

PRIVATE DRAINAGE EASEMENT

Grant of a Private Drainage Easement, between 5454 Pasadena N.E., a New Mexico Limited Liability Company ("Grantor") whose address is 8500 Washington St. N.E., Suite A-5, Albuquerque, New Mexico, 87113 and Magmike, L.L.C., a New Mexico Limited Liability Company, ("Grantee"), whose address is 8300 Jefferson St. N.E., Suite D, Albuquerque, New Mexico, 87113 and Americus L.L.C., a New Mexico Limited Liability Company, ("Grantee"), whose address is 8500 Washington St. N.E., Albuquerque, New Mexico, 87113.

Grantor grants to the Grantee a private drainage easement ("Easement") in, over, upon and across the real property described on Exhibit "A" attached hereto ("Property") for the construction, installation, maintenance, repair, modification, replacement and operation of an underground storm drain together with the right to remove trees, bushes, undergrowth and any other obstacles upon the Property if the Grantee determines they interfere with the appropriate use of this Easement.

In the event Grantor constructs any improvements ("Improvements") within the Easement, the Grantee has the right to enter upon Grantor's property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the Grantee. If the Work damages any Improvements made on the Grantor's property, the Grantee will be financially or otherwise responsible for rebuilding or repairing the Improvements. If in the opinion of the Grantee, the Work to be performed by the Grantee could endanger the structural integrity or otherwise damage the Improvements or encroachments, the Grantor shall, at its own expense, take whatever protective measures are required to safeguard the Improvements.

Grantor covenants and warrants that Grantor is the owner in fee simple of the Property; that Grantor has a good lawful right to convey the Property or any part thereof and that Grantor will forever warrant and defend the title to the Property against all claims from all persons or entities.

The grant and other provisions of this Easement constitute covenants running with the Property for the benefit of the Grantee and its successors and assigns until terminated.

This Easement shall not be effective until approved by the Grantee as shown in the signature block below.

WITNESS my hand and seal 7 this day of February, 2011.

**GRANTOR:**

Owner of Lot 5-A, Block 3, Tract A,  
Unit B, North Albuquerque Acres,  
Albuquerque, Bernalillo County, NM

**Doc# 2011014306**

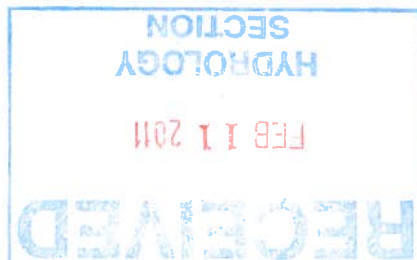
02/09/2011 03:30 PM Page: 1 of 4  
EASE R:\$15.00 M. Toulouse Oliver, Bernalillo County



5454 Pasadena N.E. L.L.C., a New Mexico Limited Liability Company  
by

  
John E. Mechenbier  
Managing Member

2/7/11  
Dated



**APPROVED BY GRANTEE**

Owners of Lot 6, Block 3, Tract A, Unit B

North Albuquerque Acres, Albuquerque, Bernalillo County, New Mexico

**AMERICUS, LLC, a New Mexico Limited Liability Company**

by

  
John E. Mechenbier  
Managing Member

2/7/11  
Dated

**MAGMIKE L.L.C., a New Mexico Limited Liability Company**

by

  
Michael D. Leach  
Managing Member

2-7-11  
Dated

**ACKNOWLEDGEMENTS**

**GRANTOR**

STATE OF NEW MEXICO)

)ss

COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 7 day of February 2011 by John E. Mechenbier, Managing Member of 5454 Pasadena N.E., L.L.C., a New Mexico Limited Liability Company, on behalf of the company.

  
Notary Public

My commission expires:

3/25/13

**GRANTEE**

STATE OF NEW MEXICO)

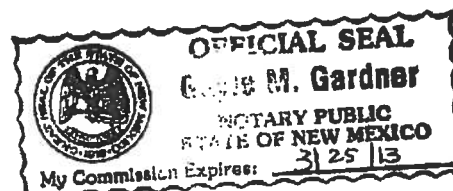
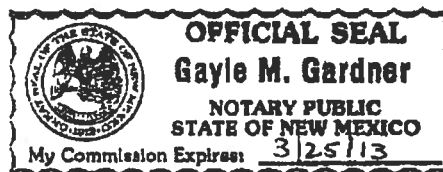
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COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 7 day of February 2011 by John E. Mechenbier, Managing Member of AMERICUS, L.L.C., a New Mexico Limited Liability Company, on behalf of the company.

  
Notary Public

My commission expires: 3/25/13



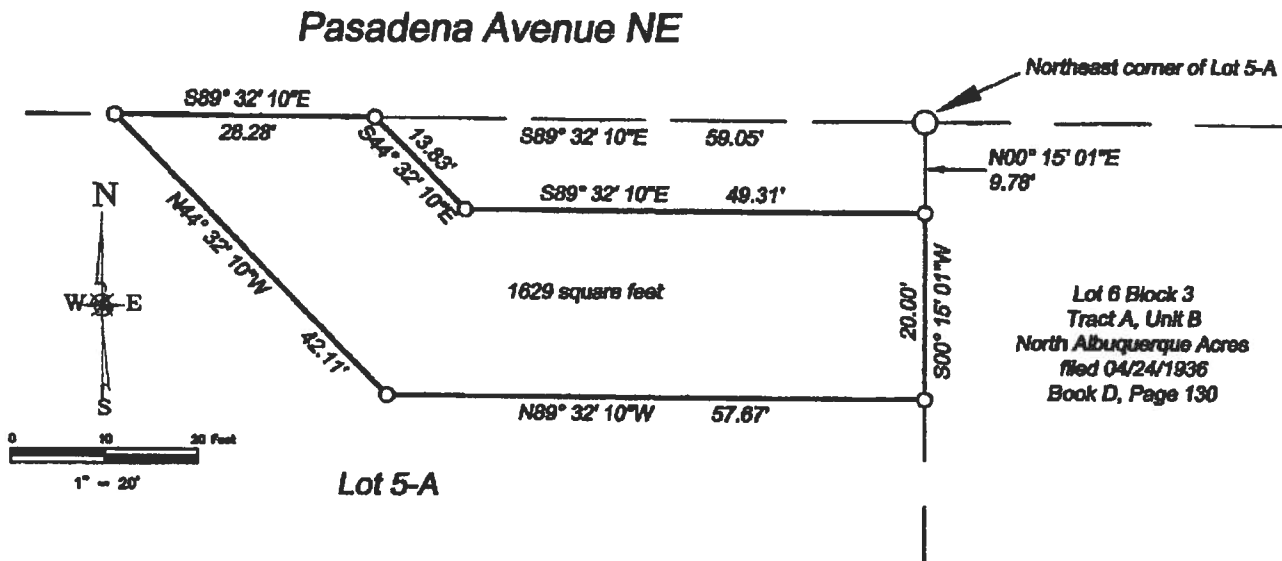
STATE OF NEW MEXICO) )ss  
COUNTY OF BERNALILLO)

Angela M. Gardner  
Notary Public

**OFFICIAL SEAL**  
**Gayle M. Gardner**  
**NOTARY PUBLIC**  
**STATE OF NEW MEXICO**  
My Commission Expires: 3/25/13

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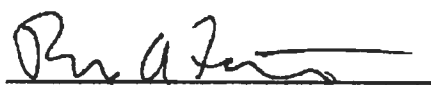
**Exhibit "A"**  
**LEGAL DESCRIPTION**  
 A portion of Lot 5-A, Block 3, Tract A, Unit B  
 North Albuquerque Acres  
 Albuquerque, Bernalillo County, New Mexico



A certain parcel of land being identified as a portion of Lot 5-A, Block 3, Tract A, Unit B, North Albuquerque Acres, Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on October 21, 2010, in Plat Book 2010C, Page 122, Document Number 2010106983, and being more particularly described by metes and bounds as follows:

**BEGINNING** at the Northeast corner of the parcel herein described, a point on the easterly line of said Lot 5-A whence the Northeast corner of said Lot 5-A bears N 00° 15' 01" E, a distance of 9.78 feet;  
 Thence, S 00° 15' 01" W, a distance of 20.00 feet along said easterly line to the Southeast corner of the parcel herein described;  
 Thence, N 89° 32' 10" W, a distance of 57.67 feet to the Southwest corner of the parcel herein described,  
 Thence, N 44° 32' 10" W, a distance of 42.11 feet to a point on the southerly right-of-way line of Pasadena Avenue NE and the Northwest corner of the parcel herein described;  
 Thence, S 89° 32' 10" E, along said southerly right-of-way line of Pasadena Avenue NE, a distance of 28.28 feet to a point;  
 Thence, S 44° 32' 10" E, a distance of 13.83 feet to a point,  
 Thence, S 89° 32' 10" E, a distance of 49.31 feet to the Northeast corner and point of beginning of the parcel herein described, and containing 1629 square feet, more or less.

Prepared by:

  
 Ronald A. Forstbauer  
 N.M.P.S. 6126  
 January 24, 2011

