

MAR381ST

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: DEED

NAME OF AGENCY OR CONTRACTOR: ALVIN E. BORSHELL, AS  
ADMINISTRATOR OF THE ESTATE OF PIEDAD H. MARTINEZ

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: 1ST STREET  
LOTS 12 AND 13 OF BLOCK 6 IN W.T. CARPENTER'S SUBDIVISION #2  
RIGHT-OF-WAY

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1938

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

ADMINISTRATOR'S DEED

This indenture, made this 28th day of September, A. D. 1938, between ALVIN E. BORSCHHELL, as Administrator of the Estate of PIEDAD H. MARTINEZ, party of the first part, and the CITY OF GRAND JUNCTION, COLORADO, a Colorado municipal corporation in the County of Mesa and State of Colorado, party of the second part, witnesseth that,

WHEREAS in the County Court in and for the County of Mesa and State of Colorado, on the 23d day of September, A. D. 1938, in the matter of the Estate of Piedad H. Martinez, the following decree was made and entered of record, to-wit:

STATE OF COLORADO    )  
                          ) ss.                    IN THE COUNTY COURT IN PROBATE  
COUNTY OF MESA        )

IN THE MATTER OF THE ESTATE OF     )  
PIEDAD H. MARTINEZ, Deceased.     )                    ORDER AND DECREE  
  FOR SPECIFIC PERFORMANCE

Now on this the 23d day of September, A. D. 1938, this cause came on for hearing upon the petition of ALVIN E. BORSCHHELL, the Administrator of the above estate, wherein the said Administrator requests the specific performance of a certain contract made by PIEDAD H. MARTINEZ during her lifetime; the said Administrator appearing in person and by his attorney, WILLIAM WEISER;

And the Court having examined the petition, and having heard the evidence tendered in support thereof, doth find as follows:

That Piedad H. Martinez departed this life on or about the 25th day of July, A. D. 1938, leaving no Last Will and Testament; that the petitioner is the duly appointed, qualified and acting administrator of the estate of said deceased, by virtue of Letters of Administration heretofore issued to him out of this Court; that the said Piedad H. Martinez died seized and

possessed of the following described real property, situate in Mesa County Colorado, to-wit:

Lots 12 and 15 in Block 6 in W. T. Carpenter's Subdivision No. 2 of the City of Grand Junction, in the county and state aforesaid;



that the said Piedad E. Martinez, during her lifetime, for a valuable consideration, made, executed and delivered unto the City of Grand Junction, a municipal corporation of Mesa County, Colorado, her contract in writing for the conveyance of the above described real property; that she did not execute such conveyance in her lifetime, neither did she give power by will to any person whatsoever to execute the same; that the said City of Grand Junction is ready and willing to perform its part of the contract hereinabove mentioned;

And the Court further finds that none of the heirs of Piedad E. Martinez, deceased, reside in or can be served within the County of Mesa; and the Court being now sufficiently advised in the premises, doth believe and find that specific execution of such contract ought to be made;

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED; That the Administrator herein, Alvin E. Borschell, shall execute said contract specifically by executing a deed, duly acknowledged, conveying the property hereinabove described to the City of Grand Junction, according to the terms of the contract and the order of the Court, and to deliver the same to the said City of Grand Junction upon the payment to him, for the use and benefit of the said estate, of the sum of Four Hundred Fifty Dollars (\$450) in lawful money.

Done in open Court the day and date above written.

By the Court:

Adair J. Hotchkiss  
Judge

NOW, THEREFORE, this indenture witnesseth:

That the said party of the first part, by virtue of the order aforesaid and in consideration of the premises and the further consideration of the sum of Four Hundred Fifty Dollars (\$450) to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has sold and conveyed, and by these presents does sell and convey unto the said party of the second part, its successors and assigns, all of said premises and property hereinabove described and mentioned as having been sold to the said party of the second part.

TO HAVE AND TO HOLD the same, with all the appurtenances thereunto belonging or in any wise appertaining, to the proper use, benefit and behoof of the said party of the second part, its successors and assigns forever, and the said party of the first part, for the consideration aforesaid, covenants with the said party of the second part, its successors and assigns, that he has in all respects complied with the decree and order aforesaid and with the law in such case made and provided.

IN WITNESS WHEREOF, the said party of the first part, as Administrator of said estate as aforesaid, has herunto set his hand and seal this day and year first above written.

*Alvin E. Borschell*

As Administrator of the Estate of  
Piedad H. Martinez, deceased.

STATE OF COLORALO )  
                          ) ss.  
COUNTY OF MESA )

I, *J. Ernest Lovin*,  
a notary public in and for the said County of Mesa in the state

aforesaid, do hereby certify that Alvin E. Borschell, who is personally known to me to be the Administrator of the Estate of Piedad M. Martinez, deceased, and known to me to be the person whose name, as such Administrator, is subscribed to the foregoing deed as having executed the same, appeared before me this day in person and acknowledged that he had, as such Administrator of said estate, signed, sealed and delivered the said instrument of writing as his free and voluntary act and deed for the uses and purposes herein set forth.

Given under my hand and notarial seal this 29<sup>th</sup> day of September, A. D. 1958.

J. Ernest Heaverton  
Notary Public

My commission expires Jan. 3rd 1962

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF MESA        )

I, Gladys Moss, Clerk of the County Court in and for the County of Mesa and State of Colorado, do hereby certify that the Order and Decree for Specific Performance, as recited in the within and foregoing deed, is a full, true and complete copy of the same as it remains of record and on file in my office.

Witness my hand and the seal of the said Court at Grand Junction, Colorado, in the said County of Mesa, this 29<sup>th</sup> day of September, A. D. 1958.

Gladys Moss  
Clerk of the County Court