNTY OF EAGLE)

The foregoing agreement was acknowledged before me by Roy Jay Miller and Rena Kay Miller this 5 date of September, ~~2008~~.

SARA KUTNICKI
NOTARY PUBLIC
STATE OF COLORADO

Notary Public
My commission expires: April 19, 2009

BOUNDARY SURVEY
SITUATED IN TRACT 49, IN SECTION 5, T. 5 S., R. 86 W. OF THE 6TH P.M., EAGLE COUNTY, COLORADO



PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN TRACT 49, IN SECTION 5, TOWNSHIP 5 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE INDEPENDENT RESURVEY APPROVED BY THE U.S. SURVEYOR GENERAL'S OFFICE JUNE 20, 1922 AND ACCEPTED JUNE 6, 1923, AND ORIGINALLY DESCRIBED AS A PART OF LOT NO. 5 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND G.L.O. BRASS CAP IN PLACE AND PROPERLY MARKED FOR CORNER NO. 5 OF SAID TRACT 49, THENCE S.47 19'09"W. 226.16 FEET, TO THE TRUE POINT OF BEGINNING; THENCE S.24 38'00"W. 265.77 FEET; THENCE N.86 42'40"W. 320.01 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE DENVER AND RIO GRAND WESTERN RAILROAD AS DESCRIBED IN BOOK 98 AT PAGE 145 OF THE EAGLE COUNTY COLORADO CLERK AND RECORDERS OFFICE; THENCE N.20 29'44"W. ALONG SAID RIGHT-OF-WAY LINE 332.18 FEET, TO A POINT IN AN EXISTING FENCE LINE; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG SAID FENCE LINE S.89 20'58"E. 556.26 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINING 2.575 ACRES, MORE OR LESS.

THE PURPOSE OF THIS DESCRIPTION IS TO REPLACE THE PARCEL DESCRIBED IN BOOK 870 AT PAGE 358 AND 38, DOCUMENT NO. 588055 IN THE RECORDS OF THE EAGLE COUNTY, COLORADO CLERK AND RECORDERS OFFICE.

NOTE: BEARINGS HEREIN ARE BASED ON A BEARING OF S.22 11'03"E BETWEEN A FOUND G.L.O. BRASS CAP IN PLACE AND PROPERLY MARKED FOR THE CLOSING CORNER, EAST LINE OF ABOVE DESCRIBED TRACT 49 AND THE SOUTH LINE OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AND A FOUND BRASS CAP IN PLACE AND PROPERLY MARKED FOR CORNER NO. 6 OF SAID TRACT 49.

NOTES:

1) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N. 06 67'00" E. BETWEEN THE FOUND REBAR AND CAPS EAST OF THE PARCEL, AND THE BRASS CAP FOUND FOR CORNER #6 OF TRACT 49 AS SHOWN HEREON.

2) THIS SURVEY WAS PERFORMED WITHOUT A CURRENT TITLE COMMITMENT AND DOES NOT REPRESENT A TITLE SEARCH BY SCARROW AND WALKER, INC. OF THIS SURVEYOR TO DETERMINE OWNERSHIP, EASEMENTS OR OTHER ENCUMBRANCES OF RECORD.

3) BOUNDARY LOCATIONS AND DIMENSIONS HEREON ARE FROM RECORD INFORMATION FIELD LOCATIONS AND INFORMATION FURNISHED BY CLIENT.

4) THE PURPOSE OF THIS BOUNDARY SURVEY IS AS DESCRIBED IN THE PROPERTY DESCRIPTION HEREON.

5) NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS BOUNDARY SURVEY WITHIN THREE (3) YEARS AFTER YOU DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SURVEYORS CERTIFICATION

I, THE UNDERSIGNED, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MAP WAS MADE FROM AN ACCURATE SURVEY BY ME AND UNDER MY SUPERVISION AND CHECKING AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DON A. BASENT
COLORADO REGISTERED PROFESSIONAL
LAND SURVEYOR #29950
FOR AND ON BEHALF OF SCARROW AND WALKER, INC.

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF EAGLE COUNTY, AT _____ 3:35 _____ O'CLOCK _____ P. M. ON THIS _____ 4th _____ DAY OF _____ (Month) _____ A.D. 2008, AND IS DULY RECORDED AS RECEPTION NO. 200808321

CLERK AND RECORDER

BY: Paula Thompson
DEPUTY

SCARROW & WALKER INCORPORATED
Registered Land Surveyors
218 Colorado Avenue
Glenwood Springs, Colorado 81601
(970) 945-8864

no.	description of revisions	date	comm

sheet no. 1 OF 1

JOB NO.	05-141
SURVEY DATE	07-07-05
DRAWING NAME	05141-1.dwg
FIELD BK.	2007-01
SCALE	1"=50'
DRAWN BY	GR
CHKD. BY	DAB
APPROVED	Aug. 29, 2008

PREPARED FOR:
CARL BERGER
P.O. Box 88
Wolcott, CO 81655