

The Farmers & Merchants National Bank of Eureka, Nevada,

and

Regional Agricultural Credit Corporation of Salt Lake City, Utah.

Agreement.

THIS AGREEMENT, Made this 5th day of January, 1933, by and between The Farmers & Merchants National Bank, Eureka, Nevada, as First Party; and the REGIONAL AGRICULTURAL CREDIT CORPORATION OF SALT LAKE CITY, UTAH, as Second Party;

WITNESSETH:

THAT WHEREAS: John Jaureguito Co. of Eureka, Nevada, State of Nevada, did make and deliver to the First Party a mortgage or mortgages upon certain real & chattel property, to secure certain obligations of said John Jaureguito Co. to the First Party, which said mortgage was recorded as follows:

Mortgage dated the 17th day of March, 1930, recorded in Book A of Real & Chattel Mortgages, beginning at page 208 thereof, of the records of Eureka County, Nevada;

WHEREAS: The Second Party has made or is about to make a loan to said John Jaureguito Co, secured by a real and chattel mortgage, upon certain property of said John Jaureguito Co. upon the understanding that the said last mentioned mortgage shall become a first lien upon the mortgaged property; and

WHEREAS: The said John Jaureguito Co. is indebted to said First Party in an amount exceeding Thirteen Thousand & No/100 (\$13000.00) Dollars; and

WHEREAS: It has been agreed between the First Party and the Second Party that Thirteen Thousand & No/100 (\$13,000.00) Dollars of the money so loaned by said Second Party shall be paid to the First Party, or its order, and the amount of such payment credited upon the note, notes or other obligation heretofore given by said John Jaureguito Co. to said First Party, and that the First Party shall waive its prior lien upon the property of said John Jaureguito Co. in favor of said Second Party, and agree that the lien or liens of the mortgage or mortgages given by said John Jaureguito Co. to the First Party shall be subordinate and secondary to the lien of the said mortgage of the Second Party;

NOW, THEREFORE, In consideration of the premises and of the payment to it or its order of the sum of Thirteen Thousand & No/100 (\$13000.00) Dollars, which said payment and the receipt thereof is hereby acknowledged, the First Party does hereby waive its first lien or liens upon the property of said John Jaureguito Co. in favor of the Second Party, and does consent and agree with said Second Party that the lien of the mortgage given or to be given by said John Jaureguito Co. to said Second Party, and of any extension or renewals thereof, whether for present or future advances, or other sums secured by such mortgage, shall be prior and superior to any lien or liens of the First Party upon the property so mortgaged, and that the lien of the First Party is and shall be subordinate and secondary to that of the Second Party.

IN WITNESS WHEREOF, The First Party has caused its corporate name to be subscribed hereto and its corporate seal to be affixed by its Cashier thereunto duly authorized, this 5th. day of January, 1933.

Farmers & Merchant's National Bank, Eureka, Nev.

(Corporate Seal)

By C. L. Tobin Its Cashier.

STATE OF NEVADA)
County of Eureka } SS

On this 5th day of January, 1933, personally appeared before me, a Notary Public in and for said County, C. L. Tobin, known to me to be the Cashier of the corporation that executed the foregoing instrument, who upon oath did depose that he is the officer of said corporation

as above designated; that he is acquainted with the seal of said corporation, and that the seal affixed to said instrument is the corporate seal of said corporation; that the signature to said instrument was made by the officer of said corporation as indicated after said signature, and that said instrument was executed by authority of a resolution of its Board of Directors; that said corporation executed the said instrument freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my Hand and Official Seal the day and year first above written.

(NOTARIAL SEAL)

J. J. DePaoli
Notary Public in and for said County
of Eureka, State of Nevada.

Recorded at the Request of C. L. Tobin Jan. 9, A. D. 1933 At 15 minutes past 9 A. M.

Peter Merialdo-----Recorder.