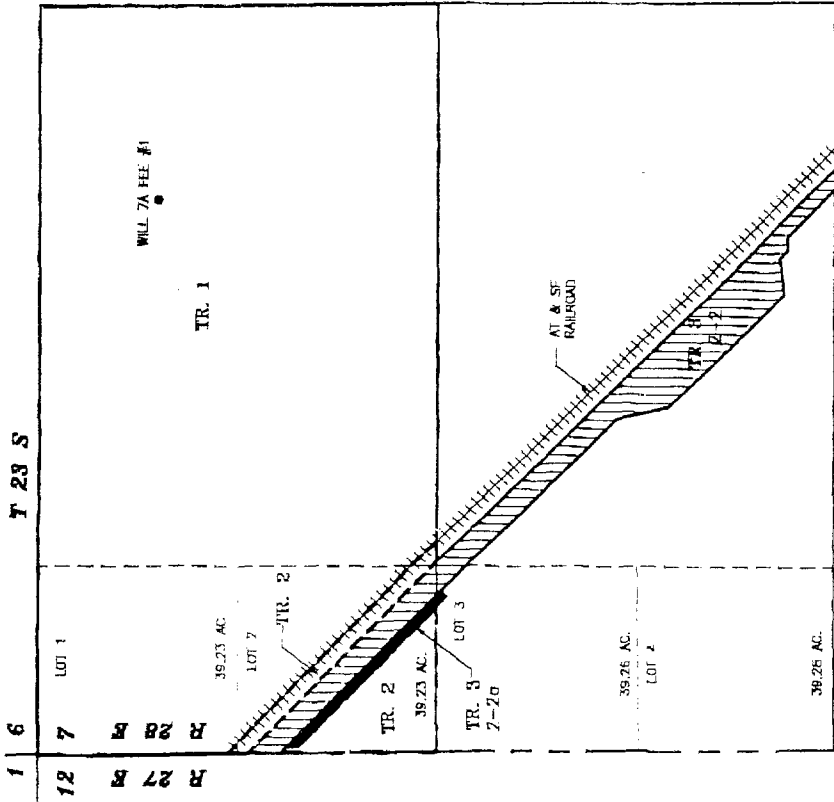


SECTION 7, TOWNSHIP 23 SOUTH, RANGE 28 EAST, N.M.P.M.,
 EDDY COUNTY, NEW MEXICO



ACREAGE IN THE NORTH HALF

TR. 3(2-2)	6.06 ACRES ±
TR. 3(2-2a)	1.82 ACRES ±
TR. 1	295.10 ACRES ±
TR. 2	15.48 ACRES ±
AT & SF RAILROAD CENTER LINE	



CHESAPEAKE OPERATING, INC.

THREE (3) TRACTS IN
 SECTION 7, TOWNSHIP 23 SOUTH, RANGE 28 EAST,
 EDDY COUNTY, NEW MEXICO

Survey Date: N/A	Sheet 1 of 1 Sheets
W.O. Number: 02.11.0671	Drawn By: LMP
Date: 10/02/07	DISK: CD#5
	Scale: 1" = 1000'

Please find attached the plat of the unit that you requested. The surveyor and I finally agreed on the acreage. As you can see, the plat depicts tract 3 in two parts (2-2, 2-2a) as described in the judgement. The total of tract 3 is 7.88 NMA with the State of NM credited with 1.97 NMA or 0.6186 % GWI. The calculation is $7.88 \times 0.25 = .006186$.

EXHIBIT



F-023-1(12)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
SITTING IN AND FOR EDDY COUNTY, NEW MEXICO

STATE OF NEW MEXICO, ex rel
STATE HIGHWAY COMMISSION OF
NEW MEXICO,

FILED JAN - 5 1968 IN MA
OFFICE

Petitioner,

FRANCES M. WILCOX
Clerk of the District Court

vs.

No. 24439

MARTIN VILLA, et al,

Defendants.

JUDGMENT

(Martin Villa & Cruz H. Villa
Tracts: 2-2 & 2-2A)

This matter coming on before the Court upon the stipulation of the parties and the Petitioner appearing by one of its attorneys, John C. Worden, Special Assistant Attorney General, and the Defendants, Martin Villa and Cruz H. Villa, appearing pro se and the Court having considered the stipulation and being fully advised in the premises finds that:

1. It has jurisdiction of the parties hereto and of the subject matter hereof.
2. The Laws and Statutes of the State of New Mexico have been complied with.
3. The Defendants named herein under the style of "ANY AND ALL UNKNOWN PERSONS OR CLAIMANTS OF INTEREST IN AND TO ANY OF THE PROPERTY INTERESTS HEREIN SOUGHT TO BE ACQUIRED"

FURTHER INSTRUMENTS IN THE ABOVE
NUMBERED CAUSE HAVE BEEN OMITTED.

have not appeared, answered, or filed any responsive pleading herein within the time prescribed by law and are therefore in default, having been lawfully served as is more fully set out in the Affidavit of Publication on file herein.

4. The parties appearing herein have stipulated and agreed that the amount of \$8,275.00 without interest for Tracts 2-2 and 2-2A is just and complete compensation to the Defendants for their lands taken and for their property rights impaired, damaged and affected in this condemnation action and including also all damages to the Defendants' remaining lands and property rights and that Judgment should be entered in this cause of action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following described lands and premises belonging to the Defendants to-wit:

(2-2) A certain tract or parcel of land, lying and being situate in the SE 1/4 SE 1/4, the SW 1/4 SE 1/4, the SE 1/4 SW 1/4, the NW 1/4 SE 1/4, the NE 1/4 SW 1/4, the NW 1/4 SW 1/4, the SE 1/4 NW 1/4 and the SW 1/4 NW 1/4 of Section 7, T. 23 S., R. 28 E., NMPM, County of Eddy, State of New Mexico, being more particularly bounded and described as follows, to wit:

Beginning at a point on the westerly line of Section 7 and point on the southerly right of way line of NMP F-023-1(12), County of Eddy, State of New Mexico, said point bears S.0°29'E. a distance of 1,613.42 feet from the northwesterly corner of Section 7; thence N.0°29'W. along said westerly line of Section 7 a distance of 220.46 feet to a point on the northerly right of way line of NM FAP 131-A, County of Eddy, State of New Mexico, said point being a point on the southerly right of way line of the Atchison, Topeka & Santa Fe Railroad; thence S.47°01'E. along said right of way line common to NM FAP 131-A and the Atchison, Topeka & Santa Fe Railroad a distance of 3,681.50 feet to a point on the southerly line of Section 7; thence S.69°35'W. along said southerly

line of Section 7 a distance of 145.54 feet to a point on the southerly right of way line of NMP FAP-131-A; thence N.47°01'W. along said southerly right of way line a distance of 480.00 feet; thence S.89°35'W. a distance of 87.32 feet to a point on the southerly right of way line of NMP F-023-1(12); thence N.47°01'W. along the said southerly right of way line a distance of 76.71 feet; thence S.83°05'W. a distance of 248.40 feet; thence N.47°01'W. a distance of 1,100.0 feet; thence N. 14°35'W. a distance of 354.19 feet; thence N.47°01'W. a distance of 3,245.01 feet to the point and place of beginning.

Containing 25.416 acres, more or less, of which 18.166 acres, more or less, are contained in the present (1967) right of way.

Net area = 7.252 acres, more or less.

(2-2A) ALSO, a certain tract or parcel of land, lying and being situate in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of Section 7, T.23 S., R. 28 E., NMPM, County of Eddy, State of New Mexico, being more particularly bounded and described as follows, to-wit:

Beginning at a point on the southerly right of way line of NMP F-023-1(12), County of Eddy, State of New Mexico and point on the westerly line of the property of the defendant, said point bears S.1°53'26"E. a distance of 1,652.40 feet from the north-westerly corner of Section 7; thence S.47°01'E. along said southerly right of way line a distance of 1,488.01 feet; thence S.42°59'W. a distance of 55.9 feet; thence N.47°01'W. a distance of 1,435.27 feet to a point on the westerly line of the property of the defendant; thence N.0°21'W. along said westerly line of the property of the defendant a distance of 76.81 feet to the point and place of beginning.

Containing 1.876 acres, more or less.

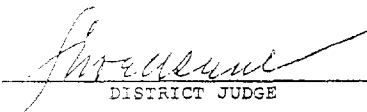
be and they are hereby condemned and appropriated for the use and purposes set forth in the petition on file in this cause and the Petitioner be and it hereby is adjudged to be the owner in fee simple of the above described property upon payment in full of all moneys due by the terms of this Judgment and the recordation of this Judgment with the County Clerk of Eddy County.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Judgment be and it hereby is rendered against the Petitioner and for the Defendants Martin Villa and Cruz H. Villa in the amount of \$8,275.00 without interest for Tracts 2-2 and 2-2A and this Judgment is granted in full and complete satisfaction, release and discharge of any claim these Defendants, their heirs, executors, administrators and assigns might now or hereafter have by reason of the condemning of the above described lands, and of all damages to lands immediately adjacent thereto by reason of this condemnation, which adjacent land may not have been actually taken but may have been injuriously affected by this condemnation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants named under the style of "ANY AND ALL UNKNOWN PERSONS OR CLAIMANTS OF INTEREST IN AND TO ANY OF THE PROPERTY INTERESTS HEREIN SOUGHT TO BE ACQUIRED" are in default for failure to appear, answer or file any responsive pleading herein within the time prescribed by law, having been lawfully served, as is more fully set out in the Affidavit of Publication on file herein and further none of the Defendants has, at any time material hereto, been owners of any interest in and to the real estate entitling them to any portion of the Judgment and award granted herein and the Defendants named in this paragraph and each of them be and they are hereby forever barred and estopped from making any claim to the award or in and to the above described real estate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amount of \$8,275.00, without interest, for Tracts 2-2 and 2-2A

be paid to the Defendants Martin Villa and Cruz H. Villa by the Clerk of the District Court of Eddy County, the amount of \$9,275.00 having been heretofore deposited with the Clerk of the District Court for the benefit of the Defendants herein.

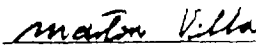

DISTRICT JUDGE


SUBSCRIBER:

NEW MEXICO STATE HIGHWAY COMMISSION

BY 

JACK A. MORRIS
Special Assistant Attorney General,
One of the attorneys for Petitioner,
P. O. Box 1149, Santa Fe, New Mexico


MARTIN VILLA, Pro Se
Rt. 1, Box 197
Carlsbad, New Mexico


CRUZ H. VILLA, Pro Se
Rt. 1, Box 197
Carlsbad, New Mexico

F-023-1(12)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
SITTING WITHIN AND FOR EDDY COUNTY, NEW MEXICO

STATE OF NEW MEXICO, ex rel
STATE HIGHWAY COMMISSION OF
NEW MEXICO,

Petitioner.

vs.

No. 24459

MARTIN VILLA, *Seth*
CRUZ R. VILLA, *Seth*

KANSAS MASONIC HOMES,

O. J. DOWLING,
FRANCES V. DOWLING,

EVA MARIE DIAL,
JESSIE DIAL, *Seth*
DORSETT C. BENNETT, *Seth*
LOUISE BENNETT, a/k/a MARY LOUISE BENNETT, *Seth*
CARLSBAD NATIONAL BANK,

GREGORIA E. SAPIEN,
TRINIDAD E. SAPIEN, *Seth*
JUANITA C. SAPIEN,

AUGUSTINE MUNOZ, a/k/a AUGUSTINE MUNOS,
GREGORIA C. MUNOZ, a/k/a GREGORIA O. MUNOS.

PERRY O'CONNOR,

LOUELLA JEAN O'CONNOR FULLER, a/k/a MRS. M. L. FULLER, *Seth*

Seth WALTER CRAFT FERTILIZER AND CHEMICAL CO., *Seth* - *Seth*

EULINE KELLY, *Seth* - *Seth* ✓

WALTER D. PORTER,
VELMA L. PORTER, *Seth* - *Seth* ✓
EQUITABLE LIFE INSURANCE, *Seth*

WINSTON LOVELACE,
LOUISE A. LOVELACE,
NORTHWESTERN MUTUAL LIFE INSURANCE CO., *Seth*
ROSWELL PRODUCTION CREDIT ASSOCIATION, and

ANY AND ALL UNKNOWN PERSONS OR CLAIMANTS
OF INTEREST IN AND TO ANY OF THE PROPERTY
INTERESTS HEREIN SOUGHT TO BE ACQUIRED, ✓

Defendants.

PETITION

Petitioner states that:

I

It is the State Highway Commission of the State of New Mexico and the proper authority under the Constitution and statutes of the State of New Mexico to institute and prosecute this action in eminent domain.

II

It is necessary for the Petitioner to acquire by condemnation the property, property rights, easements and licenses herein sought for the purpose of constructing, reconstructing or improving public roads, streets or highways for public purposes and for the purpose of accomplishing the removal of any and all encroachments upon the right of way and for all other purposes in connection with construction of Project F-223-1(12), North of Loving to Jct. 180 & US 62, Approx. 7.9 miles Eddy County, New Mexico.

III

This action is brought pursuant to and under the terms of Laws 1953, Chapter 324, as amended. (Section 22-9-38, et sequentia. N.M.S.A., 1953 Compilation, Pocket Supplement)

IV

The particular descriptions of the property of each of the defendants sought to be condemned are hereinafter described by accurate surveyed metes and bounds descriptions

under each separate numerical tract designation as well as
by reference to a map attached hereto and marked Exhibit "A".

5

Petitioner seeks to acquire the aforesaid property,
or property rights, in fee simple, fee simple excepting oil,
gas, and other minerals, or such lesser estate as is herein-
after shown under each separate numerical tract designation
and to require the removal of all improvements and encroach-
ments on the portion of land sought to be condemned.

VI

In addition to the property covered by each separate
numerical tract designation Petitioner seeks to acquire a
license to enter defendants' remaining land for the purpose
of removing improvements and encroachments, if any, on the
portion of land sought to be condemned, or to protect the
portion of the improvements which remain on defendants'
land.

VII

The Petitioner has been unable to agree with one or
more of the defendants having an interest in a particular
tract as to just compensation to be paid for the property
or property rights sought to be acquired; the amount offered
by Petitioner as just compensation for each tract or property
right is shown with each separate numerical tract designation
and construction and drainage features.

VIII

The names or residences of some defendants are unknown.

ALFRED W.
-2-

and remain unknown and the inquiry has been made by
Petitioner, certain to or who do not reside within the
state or cannot be found outside after Petitioner has made
due inquiry and search for them, and it is therefore neces-
sary for Petitioner to obtain constructive service upon
them by publication.

IX

The names and addresses of all defendants who own
or occupy the property or who own the property rights sought
to be acquired are shown under the commercial tract design-
ation as well as any facts of legal disability, deceased
owners, unknown owners, and property and property rights
held in trust, insofar as they are known to the Petitioner
after a search of the county records.

TRAILS 101-101-1 Estate to be acquired: Right of
2-2A Easement

Amount offered: \$6,275

MARTIN VILLA and
CRUIE H. VILLA
Rt. 1, Box 197
Carlsbad, New Mexico

1-2- A certain tract or parcel of land,
lying and being situate in the SE 1/4 SE
1/4, the SW 1/4 SE 1/4, the SE 1/4 SW 1/4,
the NW 1/4 SE 1/4, the NE 1/4 SW 1/4, the
NW 1/4 SW 1/4, the SE 1/4 NW 1/4 and the
SW 1/4 NW 1/4 of Section 7, T. 23 S., R.
2E, NMPN, County of Eddy, State of New
Mexico, being more particularly bounded and
described as follows, to wit:

Beginning at a point on the westerly
line of Section 7 and point on the southerly
right of way line of NMP F-023-1-12, County
of Eddy, State of New Mexico, said point
bears S. 0° 29' E. a distance of 1,613.42 feet
from the northwesterly corner of Section
7; thence N. 0° 12' W. along said westerly line
of Section 7 a distance of 220.46 feet to
a point on the northerly right of way line
of NM FAP 131-A, County of Eddy, State of
New Mexico, said point being a point on the
southerly right of way line of the Atchison,
Topeka & Santa Fe Railroad; thence S. 47° 01' E.
along said right of way line common to NM
FAP 131-A and the Atchison, Topeka & Santa
Fe Railroad a distance of 5,681.50 feet to
a point on the southerly line of Section
7; thence S. 88° 35' W. along said southerly
line of Section 7 a distance of 165.54 feet
to a point on the southerly right of way
line of NMP FAP-131-A; thence N. 47° 01' W.
along said southerly right of way line a
distance of 460.00 feet; thence S. 89° 35' W.
a distance of 87.22 feet to a point on the
southerly right of way line of NMP F-023-
thence N. 47° 01' W. along the said

WITNESSES
ON 1-2- MARTIN VILLA et al
12-1

TRACT NO. 2-2

southerly right of way line a distance of 75.71 feet; thence S.63°01'W. a distance of 248.40 feet; thence N.47°01'W. a distance of 1,400.00 feet; thence N.14°39'W. a distance of 154.16 feet; thence N.47°01'W. a distance of 3,745.01 feet to the point and place of beginning.

Containing 25.416 acres, more or less, of which 18.166 acres, more or less, are contained in the present 1967 right of way

Net area = 7.252 acres, more or less.

ALSO

TRACT NO. 2-2-A

2-2-A A certain tract or parcel of land, lying and being situated in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of Section 7, T. 23 S., R. 23 E., NMPM, County of Eddy, State of New Mexico, being more particularly bounded and described as follows, to wit:

Beginning at a point on the southerly right of way line of NMP P-023-11121, County of Eddy, State of New Mexico and point on the westerly line of the property of the defendant, said point bears S.1°53'26"E. a distance of 1,652.40 feet from the north-westerly corner of Section 7; thence S.47°01'E. along said southerly right of way line a distance of 1,488.01 feet; thence S.42°59'W. a distance of 55.9 feet; thence N.47°01'W. a distance of 1,413.20 feet to a point on the westerly line of the property of the defendant; thence N.0°21'W. along said westerly line of the property of the defendant a distance of 16.81 feet to the point and place of beginning.

Containing 1.856 acres, more or less.

MARTIN VILLA, et al

TRACT 7-4 (cont.)

Atchison, Topeka & Santa Fe Railroad; thence N.47°01'W. along said right of way line common to NM FAP 131-A and the Atchison, Topeka and Santa Fe Railroad a distance of 1300 feet to a point on the latitudinal 1/4 line of Section 27; thence westerly along said latitudinal 1/4 line a distance of 235 feet to the true point and place of beginning.

Containing 5.385 acres, more or less, of which 3.222 acres, more or less, are contained in the present 1966 right of way.

Net area = 2.163 acres, more or less.

ALSO IRRIGATION DITCH

<u>FEATURE</u>	<u>STATION TO STATION</u>	<u>LOCATION</u>	<u>DISTANCE FROM R/W</u>
Irrigation Ditch	654+75 to 656+00	Left	20'

PROVIDED that the same may be removed or relocated by the owner upon his notification to the Highway Commission, and when necessary for his utilization of the property consistent with effective drainage measures.

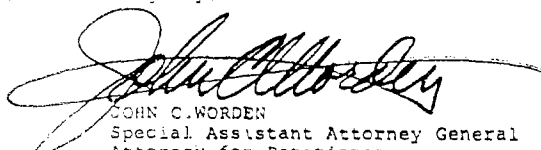
PETITION
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SUC v. MARTIN VILLA, et al
IRM 11

WHEREFORE, Petitioner prays for an order and judgment of this Court granting to Petitioner the fee simple title, fee simple title excepting oil, gas, and other minerals, to the property sought to be acquired and heretofore described, or granting to Petitioner such lesser interest in the property or property rights sought to be acquired as set forth in the Petition and as is necessary for highway purposes.

Petitioner further prays: the defendants be restrained from hindering or interfering with the occupation and control of the premises by the Petitioner; the Petitioner be granted the right to enter upon the defendants' remaining land for the purpose of removing encroachments, or to protect the improvements remaining on the defendants' land.

Petitioner further prays that the Court determine the respective interests of the defendants and the damages, if any, which the defendants may jointly or severally sustain as a consequence of the taking for, and establishment of, this public street, road or highway.


JOHN C. WORDEN
Special Assistant Attorney General
Attorney for Petitioner
New Mexico State Highway Commission
P. O. Box 1149
Santa Fe, New Mexico 87501
Phone: 983-7381

PETITION
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