

AMENDMENT OF LEASE AND AGREEMENT (SHORT FORM)

THIS AGREEMENT, made this 31st day of December, 1976, between the party or parties whose names are subscribed hereto under the designation of "Lessor", hereinafter called "Lessor", and CHEVRON OIL COMPANY, a corporation, and AMERICAN THERMAL RESOURCES, INC., a corporation, hereinafter called "Lessee",

W I T N E S S E T H:

THAT, REFERENCE IS HEREBY HAD to that certain Lease and Agreement dated November 20, 1971, a short form of which is of record in the Office of the County Recorder of Eureka County, Nevada, in Book 42 at Page 137, et seq. of Official Records, whereby Lessor did grant, lease and let unto American Thermal Resources, Inc. for the purposes therein described certain lands situate in said County and State particularly described in said lease;

AND, WHEREAS, by that certain Assignment dated June 15, 1976, recorded in the Office of the County Recorder of Eureka County, Nevada, in Book 55 at Page 322, et seq. of Official Records, and in the Office of the County Recorder of Lander County, Nevada, in Book 139 at Page 375, et seq. of Official Records, American Thermal Resources, Inc. assigned to Chevron Oil Company an undivided 62½% interest in said lease;

AND, WHEREAS, Lessor and Lessee have agreed to amend said lease in the particulars hereinafter set forth:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration paid to Lessor by Lessee, receipt of which is hereby acknowledged, Lessor and Lessee agree as follows:

1. The second paragraph of said lease (short form) which now reads in part as follows:

"The term of this lease and agreement is for a period of five (5) years commencing. . ."

shall be and hereby is amended to read as follows:

"The term of this lease and agreement is for a period of fifteen (15) years commencing. . ."

2. Said lease is further amended as set forth in that certain Amendment of Lease and Agreement bearing even date herewith by and between the parties hereto and covering the lands described therein and by this reference incorporated into this Amendment of Lease and Agreement.

3. To implement the foregoing, Lessor does hereby grant, demise, lease and let unto Lessee all those certain lands particularly described in said lease for the term and purposes and subject to all of the other provisions of said lease as hereby amended. Lessor agrees that said lease as hereby amended

is in good standing and in full force and effect. Lessor acknowledges receipt of rental in full under said lease to February 17, 1978.

4. This agreement shall bind and inure to the benefit of the respective heirs, executors, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, this agreement has been executed as of the day and year first herein written.

LESSEE

LESSOR

CHEVRON OIL COMPANY Now Chevron U.S.A. INC

By [Signature]
Its Attorney-in-Fact

~~NIEMEYER INVESTMENTS,~~
A California Corporation

BY: [Signature]
for

AMERICAN THERMAL RESOURCES, INC.

By [Signature]

BY: [Signature]
Sec.

Address: c/o A. C. Niemyer, M.D.
1601 Margate Rd.
Palos Verdes Estates 90274

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES

ss.

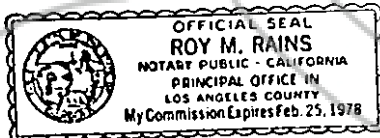
JAN 4 1977

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ON _____ before me, the undersigned, a Notary Public in and for the said State, personally appeared ARNOLD C. NIEMEYER, known to me to be the President, and JANICE P. NIEMEYER, known to me to be the Secretary of NIEMEYER INVESTMENTS

the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument, on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



[Signature]
Notary Public in and for said State.

ACKNOWLEDGMENT—Corp.—Pres. & Sec.—Notarials Form 226—Rev. 3-64

State of California)
City and County of San Francisco) ss

On March 28, 1977, before me, the undersigned, a Notary Public in and for said City and County and State, residing therein, duly commissioned and sworn, personally appeared Clair Ghylin known to me to be an Attorney in Fact of CHEVRON U.S.A. INC. the Corporation described in and that executed the within instrument, and also known to me to be the person who executed it on behalf of the said Corporation therein named, and he 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 above written.

Patricia L. Morris

PATRICIA L. MORRIS
Notary Public in and for said City and
County of San Francisco, State of California



LD-155 (CD-1-77)
Printed in U.S.A.

STATE OF CALIFORNIA,

COUNTY OF Orange } ss.



ON April 28, 1977,

before me, the undersigned, a Notary Public in and for the said State, personally appeared ROY PARODI, known to me to be the President, ~~XXX~~

~~XXXXXX~~ SECRETARY of AMERICAN THERMAL RESOURCES, INC.

the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument, on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Anthony Sgroi
Notary Public in and for said State.

ACKNOWLEDGMENT—Corp.—Files & Sec.—Notaries Form 226—Rev. 3-64

RECORDED AT THE REQUEST OF Title Insurance & Trust Co.

on June 16, 1977, at 43 mins. past 10 A.M. in

Book 59 of OFFICIAL RECORDS, Page 260-262, RECORDS OF

EUREKA COUNTY, NEVADA. WILLIS A. DePAOLI, Recorder

File No. 63109 Fee \$ 5.00

63109

BOOK 59 PAGE 262

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