

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

This Deed of Trust, made this 31st day of May, 1974, between DIAMOND LAND & CATTLE, A Partnership consisting of THOMAS H. GALLAGHER and DOROTHY S. GALLAGHER, his wife, CHARLES N. DAMELE, and PATRICIA S. DAMELE, his wife, R. D. DAMELE and ARLENE W. DAMELE, his wife, G.W. GARRETT and CHRISTINE F. GARRET, his wife, herein called TRUSTOR, whose address is 627 Court Street (number and street) Elko (city) Nevada (state) 89801 (zone).

Title Insurance and Trust Company, a California corporation, herein called TRUSTEE, and

PRODUCERS LIVESTOCK LOAN COMPANY, Salt Lake City, Utah, herein called BENEFICIARY.

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Eureka County, Nevada, described as:

SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION

TOGETHER WITH the rents, issues and profits thereof, reserving the right to collect and use the same except during continuance of some default hereunder and during continuance of such default authorizing Beneficiary to collect and enforce the same by any lawful means in the name of any party hereto.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$2,098,879.52 executed by Trustor in favor of Beneficiary or order. 3. Payment of such additional sums as may hereafter be advanced for the account of Trustor or Assigns by Beneficiary with interest thereon.

To Protect the Security of This Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions (1) to (16) inclusive of the Deed of Trust recorded in the Book and at the page, or document No. of Official Records in the Office of the county recorder of the county where said property is located, noted below opposite the name of such county, viz:

| COUNTY | DOCUMENT NO. | BOOK | PAGE | COUNTY | DOCUMENT NO. | BOOK | PAGE | COUNTY | DOCUMENT NO. | BOOK | PAGE |
|-----------|--------------|----------|---------|----------|--------------|----------|---------|------------|--------------|---------|---------|
| Clark | 413987 | 514 | | Humboldt | 116986 | 3 | 83 | Nye | 47157 | 67 | 163 |
| Churchill | 104132 | 34 migs. | 591 | Lander | 41172 | 3 | 758 | Ormsby | 72637 | 19 | 102 |
| Douglas | 24495 | 22 | 415 | Lincoln | 41292 | 0 migs. | 467 | Pershing | 57488 | 28 | 58 |
| Elko | 14831 | 43 | 343 | Washee | 407205 | 734 | 221 | Storey | 28573 | R migs. | 112 |
| Esmeralda | 26291 | 3H deeds | 138-141 | Lyon | 88486 | 31 migs. | 449 | White Pine | 128126 | 261 | 341-344 |
| Eureka | 39602 | 3 | 283 | Mineral | 76648 | 16 migs. | 534-537 | | | | |

(which provisions, identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

The parties agree that with respect to provision 16, the amount of fire insurance required by covenant 2 shall be \$_____ and with respect to attorneys' fees provided for by covenant 7 the percentage shall be reasonable %.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth. X Charles J. Gallagher G.W. Garrett

STATE OF NEVADA. Charles J. Gallagher Thomas H. Gallagher
COUNTY OF Elko SS. Dorothy S. Gallagher

On _____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared.

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.

DIAMOND LAND & CATTLE, A Partnership
Thomas H. Gallagher

X Charles N. Damele Dorothy S. Gallagher

X Patricia S. Damele Patricia S. Damele

X R. D. Damele R. D. Damele

Arlene W. Damele Arlene W. Damele

If executed by a Corporation the Corporation Form of
Acknowledgment must be used.

NEVADA PARTNERSHIP ACKNOWLEDGMENT

STATE OF NEVADA } ss.
COUNTY OF ELKO

On this 27th day of June, A.D. 1974, personally appeared before me CHARLES B. EVANS, JR. a Notary Public in and for ELKO County, State of NEVADA, Thomas H. Gallagher, Dorothy S. Gallagher, Charles N. Damele, Patricia S. Damele, R. D. Damele, Arlene W. Damele, G. W. Garrett, Christine F. Garrett

known to me to be the sole members of Diamond Land & Cattle a XX-partnership, and the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily for and on behalf of said co-partnership and for the uses and purposes therein mentioned.

My Commission Expires: 8-10-75

CHARLES B. EVANS, JR.
Notary Public - State of Nevada
Elko County, Nevada
Commission Expires Aug. 10, 1975

(SEAL)

DESCRIPTION

All those certain lots, pieces or parcels of land situate in the County of Eureka, State of Nevada, particularly described as follows, to wit:

PARCEL ITOWNSHIP 23 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 1: Lot 3

TOWNSHIP 24 NORTH, RANGE 49 EAST, M.D.B.&M.

- Section 9: NW₁NW₁; SE₁NW₁; SW₁NE₁.
- Section 10: SE₁SW₁; SW₁SE₁.
- Section 12: SW₁SE₁; NE₁SE₁.
- Section 13: NE₁NW₁; SW₁SW₁; NW₁SW₁.
- Section 14: SE₁SE₁.
- Section 15: NW₁NW₁.
- Section 23: NE₁NE₁; SW₁NE₁; W₁SE₁.
- Section 26: W₁SE₁; NE₁NW₁.
- Section 35: E₁W₁.

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M.

- Section 2: Lot 3, SE₁NW₁.
- Section 7: Lot 2,

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M.

- Section 24: SE₁NW₁; NW₁SW₁.
- Section 25: S₁SW₁; SE₁.
- Section 28: W₁NE₁; SE₁NW₁; S₁SW₁.
- Section 32: SE₁NE₁.
- Section 33: NW₁NW₁.
- Section 35: E₁NE₁; SW₁NE₁; E₁SW₁; SE₁.
- Section 36: NW₁NE₁; NW₁; NW₁SW₁.

TOWNSHIP 26 NORTH, RANGE 50 EAST, M.D.B.&M.

- Section 1: SE₁NE₁; W₁SW₁; E₁SE₁.
- Section 11: NE₁NE₁.
- Section 12: E₁NE₁; NE₁SE₁.
- Section 24: E₁SE₁.

PARCEL NO. I CONTINUED:

TOWNSHIP 25 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 6: Lots 3, 4, 5, 6 and 7; SE₁NW₁; E₁SW₁.
Section 7: E₁NW₁.
Section 19: SE₁SW₁.
Section 30: NW₁NE₁; E₁NW₁; Lots 2 and 3.
Section 35: N₁NW₁.

TOWNSHIP 26 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 6: Lots 3, 4, 5, 6 and 7; SE₁NW₁; E₁SW₁.
Section 7: Lots 1, 2, 3 and 4.
Section 18: Lots 1, 2, 3 and 4.
Section 19: Lots 1, 2, 3 and 4.
Section 30: Lots 1, 2, 3 and 4; E₁SW₁.
Section 31: NW₁NE₁; E₁M₁; Lot 4; SW₁SE₁.

TOWNSHIP 27 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 30: SW₁NE₁; Lot 4; E₁SW₁; NW₁SE₁.
Section 31: Lot 1.

PARCEL NO. II

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 29: NW₁NE₁.
Section 30: NW₁NE₁; NE₁SW₁; Lot 1 (EXCL NW₁).

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 32: NE₁SE₁; SW₁SE₁.

EXCEPTING, THEREFROM, all mines of gold, silver, copper, lead, cinnabar and other valuable minerals which may exist in said tract, including all gas, coal, oil and oil shales as reserved in Deeds conveying above parcels to TESSIE DAMELE, et al., executed by RUBY LAND CORPORATION, as recorded August 24, 1951 in Book 24 of Deeds at page 157; by HOMER D. TUTTLE and GLENORA TUTTLE, as recorded August 22, 1951 in Book 24 of Deeds at page 158; and by FRANK D. CARROLL and KATHA J. CARROLL, as recorded August 24, 1951 in Book 24 of Deeds at page 161, all Eureka County, Nevada, Records.

PARCEL NO. III

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 14: SW₁NE₁; SE₁NW₁; SW₁; NW₁SE₁. BOOK 48 PAGE 490
Section 22: NE₁.

PARCEL NO. III - CONTINUED:

EXCEPTING, THEREFROM, a one-fourth interest in all minerals, as reserved in Deed dated October 20, 1960, executed by JEAN SALLABERRY, et al., to CHARLES DAMELE, et al., recorded October 25, 1960 in Book 25 of Deeds at page 467, Eureka County, Nevada, Records.

PARCEL IV

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 20: $\frac{1}{2}$.
Section 29: $\frac{1}{2}$.

PARCEL V

TOWNSHIP 21 NORTH, RANGE 53, EAST, M.D.B.&M.

Section 20: $\frac{1}{2}$.

EXCEPTING THEREFROM, all potassium, oil and gas as reserved in Patent dated March 13, 1963 executed by UNITED STATES OF AMERICA to JAMES J. KAHL recorded May 3, 1963 in Book 26 of Deeds at page 426, Eureka, County, Nevada, Records.

PARCEL VI

TOWNSHIP 21 NORTH, RANGE 53, EAST, M.D.B.&M.

Section 22.
Section 27.

EXCEPTING THEREFROM, all the oil, gas, potash and sodium as reserved in Patents executed by UNITED STATES OF AMERICA to THOMAS H. GALLAGHER and JOHN B. BONDS recorded April 9, 1964 in Book 3 of Official Records at page 555 and December 30, 1964 in Book 6 of Official Records at page 349, Eureka County, Nevada, Records.

PARCEL VII

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 23: All.

EXCEPTING THEREFROM, all the oil and gas as reserved in Patents executed by UNITED STATES OF AMERICA to DOROTHY S. GALLAGHER and MOLLIE S. SEWELL recorded December 30, 1964 in Book 6 of Official Records at pages 349 and 350, Eureka County, Nevada, Records.

PARCEL VIII

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 1: SE_{1/4}SE_{1/4}NE_{1/4}; E_{1/4}NE_{1/4}SE_{1/4}; E_{1/4}NE_{1/4}SE_{1/4}; NE_{1/4}SE_{1/4}SE_{1/4}

Section 28: SE_{1/4}NE_{1/4}NW_{1/4}

TOWNSHIP 26 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 30: SW_{1/4}SW_{1/4}NW_{1/4}; W_{1/4}SE_{1/4}NW_{1/4}; SW_{1/4}SE_{1/4}NW_{1/4}; W_{1/4}SW_{1/4}NW_{1/4}SE_{1/4}; NW_{1/4}NW_{1/4}SW_{1/4}SE_{1/4}; S_{1/4}NW_{1/4}SW_{1/4}SE_{1/4}; SW_{1/4}SW_{1/4}SE_{1/4}

Section 31: NW_{1/4}SW_{1/4}NE_{1/4}; W_{1/4}SW_{1/4}SW_{1/4}NE_{1/4}

EXCEPTING, THEREFROM, all oil and gas as reserved in Patent executed by UNITED STATES OF AMERICA to LIBERTY LIVESTOCK recorded August 29, 1972 in Book 43 of Official Records at page 46, Eureka County, Nevada.

FURTHER EXCEPTING from PARCELS I, II and III one-half of all minerals, oil or gas owned by CHARLES J. DAMELE, et al as reserved in Deed to LIBERTY LIVESTOCK recorded January 20, 1972 in Book 41 of Official Records at page 318, Eureka County, Nevada.

PARCEL IX

TOWNSHIP 27 NORTH, RANGE 51 EAST, M. D. B. & M.

Section 30: Lots 9 & 10; SW 1/4 SE 1/4 SE 1/4 NW 1/4; E 1/2 SE 1/4 SE 1/4 NW 1/4

Section 31: N 1/2 NW 1/4 NE 1/4 NW 1/4; SW 1/4 NW 1/4 NE 1/4 NW 1/4

RECORDED AT THE REQUEST OF Dorothy Gallagher
on June 28, 1974 at 24 min. past 3 P.M.
Book 48 of OFFICIAL RECORDS, page 488-492 RECORDS OF
EUREKA COUNTY, NEVADA. *Sally C. McPartland* Recorder
File No. 58748 Fee \$ 7.00

FILE NO. 58748

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BOOK PAGE