

LAST WILL AND TESTAMENT OFELIZABETH MARTIN

KNOW ALL MEN BY THESE PRESENTS, that I, ELIZABETH MARTIN, being of the age of over twenty-one years, now residing in the County of Eureka, State of Nevada, being of sound and disposing mind and memory but mindful of the uncertainties of life, and not acting under duress, menace, fraud or undue influence of any person whomsoever, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking any and all Wills and Codicils by me heretofore made.

ARTICLE ISEPARATE PROPERTY:

I hereby declare that all of my property, over which I have power of testamentary disposition, is my sole and separate property, and that I am now a widow.

ARTICLE IIPAYMENT OF DEBTS AND TAXES:

I hereby will and direct that as soon after my death as possible my executor, hereinafter named, shall pay the expenses of my last illness and my burial expenses, including the reasonable cost of a marker, and also all estate, inheritance, transfer or succession taxes which may be lawfully levied against my estate by any governmental authority.

ARTICLE IIIGENERAL BEQUESTS:

I give and bequeath unto my son, EVERETT GEORGE ENGLEBRIGHT, of Berkeley, California, and my daughter, BERNICE ELIZABETH FOX, of French Gulch, California, the sum of ONE (\$1.00) DOLLAR each, and no more, not because of any lack of love and affection for such children, but for the reason that said children have always been

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able to amply provide for themselves.

I direct that, in the liquidation of my estate, my interest in that certain real property located in the counties of Eureka and Nye, in the State of Nevada, and known as the MARTIN RANCH, together with all livestock owned by me and used in connection with the operation of said ranching business, together with all water, water rights and grazing rights, and together with the brands, goods, motor vehicles, machinery and farm equipment which is customarily used in connection with such ranching business, and together with all livestock, of any name and nature, used in connection with such ranching business, first be offered for sale to my sons, ROBERT RICHARD MARTIN, and ALBERT HENRY ENGLEBRIGHT, or to the survivor of them. The purchase price for such interest shall be its value as appraised by three competent and disinterested appraisers in my estate. One-tenth of the purchase price shall be payable at the time that said ROBERT RICHARD MARTIN and ALBERT HENRY ENGLEBRIGHT exercise such option to purchase. The balance of the purchase price shall be payable in equal semi-annual installments over a period of four (4) years following my death, provided, however, that the unpaid portion of the purchase price shall be secured by a mortgage or deed of trust to the extent as may be required by the court having jurisdiction of the settlement of my estate. If the right given to ROBERT RICHARD MARTIN and ALBERT HENRY ENGLEBRIGHT is not exercised within sixty (60) days after the filing of the Inventory and Appraisement fixing the value of my interest in such property, this option shall terminate, and said property shall become a part of the residue of my estate and be distributed as hereinafter provided. If either ROBERT RICHARD MARTIN, or ALBERT HENRY ENGLEBRIGHT, predecease me, this option may be exercised by the survivor, and if both of said children predecease me, such property shall go to and become a part of the residue of my

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estate.

No other provision is made in this Will for my said children ROBERT RICHARD MARTIN and ALBERT HENRY ENGLEBRIGHT for the reason that I have made ample provision for them during my lifetime.

#### ARTICLE IV

##### RESIDUARY BEQUESTS:

I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, of every nature whatsoever and wherever situate, both real, personal and mixed property, of which I may be in possession, or expectation at the time of my death, and including any moneys received from ROBERT RICHARD MARTIN or ALBERT HENRY ENGLEBRIGHT by reason of the exercise of the option granted unto them in the preceding paragraph, unto my children BERTHA AGNES GATES, of Sparks, Nevada, CLARENCE JAMES ENGLEBRIGHT, of Ely, Nevada, and WILLIAM JOHN MARTIN, of Fallon, Nevada, in equal shares.

In the event any of the foregoing devisees and legatees should predecease me, then I give, devise and bequeath the share of such deceased devisee and legatee, unto his or her issue, per stirpes, and if any of such devisees and legatees should predecease me and leave no issue, then I give his or her share to the survivors, or survivor, of such residuary devisees and legatees, and to their issue, per stirpes.

#### ARTICLE V

##### APPOINTMENT OF EXECUTORS:

I hereby nominate and appoint as co-executors of this, my Last Will and Testament, ROBERT RICHARD MARTIN and ALBERT HENRY ENGLEBRIGHT, to serve without bond.

I direct said co-executors to operate any ranching business, or other business, in which I have any interest, at their descretion, during the probate of my estate, or until such time as the option to purchase my interest in the Martin Ranch, shall be

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exercised. Upon the exercise of such option to purchase, there will be no further liability upon my co-executors to operate said business, or to account for any profits, or income from such property.

I further grant to my co-executors the right to sell any of my property, to borrow money, and to mortgage or hypothecate any of my property, during the probate of my estate, if necessary or desirable, without obtaining any prior court orders therefor, but subject to confirmation by the court, as may be required by law.

IN WITNESS WHEREOF, I have hereunto subscribed my hand at Eureka, Nevada, this 9<sup>th</sup> day of May, 1960.

Elizabeth Martin  
ELIZABETH MARTIN

The foregoing instrument, consisting of three pages besides this page, was subscribed, published and declared by ELIZABETH MARTIN, as and for her Last Will and Testament, in our presence and in the presence of each of us, and we, at the same time, at her request and in her presence, and in the presence of each of us, hereunto subscribed our names as attesting witnesses this 9<sup>th</sup> day of May, 1960.

Fred Minaletti  
Residing in Eureka, Nevada

John P. Rector  
Residing in Eureka, Nevada

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STATE OF NEVADA, }  
COUNTY OF EUREKA. } SS.

Then and there personally appeared the within named  
FRED MINOLETTI and TOM PASTERINO,  
who, being duly sworn, depose and say:

That they witnessed the execution of the within Will  
of the within named Testatrix, ELIZABETH MARTIN; that said  
Testatrix subscribed said Will and declared the same to be her  
Last Will and Testament, in their presence; that they thereafter  
subscribed the same as witnesses, in the presence of said Testatrix  
and in the presence of each other, and at the request of said  
Testatrix; that the said Testatrix, at the time of the execution  
of said Will appeared to them to be of full age and of sound mind  
and memory, and that they make this affidavit at the request of  
said Testatrix.

Fred Minolatti

Tom Pastoreno

Subscribed and sworn to before me  
this 9<sup>th</sup> day of May, 1960.

Willis A. DePaoli

NOTARY PUBLIC

My Commission Expires October 14, 1961

RECORDED AT THE REQUEST OF Robert Martin  
on August 17, 19 79 at 00 min. past 2 P.M. 1.  
Book 72 of OFFICIAL RECORDS, page 81-85, RECORDS OF  
EUREKA COUNTY, NEVADA. WILLIS A. DePAOLI Recorder  
File No. 69017 Fee 7.00

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