



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0117 Federal Patent Easement Abandonment

Meeting Date: August 19, 2020

Supervisor District: 2

Applicant: Department of Transportation

Request: Approve the abandonment of that portion of the Patent Easement as proposed by the owner of the property located at 28413 North 65th Street, Cave Creek, Arizona 85331 and being identified as Assessor Parcel Number 216-68-098E.

Department Recommendation:

Having received objection to the full abandonment MCDOT recommends the following: Abandon the East 20 feet of the West 33 feet, EXCEPT the South 33 feet thereof; and the North 8 feet of the South 33 feet, EXCEPT the West 13 feet thereof, all within the SW4 NE4 SW4 SW4 of said Section 27.

Presented by: Jennifer Toth, P.E.,
Director of Transportation/County Engineer

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. An Initial Determination was circulated for review in September 2019, and results sent to the applicant in October 2019. The Application was circulated for review in June 2020. The following responses were received:

County Departments – No Objection: Transportation, Flood Control District, Planning and Development, Real Estate, and Parks and Recreation.

Utilities – No Objection: Arizona Public Service (APS), Cox, and CenturyLink.

Utilities – Objection: The City of Scottsdale Water Resources Division objects to the abandonment as requested and provided the following response:

“The City of Scottsdale Water Resources Division objects to the full abandonment and provided the following statement: the City of Scottsdale Water Resources Division requires a minimum of 20-feet of water and sewer line easement along North 65th Street center line and through G.L.O.P.E. Nos 1218825 & 1201798 for any future water or sewer line extensions. Abandonment of the existing 33-foot patent easement entirely along the west property line will allow encroachment within the water/sewer easement, which is not permitted by the City of Scottsdale Water Resources Division. Therefore, the City of Scottsdale Water Resources Division objects to the request of the abandonment of the existing 33-foot patent easement along the west property line. A partial abandonment request (up to a maximum of 20-feet) may be considered by Water Resources. In reviewing the request for the abandonment of the north 8-feet of the south 33-foot G.L.O.P.E. (Pat No. 1218825) on the south side of APN 216-68-098E, the City of Scottsdale’s Water Resource Department has no objection with this request.”

The applicant has been informed of this objection and concurs with the MCDOT recommendation as worded above.

Discussion:

Laws 2013, Chapter 46 amended Arizona Revised Statutes, Section 11-251.16 to allow a county, at the request of a property owner, to abandon a federal patent easement established by the Small Tract Act of 1938. On May 7, 2014 the Maricopa County Board of Supervisors (BOS) approved Ordinance No. P-34, adopting procedures for the abandonment of Federal Patent Easements. The Maricopa County Department of Transportation (MCDOT) has considered and processed this request for abandonment in strict accordance with A.R.S. Section 11-251.16 and Ordinance No. P-34.

Attachments:

Application / Proof of ownership / Aerial Exhibit / Legal Exhibit and Description

APPLICATION



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

2901 W. Durango Street • Phoenix, AZ 85009
Phone: (602) 506-4176

PATENT EASEMENT ABANDONMENT APPLICATION

Contact Information

Applicant Name: Jennifer C. Brashears-Althoff PAB Number: PAB-00117
Mailing Address: 6519 E. Mark Lane
City: Cave Creek State: AZ Zip: 85331
Phone (602) - 488 - 3199 Email: ParadonxFarm@gmail.com

Parcel Detail

Assessor's Parcel Number: 216 - 68 - 098D - 098E Corrected APN, JM 6/4/20

- 1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix) 28413 N. 65th Street, Cave Creek, AZ 85331
2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A) Abandonment of the W33' except the S25' and the abandonment of the N8' of the S33'
3. Applicant is REQUIRED to be the current owner of the described property. A copy of your property deed must be attached to the application.

I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this application.

- 4. If you have a mortgage, deed of trust, upon your property you are REQUIRED to provide a letter from the lender approving your request to abandon a patent easement. Applications submitted without lender approval will not be processed. If you don't have a mortgage or deed of trust on the subject property, you will need to sign, before a notary, the affidavit below attesting to that status.

I, _____ attest that I own the subject property and that it is not encumbered by mortgage or deed of trust.

Subscribed and sworn to before me this My Commission Expires:

_____ day of _____, 20____

Notary Public

PAID June 3, 2020

Signature

Signature of Applicant: [Handwritten Signature] Date: 27-MAY-2020

Maricopa County Use Only

Application Fee*: \$1,600 Check #: 3782997 Date: 6-3-2020 Rec'd By: [Signature]
Total Received: \$1,350.00

*Application Fee will be \$1,350 (\$1,600 less \$250) if Initial Determination letter is provided; demonstrating an initial review of the parcel was conducted by the County within the last six months. The application fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.



MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID : A. RAMIREZ

Customer Name : JENNIFER C BRASHEARS-ALTHOFF

Reference Number : APN: 216-68-098D

Product	Description	Payment Amount
Patent Easements	1	\$1,350.00
		Payment Amount: \$1,350.00

Receipt Number: 3782797660

Transaction Date: 06/03/2020 02:09 PM

Payment Type: 

Account Number: *2897

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.



Maricopa County Department of Transportation
2901 W. Durango Street Phoenix, AZ 85009

Permit Receipt

Payer Name:

JENNIFER ALTHOFF
6519 E MARK LANE
CAVE CREEK, Arizona 85331

Receipt #:

100276

Payment Date:

6/3/2020

Reference #:

APN: 216-68-098D

Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
APN: 216-68-098D	Credit Card	3782797660	\$1,350.00

Total: \$1,350.00



May 27, 2020

Michael Althoff II & Jennifer Brashears-Althoff
28413 N 65th St
Cave Creek, AZ 85331

Re: Easement Letter Request

Dear: Jennifer Brashears-Althoff

We have received and reviewed the documents you sent regarding your easement request.

Please be advised that we have approved for you to abandon the current patent easement surrounding your property. We have spoken to Jessica May at the Maricopa County Department of Transportation and have verified that this will be a non-monetary transaction. She also advised that an updated map would be created at the conclusion of this process. We request that when the process is completed, if you are awarded the additional land that you forward us a copy of the revised easement map for our records. Please let us know if we can further assist you.

Sincerely,

Darryl Jackson

Darryl Jackson

Manager, Mortgage Servicing

Define Mortgage Solutions LLC

Darryl.jackson@definemtg.com

Direct Line 602-433-6265

Fax Line 602-634-6265

*Define Mortgage Solutions is a wholly owned subsidiary of Desert Financial Credit Union.
1262 S. Stapley Drive, 2nd floor, Mesa, AZ 85204*

Recording Requested by:
First American Title Insurance Company

When recorded mail to:
Michael P. Althoff, II and Jennifer C. Brashears-Althoff
6519 East Mark Lane
Cave Creek, AZ 85331

P5.
Yo:

MAR 1 6

WARRANTY DEED

Escrow No. 207-5440414 (SC) *Y2 MDM*

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Charles William Trayner, an unmarried man, the GRANTOR does hereby convey to

Michael P. Althoff, II and Jennifer C. Brashears-Althoff, husband and wife, the GRANTEE

The following described real property situate in **Maricopa** County, **Arizona** with the title being conveyed to the grantee as set forth in the attached acceptance by the grantee:

PARCEL NO. 1:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS WEST AND ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 329.97 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST AND ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 193.81 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST 187.00 FEET;

THENCE SOUTH 16 DEGREES 56 MINUTES 08 SECONDS WEST 81.64 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 04 SECONDS EAST 65.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

File No.: 207-5440414 (SC)
 A.P.N.: 216-68-098A 3

Warranty Deed - continued

THENCE SOUTH 89 DEGREES 42 MINUTES 56 SECONDS WEST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 170.30 FEET TO THE POINT OF BEGINNING;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS THAT IS RESERVED IN THE PATENT.

PARCEL NO. 2:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 89 DEGREES, 42 MINUTES, 56 SECONDS EAST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 170.30 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

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Unofficial Document

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THENCE NORTH 0 DEGREES, 01 MINUTES, 12 SECONDS WEST 187.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89 DEGREES, 42 MINUTES, 40 SECONDS EAST AND ALONG SAID NORTH LINE, 136.84 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 0 DEGREES, 01 MINUTES, 43 SECONDS EAST AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 329.99 FEET TO THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89 DEGREES, 42 MINUTES, 56 SECONDS WEST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 160.40 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS THAT IS RESERVED IN THE PATENT.

BEING MORE FULLY DESCRIBED AT INST 20061464837 DATED 1/03/2006 RECORDED 11/06/2006 IN MARICOPA COUNTY RECORDS.

File No.: **207-5440414 (SC)**

Warranty Deed - continued

A.P.N.: **216-68-098A 3**

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: January 20, 2012

File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

SEE ACCEPTANCE ATTACHED HERETO

AND BY REFERENCE MADE A PART HEREOF.

Charles William Trayner
Charles William Trayner

STATE OF Arizona)
County of Maricopa) ss.

On March 15, 2012, before me, the undersigned Notary Public, personally appeared **Charles William Trayner**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 8-31-2014

Shannon Cusimano
Notary Public



File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

ACCEPTANCE OF COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP

This Acceptance is to be attached to: Warranty Deed dated **01/20/2012** by and between **Charles William Trayner** and **Michael P. Althoff, II** and **Jennifer C. Brashears-Althoff**.

That each of the undersigned individually and jointly as such Grantees hereby declare that it is their intention to accept this conveyance as community property with right of survivorship and not as joint tenants with right of survivorship and not as tenants in common, and to acquire any interest in said real property under said deed as community property with right of survivorship, and not as joint tenants with right of survivorship and not as tenants in common.

That by the execution and delivery to the Escrow Agent of this "Acceptance of Community Property with Right of Survivorship" the undersigned intend to evidence their acceptance of said deed as community property with right of survivorship, and hereby direct and authorize the Escrow Agent to attach this "Acceptance of Community Property with Right of Survivorship" to such deed upon its execution and delivery and to record this "Acceptance of Community Property with Right of Survivorship" together with such deed.

Date: **01/20/2012**

Unofficial Document

Michael P. Althoff II
Michael P. Althoff II

Jennifer C. Brashears-Althoff
Jennifer C. Brashears-Althoff

STATE OF **AZ**)
County of *Maricopa*)ss.

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Shannon Cusimano
Notary Public





Maricopa County

Department of Transportation

2901 W. Durango St
Phoenix, AZ 85009
Phone: 602-506-8600
www.maricopa.gov

December 17, 2019

Jennifer C. Brahsears-Altoff /
6519 East Mark Lane
Cave Creek, AZ 85331

I am pleased to inform you that on December 11, 2019, by action of the Maricopa County Board of Supervisors, your request for abandonment of County right-of-way interest, Road File No. AB-324 was adopted. The action was recorded on December 13, 2019 in Record Number 2019-1010180. A copy is included for your records. The County does not guarantee title to the abandoned property.

The abandonment extinguishes the County roadway rights only. The action approved by the Board of Supervisors does **NOT** abandon Federal Patent easements. Your property is still encumbered by a 33 foot Patent easement on the West and South sides of the property. The right of public access and limitation of your use of that easement remains.

In addition, the action by the Board to abandon the road right-of-way does **NOT** abandon or extinguish existing utility easements or the right of any utility who's service area your property is in to access, operate and maintain per A.R.S. 28-7210.

Therefore, you should consider carefully any action, improvements, development or construction plans that you may have within the road right-of-way that has been abandoned.

The County Assessor's office has been notified of this abandonment and the area will be added to the taxable area of your property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucinda Van Schoyck".

Lucinda Van Schoyck
Property Engineering Branch Manager
Real Estate Department

PROOF OF OWNERSHIP

Recording Requested by:
First American Title Insurance Company

When recorded mail to:
Michael P. Althoff, II and Jennifer C. Brashears-Althoff
6519 East Mark Lane
Cave Creek, AZ 85331

P5.
Yo.

MAR 16

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File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

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Unofficial Document

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File No.: **207-5440414 (SC)**
A.P.N.: **216-68-098A 3**

Warranty Deed - continued

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: January 20, 2012

File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

SEE ACCEPTANCE ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

Charles William Trayner
Charles William Trayner

STATE OF Arizona)
County of Maricopa)ss.

On March 15, 2012, before me, the undersigned Notary Public, personally appeared **Charles William Trayner**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 8-31-2014

Shannon Cusimano
Notary Public



File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

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That each of the undersigned individually and jointly as such Grantees hereby declare that it is their intention to accept this conveyance as community property with right of survivorship and not as joint tenants with right of survivorship and not as tenants in common, and to acquire any interest in said real property under said deed as community property with right of survivorship, and not as joint tenants with right of survivorship and not as tenants in common.

That by the execution and delivery to the Escrow Agent of this "Acceptance of Community Property with Right of Survivorship" the undersigned intend to evidence their acceptance of said deed as community property with right of survivorship, and hereby direct and authorize the Escrow Agent to attach this "Acceptance of Community Property with Right of Survivorship" to such deed upon its execution and delivery and to record this "Acceptance of Community Property with Right of Survivorship" together with such deed.

Date: **01/20/2012**

Unofficial Document

Michael P. Althoff II
Michael P. Althoff II

Jennifer C. Brashears-Althoff
Jennifer C. Brashears-Althoff

STATE OF **AZ**)
County of Maricopa)ss.

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WITNESS my hand and official seal.

My Commission Expires: 8/31/2014

Shannon Cusimano
Notary Public



AERIAL EXHIBIT

PAB-0117

APN: 216-68-098E

Date: 7/7/20

Legend	
	Current PAB
	Lapsed
	Pending
	Abandoned
	Patent Easement Boundary
	Right of Way
	Parcel boundary
	City of Scottsdale



Abandon the E 20' of the W 33' except the S 25' and abandon the N 8' of the S 33' except the W 13' of Pat. No. 1218825 on APN 216-68-098E

**INITIAL
DETERMINATION
REQUEST**



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

2901 W. Durango Street • Phoenix, AZ 85009
Phone: (602) 506-4178

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Jennifer C. Brashears-Althoff
Mailing Address: 6519 E. Mark Lane
City: Cave Creek **State:** AZ **Zip:** 85331
Phone (602) - 488 - 3199 **Email:** Jennifer@OctoberCreations.com

Parcel Detail

Assessor's Parcel Number: 216 - 68 - 098D

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
28413 N. 65th Street, Cave Creek, AZ 85331

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
Abandon Easement bordering the West and South side of parcel 216-68-098D

3. Access Certification:

I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this initial determination.

Signature

Jennifer C. Brashears-Althoff
Signature of Applicant

10-SEP-2019
Date

Maricopa County Use Only

PAB Number: _____	PAID <u>Sept 12, 2019</u>
Initial Determination Fee*: \$250.00	
Check #: <u>109</u>	
Total Received: <u>\$250.00</u>	Date: <u>9-12-2019</u> Rec'd By: <u>CMR</u>

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.



Maricopa County Department of Transportation
2901 W. Durango Street Phoenix, AZ 85009

Permit Receipt

Payer Name:

Michael P Brashears-Althoff
Jennifer C Brashears-Althoff
6519 E Mark Ln
Cave Creek, Arizona 85331

Receipt #:

100045

Payment Date:

9/12/2019

Reference #:

APN 216-68-098D

Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
PAB Initial Determination	Check	109	\$250.00

Total: \$250.00

Recording Requested by:
First American Title Insurance Company

When recorded mail to:
Michael P. Althoff, II and Jennifer C. Brashears-Althoff
6519 East Mark Lane
Cave Creek, AZ 85331

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20120219541 03/16/2012 02:21
P5440414-5-3-1-
ELECTRONIC RECORDING



MAR 16

WARRANTY DEED

Escrow No. **207-5440414 (SC)** *1/2 MDM*

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Charles William Trayner, an unmarried man, the GRANTOR does hereby convey to

Michael P. Althoff, II and Jennifer C. Brashears-Althoff, husband and wife, the GRANTEE

The following described real property situate in **Maricopa County, Arizona** with the title being conveyed to the grantee as set forth in the attached acceptance by the grantee:

PARCEL NO. 1:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 00 DEGREES 01 MINUTES 12 SECONDS WEST AND ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 329.97 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST AND ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 193.81 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 12 SECONDS EAST 187.00 FEET;

THENCE SOUTH 16 DEGREES 56 MINUTES 08 SECONDS WEST 81.64 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 04 SECONDS EAST 65.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89 DEGREES 42 MINUTES 56 SECONDS WEST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 170.30 FEET TO THE POINT OF BEGINNING;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS THAT IS RESERVED IN THE PATENT.

PARCEL NO. 2:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89 DEGREES, 42 MINUTES, 56 SECONDS EAST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 170.30 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE NORTH 0 DEGREES, 17 MINUTES, 04 SECONDS WEST 65.00 FEET;

THENCE NORTH 16 DEGREES, 56 MINUTES, 08 SECONDS EAST 81.64 FEET;

THENCE NORTH 0 DEGREES, 01 MINUTES, 12 SECONDS WEST 187.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89 DEGREES, 42 MINUTES, 40 SECONDS EAST AND ALONG SAID NORTH LINE, 136.84 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 0 DEGREES, 01 MINUTES, 43 SECONDS EAST AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 329.99 FEET TO THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89 DEGREES, 42 MINUTES, 56 SECONDS WEST AND ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 160.40 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS THAT IS RESERVED IN THE PATENT.

BEING MORE FULLY DESCRIBED AT INST 20061464837 DATED 1/03/2006 RECORDED 11/06/2006 IN MARICOPA COUNTY RECORDS.

File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: January 20, 2012

File No.: 207-5440414 (SC)
A.P.N.: 216-68-098A 3

Warranty Deed - continued

SEE ACCEPTANCE ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.

Charles William Trayner
Charles William Trayner

STATE OF Arizona)
County of Maricopa) ss.

On March 15, 2012, before me, the undersigned Notary Public, personally appeared **Charles William Trayner**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 8/31/2014

Shannon Cusimano
Notary Public



Arizona 029823

The United States of America,

To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at **Phoenix, Arizona,** has been issued showing that full payment has been made by the claimant

Henry L. Manheim,

pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

Gila and Salt River Meridian, Arizona.

T. 5 N., R. 4 E.,

Sec. 27, SW¼NE¼SW¼SW¼.

The area described contains **2.50** acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding **33** feet in width, for roadway and public utilities purposes, to be located **along the south and west boundaries of said land.**

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **FOURTEENTH** day of **APRIL** in the year of our Lord one thousand nine hundred and **SIXTY-ONE** and of the Independence of the United States the one hundred and **EIGHTY-FIFTH.**

[SEAL]

For the Director, Bureau of Land Management.

By

Chief, Patents Section.

Patent Number **1218825**

**LETTERS TO
REQUESTOR**



Maricopa County

Department of Transportation

Transportation Systems
Management Division
2901 W. Durango Street
Phoenix, AZ 85009
Phone: 602-506-8676
Fax: 602-506-8758
www.mcdot.maricopa.gov

October 9, 2019

Jennifer C. Brashears-Althoff
6519 East Mark Lane
Cave Creek, AZ 85331

Dear Applicant,

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination for potential abandonment of the Federal Patent Easement on the property identified as Assessor Parcel 216-68-098D, tracking No. PAB-00118. MCDOT has received the following **Objections**:

MCDOT Objection: MCDOT Systems Planning objects to the full abandonment as proposed. MCDOT will support the abandonment of the W33' except the S25' and the abandonment of the N8' of the S33'. For further information on MCDOT's objection contact: Bob Woodring by phone 602-506-8326 or email, Bob.Woodring@Maricopa.Gov.

Utilities Objection: *APS* objects to abandonment of the Patent Easement. For further information on this objection contact Name phone number email.

Scottsdale Water objects to abandonment of the Patent Easement. For further information on this objection contact Julia Campo phone number (480)312-5215 email JCampo@Scottsdaleaz.gov.

Please Note: The following agencies are not required to respond in the Initial Determination Phase. A request for Courtesy Review was sent and a response has not yet been received.

CenturyLink

If a response is received after the date of this letter, we will notify you further of their determinations.

Maricopa County Ordinance P-34, Section 5d, states that no abandonment of a patent easement can occur over objection from any utility. You may view this Ordinance at <http://www.mcdot.maricopa.gov/easements/home.htm>, click on the "Ordinance P-34" hyperlink. A utility has objected and you will need to contact the indicated representative to resolve the objection.

After the objections have been addressed, proceed to the MCDOT website (<https://www.maricopa.gov/775/Abandonment-of-Patent-Easements>) for the next steps in the Patent Easement Abandonment process.

NOTE: Be advised, all reviewing entities reserve the right to change their original review position, which may affect the final recommendation to the Board of Supervisors to approve or deny the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Oralee Young', written in a cursive style.

Oralee Young – Administrative Assistant
Maricopa County Department of Transportation
Phone: 602-506-4631



Maricopa County

Department of Transportation

Transportation Systems
Management Division
2901 W. Durango Street
Phoenix, AZ 85009
Phone: 602-506-8676
Fax: 602-506-8758
www.mcdot.maricopa.gov

July 16, 2020

Jennifer C. Brashears-Althoff
6519 East Mark Lane
Cave Creek, Arizona 85331

Subject: PAB-0117 Application Review Results Letter

Dear Ms. Brashears-Althoff,

The Maricopa County Department of Transportation (MCDOT) has completed the Application review for potential abandonment of the Federal Patent Easement on the property identified as Assessor Parcel Number 216-68-098E, tracking number PAB-0117. MCDOT has received the following responses:

MCDOT: No objection.

County Departments: No objection.

Utilities: The City of Scottsdale Water Resources Department **objects** to the abandonment as requested. A partial abandonment request (up to a maximum of 20-foot) may be considered by Water Resources.

NOTE: Be advised, all reviewing entities reserve the right to change their original review position, which may affect the final recommendation to the Board of Supervisors to approve or deny the Application.

The attached materials will be presented to the Board of Supervisors for approval at an upcoming meeting. For additional information on the Board of Supervisors process, please refer to the MCDOT website (<https://www.maricopa.gov/775/Abandonment-of-Patent-Easements>) or contact me as indicated below.

Sincerely,

A handwritten signature in cursive script that reads 'Jessica May'.

Jessica May, Planner
Maricopa County Department of Transportation
Phone: 602-506-4178
Email: Jessica.May@maricopa.gov

Attachments: Board of Supervisors Report; Legal Exhibit

Attachments



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0117 Federal Patent Easement Abandonment

Meeting Date: August 19, 2020

Supervisor District: 2

Applicant: Department of Transportation

Request: Approve the abandonment of that portion of the Patent Easement as proposed by the owner of the property located at 28413 North 65th Street, Cave Creek, Arizona 85331 and being identified as Assessor Parcel Number 216-68-098E.

Department Recommendation:

Having received objection to the full abandonment MCDOT recommends the following: Abandon the East 20 feet of the West 33 feet, EXCEPT the South 33 feet thereof; and the North 8 feet of the South 33 feet, EXCEPT the West 13 feet thereof, all within the SW4 NE4 SW4 SW4 of said Section 27.

Presented by: Jennifer Toth, P.E.,
Director of Transportation/County Engineer

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. An Initial Determination was circulated for review in September 2019, and results sent to the applicant in October 2019. The Application was circulated for review in June 2020. The following responses were received:

County Departments – No Objection: Transportation, Flood Control District, Planning and Development, Real Estate, and Parks and Recreation.

Utilities – No Objection: Arizona Public Service (APS), Cox, and CenturyLink.

Utilities – Objection: The City of Scottsdale Water Resources Division objects to the abandonment as requested and provided the following response:

“The City of Scottsdale Water Resources Division objects to the full abandonment and provided the following statement: the City of Scottsdale Water Resources Division requires a minimum of 20-feet of water and sewer line easement along North 65th Street center line and through G.L.O.P.E. Nos 1218825 & 1201798 for any future water or sewer line extensions. Abandonment of the existing 33-foot patent easement entirely along the west property line will allow encroachment within the water/sewer easement, which is not permitted by the City of Scottsdale Water Resources Division. Therefore, the City of Scottsdale Water Resources Division objects to the request of the abandonment of the existing 33-foot patent easement along the west property line. A partial abandonment request (up to a maximum of 20-feet) may be considered by Water Resources. In reviewing the request for the abandonment of the north 8-feet of the south 33-foot G.L.O.P.E. (Pat No. 1218825) on the south side of APN 216-68-098E, the City of Scottsdale’s Water Resource Department has no objection with this request.”

The applicant has been informed of this objection and concurs with the MCDOT recommendation as worded above.

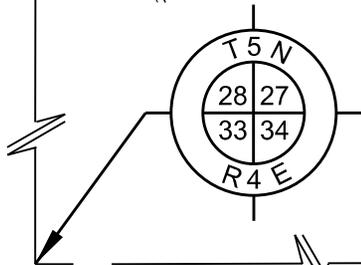
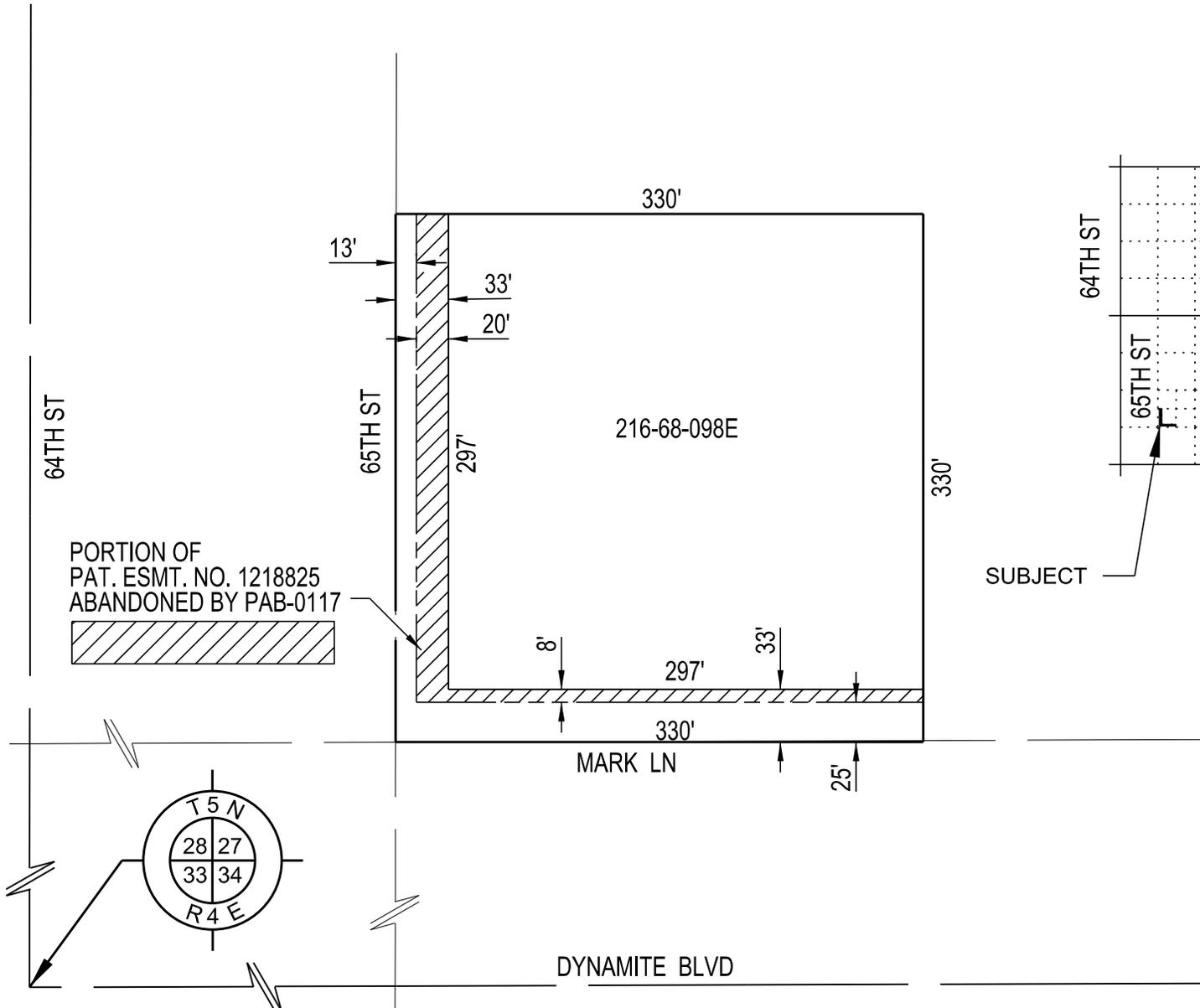
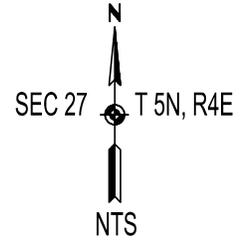
Discussion:

Laws 2013, Chapter 46 amended Arizona Revised Statutes, Section 11-251.16 to allow a county, at the request of a property owner, to abandon a federal patent easement established by the Small Tract Act of 1938. On May 7, 2014 the Maricopa County Board of Supervisors (BOS) approved Ordinance No. P-34, adopting procedures for the abandonment of Federal Patent Easements. The Maricopa County Department of Transportation (MCDOT) has considered and processed this request for abandonment in strict accordance with A.R.S. Section 11-251.16 and Ordinance No. P-34.

Attachments:

Application / Proof of ownership / Aerial Exhibit / Legal Exhibit and Description

PATENT EASEMENT ABANDON FILE NO. PAB-0117



Section 27, T5N, R4E

W.O. No. P00102

Sheet 1 of 1

MARICOPA COUNTY - REAL ESTATE DIVISION

EXHIBIT

**LEGAL DESCRIPTION
AND EXHIBIT**

LEGAL DESCRIPTION
PAB-0117

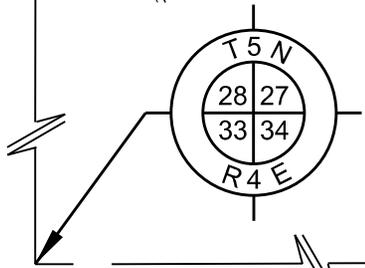
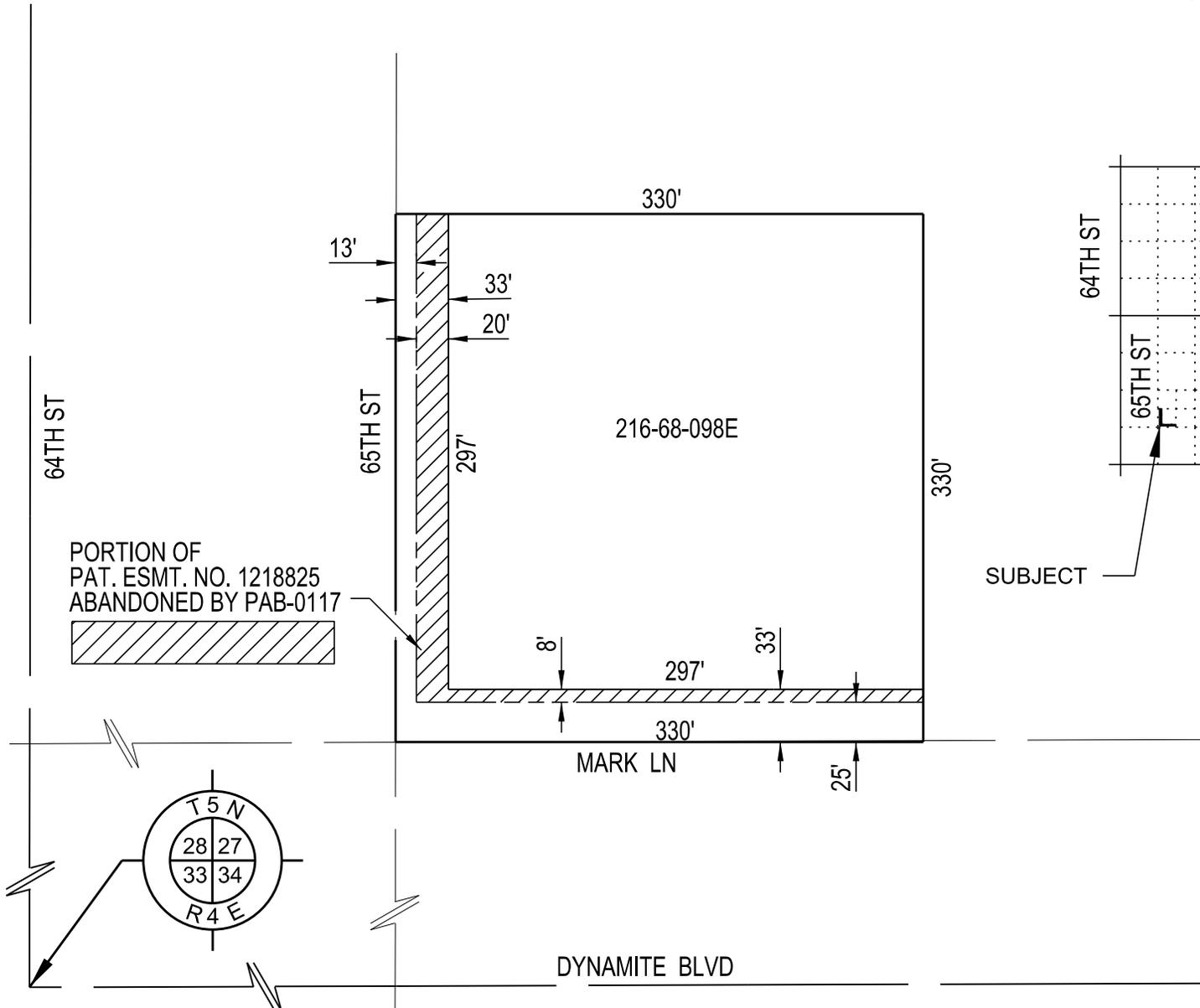
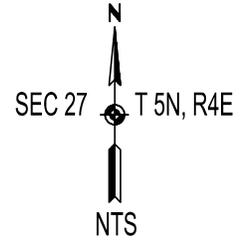
EXHIBIT "A"

Assessor Parcel No. 216-68-098E

That portion of the easement described in Patent 1218825, lying in the Southwest quarter of Section 27 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East 20 feet of the West 33 feet, EXCEPT the South 33 feet thereof; and
The North 8 feet of the South 33 feet, EXCEPT the West 13 feet thereof, all within the SW4 NE4 SW4 SW4 of said Section 27.

PATENT EASEMENT ABANDON FILE NO. PAB-0117



Section 27, T5N, R4E

W.O. No. P00102

Sheet 1 of 1

MARICOPA COUNTY - REAL ESTATE DIVISION

EXHIBIT