

File No.19781.

A.H.BERNING, A.R.BURG, R.STERLING,
R.W.HADDOW and BEULAH HADDOW,
Lessors.

to

LEASE AND OPTION TO BUY

INDUSTRIAL MINERALS & CHEMICAL COMPANY.) DATED: APRIL 9th, 1934.

LEASE AND OPTION TO BUY

THIS INDENTURE, made and entered into this 9th day of April, 1934, between A. H. BERNING, A. R. BURG, R. STERLING, R. W. HADOW AND BEULAH HADDOW, of the State of Nevada, Lessors, and INDUSTRIAL MINERALS & CHEMICAL COMPANY, a California corporation, Lessee,

W I T N E S S E T H :

That the said Lessors for and in consideration of the royalties hereinafter expressed and by the said Lessee to be kept and performed, have granted, demised and let and by these presents do grant, demise and let to the Lessee all the following described mine and mining property situate in an unknown mining district in the County of Eureka, State of Nevada, and particularly described as follows:

Parcel One:

Barite No. 1 located about fifteen (15) miles north of Dunphy Station as said claim is described in that certain location certificate dated October 18, 1929, File No. 19144, recorded in the office of the County Recorder of the County of Eureka, State of Nevada, on October 19, 1929, in Liber "H" of Outside Mining Locations at page 181.

Parcel Two:

White Rock No. 1 located about three (3) miles northerly from Boulder Creek Canyon as said claim is described in that certain location certificate dated December 14, 1929, File No. 18189, recorded in the office of the County Recorder of the County of Eureka, State of Nevada, on December 16, 1929, in Liber "H" of Outside Mining Locations at Page 188.

Parcel Three:

Barium No. 1 located about one (1) mile northerly from Morning Rose Cabin, as said claim is described in that certain location certificate dated April 20, 1931, File No. 18858, re-

corded in the office of the County Recorder of the County of Eureka, State of Nevada, on April 25, 1931, in Liber "H" of 'Outside Mining Locations at Page 295.

Parcel Four:

Maggie No. 3 located about one-half ($\frac{1}{2}$) mile southerly from Maggie Creek Canyon as said claim is described in that certain location certificate dated November 4, 1931, File No, 19053, recorded in the office of the County Recorder of the County of Eureka, State of Nevada, on November 5, 1931, in Liber "H" of Outside Mining Locations at Page 316.

TO HAVE AND TO HOLD unto the said Lessee from the date hereof to twelve o'clock noon on the 1st day of January, 1935.

Said Lessee hereby agrees to pay the Lessors a royalty of fifty (50) cents per ton (net railroad weight) on all barium ore mined from said property or any part thereof, payable in lawful money of the United States, on the 15th day of each and every month hereafter for ore shipped from said property to and including the last day of the preceding calendar month. All monies due the Lessors hereunder shall be paid to "Beulah Haddow, Co-Owner" at Carlin, Nevada.

The Lessee further agrees to keep said mining claims and all thereof free and clear of any lien or encumbrance and to post and to keep posted at all times during the life of this agreement upon said mining claims a notice in writing to the effect that the Lessors are not responsible for any debt contracted for labor performed or for materials furnished in or upon said mining claim or any part thereof and to hold said property free and clear from any and all claims for damages which may result from the operation thereof.

The Lessee further agrees during the term of this lease to do or cause to be done upon each of said claims the amount of assessment work required by law to be performed on each of said claims during the term of this lease.

Said Lessors hereby agree to convey by grant deed said property and all thereof to Lessee, or any person, persons or corporation whom it may designate upon demand at any time during the life of this lease for the sum of FIVE HUNDRED FIFTY (550) DOLLARS, lawful money of the United States, payable when said deed is delivered properly executed and acknowledged, free and clear of all liens and encumbrances of every kind, nature and description.

IT IS FURTHER AGREED by and between the parties hereto that should the Lessee fail to pay the royalties which may hereafter become due in accordance with the terms hereof and such failure shall continue for a period of thirty (30) days after the service of written notice thereof upon the said Lessee by registered mail addressed to it at 836 Gilman Street, City of Berkeley, County of Alameda, State of California, or upon its superintendent, agent or representative on said premises, then the said Lessors shall be released and relieved of and from all obligations hereunder and the said Lessee will surrender to the said Lessors said mining claims and the property and the right of the said Lessee therein and thereto shall thereupon terminate and cease.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

A. H. Berning
A. R. Burg
R. Sterling
R. W. Haddow
Beulah Haddow

INDUSTRIAL MINERALS & CHEMICAL COMPANY
 By W. S. Cowgill
 By E. M. Cantelow

(Corporate Seal)

STATE OF NEVADA)*
) ss.
 COUNTY OF ELKO)

On this 13 th day of April, 1934, before me J. A. Bielar a Notary Public in and for the County of Elko, State of Nevada, residing therein, duly commissioned and sworn, personally appeared A. H. Berning, A. R. BURG, R. STERLING, R. W. HADDOW AND BEULAH HADDOW known to me to be the persons described in and whose names are subscribed to the within instrument, and they

acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, the day and year in this certificate first above written.

(Notarial Seal)

J.A. Bielar

Notary Public in and for the County of Elko, State of Nevada.

My commission expires Oct. 27, 1936.

STATE OF CALIFORNIA)
CITY AND COUNTY OF ALAMEDA) ss.

On this 17th day of April, 1934, before me a Notary Public in and for the City and County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared Winston S. Cowgill known to me to be the President and E. M. Cantelow known to me to be the Secretary of the Corporation that executed the within instrument and the officers who executed the instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

(Notarial Seal)

Edith G. Bell

Notary Public in and for the City and County of Alameda, State of California.

My commission expires Nov. 7, 1937.

Recorded at the request of Industrial Minerals & Chemical Company April 20 A. D. 1934 at Omin. past 11 A.M.

Peter Merialdo-----Recorder.