

COURTESY RECORDING
NO TITLE LIABILITY

2021009622 B: 424 P: 9622 AGR
03/18/2021 01:14:02 PM Page 1 of 5
Anne Brady-Romero, County Clerk-Sandoval County, NM

WHEN RECORDED RETURN TO:

Marc D. Blonstein, Esq.
Berens Blonstein PLC
7033 East Greenway Pkwy., Suite 210
Scottsdale, Arizona 85254

AGREEMENT TO ABANDON EASEMENT
AND
TERMINATION OF EASEMENT TO SSCAFCA AND ASSOCIATION

This Agreement to Abandon Easement and Termination of Easement to SSCAFCA and Association (“**Agreement**”) is entered into by and between (i) MARIPOSA COMMUNITY ASSOCIATION, INC., a New Mexico nonprofit corporation (the “**Association**”) and (ii) MARIPOSA EAST, LP, an Arizona limited partnership, and MARIPOSA EAST OVERLOOK, LP, an Arizona limited partnership (collectively “**Grantor**”), as successors in interest to High Desert Investment Corporation, a New Mexico corporation (“**High Desert**”), and is dated effective as of February 9, 2021.

Recitals

A. WHEREAS, on or about January 20, 2006, the Association, High Desert and the Southern Sandoval County Arroyo Flood Control Authority (“**SSCAFCA**”) entered into that certain Easement to SSCAFCA and Association (“**Easement**”) and recorded it in the Office of the County Clerk of Sandoval County, New Mexico, on February 17, 2006, recordation no. 2006-08218 (Book 409 Page 8218);

B. WHEREAS, pursuant to the Easement, Grantor granted to SSCAFCA certain easements, including but not limited to the Drainage Easement, and Grantor granted to the Association certain easements, including but not limited to the responsibility for Level One Maintenance and Level Two Maintenance;

C. WHEREAS, on August 6, 2019, SSCAFCA executed that certain Abandonment of Easement (“**Abandonment of Easement**”) wherein SSCAFCA stated the easements “are no longer needed for use by SSCAFCA . . . [and t]herefore, ownership of the easements shall revert to and revest in the Grantor, its successors and assigns”, recorded in the Office of the County Clerk of Sandoval County, New Mexico, on August 7, 2019, recordation no. 2019-017679 (Book 422 Page 17679); and

D. WHEREAS, the Association and Grantor have now determined that neither the Association nor Grantor require or desire use of the easements described in the Easement and, accordingly, desire to abandon the easements set forth in the Easement and terminate the Easement;

COURTESY RECORDING
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E-RECORDED

ID:

B242 P9622

COUNTY:

SANDOVAL

DATE:

3/18/21 TIME: 1:14 PM

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Agreement

NOW, THEREFORE, for good and valid consideration, the Association and Grantor agree as follows:

1. Acknowledgement of SSCAFCA's Abandonment of Easement. Grantor and Association hereby acknowledge SSCAFCA's Abandonment of Easement and that, pursuant to Section 4 of the Easement, the ownership of the Drainage Easement reverted and revested with Grantor, and accordingly the term of the Drainage Easement expired.

2. Association Abandonment of Easements. The Association hereby abandons those certain easements that Grantor granted to the Association in the Easement. Grantor acknowledges and accepts Association's abandonment of the easements.

3. Termination of Easement to SSCAFCA and Association. Grantor and the Association hereby acknowledge and agree that the easements Grantor granted to SSCAFCA and to the Association in the Easement have now all been abandoned. Pursuant to Section 16 of the Easement, and because the easements referenced in the Easement are no longer needed for use, Grantor and the Association hereby modify and terminate the Easement, including the Drainage Easement contained therein.

4. Miscellaneous. Any capitalized term used herein without definition shall have the meaning stated in the Easement. This Agreement may be signed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. This Agreement will be governed by and interpreted in accordance with the law of the State of New Mexico.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS its hand and seal this 10th day of February, 2021 to this Agreement to Abandon Easement and Termination of Easement to SSCAFCA and Association.

MARIPOSA COMMUNITY ASSOCIATION,
a New Mexico nonprofit corporation

By: [Signature]

Name: Timothy P. Bristol

Title: President

(SEAL)

ACKNOWLEDGEMENT

STATE OF Arizona)
)ss.
COUNTY OF Maricopa)

This instrument was acknowledged before me on March 10, 2021 by Timothy P. Bristol, whose title is President on behalf of Mariposa Community Association.

[Signature]
Notary Public

My commission expires:

10-28-24



