

J. B. Dougherty
and

Agreement.

Thos. R. Whelan and Mary Whelan

No. 890.

This Agreement made and entered into this 22nd day of January between J. B. Dougherty of the County of Butte, State of California, the party of the first part, and Thos. R. Whelan and Mary Whelan, his wife, both of the County of Eureka, State of Nevada, the parties of the second part, witnesseth: That whereas by a certain Bargain and Sale Deed this day made executed and delivered, the said parties hereto are made joint tenants and not tenants in common in certain properties, real, personal and mining, situate in Eureka County, Nevada, said property being more particularly described in that certain deed, reference to which is hereby made, and which said description is hereby made a part of this agreement: And whereas the said party of the first part has on this day made, constituted and appointed Thos. R. Whelan, one of the parties of the second part hereto, as his true and lawful attorney to do and perform certain acts more specifically set out in the said Power of Attorney, to which said Power of Attorney reference is hereby made. Now therefore in consideration of the premises, the sum of ten dollars lawful money of the United States to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, and for other good and valuable considerations, the said party of the first part agrees and covenants to and with the said parties of the second part, that they are to hold, have and enjoy for their sole use and benefit, and for the sole use and benefit of each of them during their lives and during each of their lives, all sums of money that may come into their hands, and also all rents, profits, issues, increases, and increments, of every, all, and any kind and description whatsoever of the aforesaid property, personal, real estate and mining, and the said party

of the first part for himself, his heirs, administrators, executors and assigns hereby releases the said parties of the second part from the necessity of rendering true accounts of any kind referring to any sale, transfer, lease or transaction of any kind appertaining in any manner to the property aforesaid. And the said party of the first part for himself, his heirs, administrators, executors and assigns, agrees that no claim or demand for any sums of money which may be received in any manner or from any source whatever in accordance with the terms of the Power of Attorney aforesaid shall ever be made by said party of the first part or by his heirs, executors, administrators, or assigns or by any of them during the life of the said parties of the second part hereto, or during the life time of either of them, and the said parties of the second part are hereby given special power to dispose of all said sums of money, rents, issues, increases, and increments by last will and testament or otherwise. In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

J. B. Dougherty (Seal)
 Thos. P. Whelan (Seal)
 Mary Whelan (Seal)

State of Nevada }
 County of Elko } ss.

On the 22nd day of January A. D. 1907 personally appeared before me, Edwin E. Cairne, a Notary Public, in and for said County J. B. Dougherty personally known to me to be the person described in, whose name is subscribed to, and who executed the foregoing instrument, and who personally acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned. In witness whereof, I have hereunto set my hand and affixed my Official Seal the day and year last above written.

Edwin E. Cairne,
 Notary Public.

Recorded at the request of T. P. Whelan, Feby 9th, A. D. 1907
 at 20 mins. past 4 P. M. Wm. Spinnier Recorder.