

Kate Herrera,

to

Maria Repetto, as Trustee for
Edna Morse and Malchoir Herrera,
beneficiaries.

T R U S T D E E D.

This deed of trust made the 22nd day of November, 1939, by KATE HERRERA, grantor, to MARIA REPETTO, an unmarried woman, grantee, as trustee for EDNA MORSE and MALCHOIR HERRERA, beneficiaries-

W I T N E S S E T H:

That said grantor, for and in consideration of the love and affection which the said grantor bears toward the said beneficiaries, and also in connection of the sum of ONE DOLLAR, lawful money of the United States of America, to her in hand paid, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey, unto the said grantee, and to her executors, administrators and assigns, all that real property situate, lying and being in the town of Eureka, County of Eureka, State of Nevada, and particularly described as follows, to-wit:

An undivided one half interest in Lots 1, 2, 3, 4 and 5, in Block number 41, and

An undivided one half interest in Lot number 3, in Block number 36;

together with an undivided one half interest in and to all of the improvements located on said lots and the furniture and fixtures situate and contained in said buildings, or either or any of the said buildings;

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all estate, right, title, interest, homestead, property, possession, claim and demand whatsoever, as well in law as in equity, which said grantor has now, nor may hereafter acquire, in or to the above described property, or any part thereof;

TO HAVE AND TO HOLD, all and singular the said property to said grantee and to her successors and assigns, in trust for the following purposes, to-wit:

WHEREAS, Edward Herrera and Kate Herrera are at the date hereof husband and wife, and the property hereinabove described is the community property of the said husband and wife; and

WHEREAS the said Edward Herrera and Kate Herrera have agreed to live separate and apart and have agreed to divide said community property between them in equal proportions, share and share alike; and

WHEREAS, the said Edward Herrera and Kate Herrera, as husband and wife, have incurred certain indebtedness, and there is now outstanding against the said Edward Herrera and Kate Herrera, as such husband and wife, certain unpaid claims to creditors and properly and legally chargeable against the community property as hereinabove described; and

WHEREAS, the said Kate Herrera desires to convey her undivided one half interest in the said community property above described, in trust, nevertheless, for her daughter, Edna Morse and her son, Malchoir Herrera, in equal proportions and to charge said one half interest with its just proportion of any and all legal indebtedness and claims outstanding now due to creditors and legally chargeable against said community property;

NOW, THEREFORE, if the said community indebtedness of Edward Herrera and Kate Herrera, as the same may be found to be due and legally and properly chargeable against the community property of the said Edward Herrera and Kate Herrera, as husband and wife, on the date hereof, shall have been fully paid and discharged, or if said indebtedness shall have ceased to legally exist against said community property, then, and in that event, the said trustee as herein named, shall convey the said property hereinabove described to the said Edna Morse and the said Malchoir Herrera, in their respective interests as hereinabove set forth, at any time upon demand after the said Edna Morse or the said Malchoir Herrera shall have attained the age of majority.

The said Edna Morse and the said Malchoir Herrera, as such beneficiaries, shall be let into the actual possession of the said premises hereinabove described immediately upon the execution of this trust deed, subject, however, to the provisions hereof, and they shall have the right to defend such possession in any court and for any purpose whatsoever, subject always, nevertheless, to the provisions of this trust deed.

IN WITNESS WHEREOF, the said grantor has hereunto set her hand the day and year first above written.

Kate Herrera.

STATE OF NEVADA, |
 | ss.
COUNTY OF WHITE PINE |

On this 22nd day of November, 1939, before me, the duly elected, qualified and acting County Clerk and ex-officio Clerk of the Seventh Judicial District Court of the State of Nevada, in and for the County of White Pine, personally appeared Kate Herrera, known to me to be the same person described in, whose name is subscribed to and who executed the foregoing trust deed, and who duly acknowledged to me that she executed the said trust deed freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court the day and year in this certificate first above written.

(SEAL OF COURT)

F. D. Oldfield
CLERK AS AFORESAID.

Recorded at the request of Ednas Etchegaray March 13, A.D. 1940 At 0 minutes past 2 P.M.

Peter Merialdo ---- Recorder.