

File No. 31606

Mrs. J. O. Greenan)
 acting Administratrix)
 Estate of J. O. GREENAN,)
 deceased, E. L. CLEVELAND,)
 and J. L. MURPHY,)

*See Book 3 "Miscellaneous" Page 177
 for Original Lease and Option*

to

) SURRENDER OF LEASE

PETER MERIALDO and)
 ED DELANEY.)

SURRENDER OF LEASE

THIS INDENTURE, made this 29th day of December, 1954, by and between Mrs. J. O. Greenan, the duly, qualified and acting Administratrix of the Estate of L. O. GREENAN, Deceased, E. L. CLEVELAND, and J. L. MURPHY, first parties, and PETER MERIALDO and ED DELANEY, second parties,

W I T N E S S E T H:

WHEREAS, by and Indenture of Lease and Option to Purchase, dated July 12, 1950, the said second parties did demise and let unto the first parties those certain patented lode mining claims situate in the County of Eureka, State of Nevada, patented under survey number 3705, which said patent is recorded in Book 17 of Deeds at Page 220, in the official records of said Eureka, County, and more particularly described as follows:

ELMER
 JIM CROW
 MAY
 SOUTHERN CROSS
 WINDFALL

ELMER FRACTION
 JIM CROW FRACTION
 MAY FRACTION
 TWO G
 WINDFALL FRACTION

AND WHEREAS, the second parties did demise and let said premises for an indefinite term, subject to the payment by the first parties to the second parties of the total sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), of which FIVE THOUSAND DOLLARS (\$5,000.00) was to be paid on or before the 12th day of July, 1952, together with a like sum of FIVE THOUSAND DOLLARS (\$5,000.00) to be paid on or before the 12th day of July of each year thereafter until the total sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) has been paid in full, subject to the conditions and covenants contained therein.

NOW, THEREFORE, for and in consideration of the promises and covenants contained herein to be performed by the respective parties, the said first parties do hereby surrender and yield up to the second parties all and singular the said premises and lands described in and demised by said Indenture of Lease and Option to Purchase, together with all privileges and appurtenances attached thereto, and do further waive any right to exercise the Option to Purchase contained in said Indenture of Lease.

TO HAVE AND TO HOLD unto the said second parties, their heirs and assigns, to the intent that the said term of lease may merge and be extinguished in the freehold of the said premises.

And the said second parties do hereby accept said surrender, and acknowledged receipt of the possession of said premises, and do promise and covenant that they will not make any claim or demand, or institute any action for, any installment of rent, or of the purchase price, or to recover any damages or indemnity for any default upon the part of the first parties, including any failure of the first parties to pay any instalment of taxes or otherwise.

It is agreed by the parties hereto that an oral surrender of the said premises was made by the first parties and accepted by the second parties in the fall of the year 1950, and this agreement is made to carry out the terms of said oral agreement and bind the parties thereto.

IN WITNESS WHEREOF, the said first parties and second parties have hereunto set their hands the day and year first herein above written.

Mrs. J. O. Greenan
Administratrix of the Estate
J. O. Greenan

E. L. Cleveland

J. L. Murphy
FIRST PARTIES

Ed. Delaney

Peter Merialdo
SECOND PARTIES

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

On this 20th day of December, 1954, personally appeared before me, a Notary Public in and for said County and State, E. L. CLEVELAND, known to me to be the person described in and who executed the foregoing instrument, who 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 in this Certificate last above written.

(Notarial Seal)

Pauline E. Wade
Notary Public
My Commission Expires June 30, 1958

STATE OF NEVADA)
) SS.
COUNTY OF ESMEERALDA)

On this 24th day of December, 1954, personally appeared before me, a County Clerk in and for said County and State, J. L. MURPHY, known to me to be the person described in and who executed the foregoing instrument, who 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 in this Certificate last above written.

(Official Seal)

Katie Baird
County Clerk and Ex-officio
Clerk of District Court

STATE OF NEVADA)
) SS.
COUNTY OF WASHOE)

On this 18th day of December, 1954, personally appeared before me, a Notary Public in and for said County and State, Mrs. J. O. Greenan, Administratrix of the Estate of James O. Greenan, deceased, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she 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 in this certificate last above written.

(Notarial Seal)

Lois Maupin
Notary Public.
My Commission Expires January 24, 1956

State of Nevada,)
) SS.
County of Eureka,)

On this 29th day of December, 1954, personally appeared before me, A.J. O'Connell, a Notary Public in and for said county and State, Peter Merialdo, and Ed. Delaney, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they and each of them, 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 first above written.

(Notarial Seal)

A. J. O'Connell
My Commission Expires 7-24-55

Recorded at the Request of Peter Merialdo Dec. 29, A.D., 1954 At 35 minutes past 3:00 P.M.

E. B. Crane--Recorder
By Angela Evans--Deputy