

GRANT, BARGAIN AND SALE DEED  
TO JOINT TENANTS

THIS INDENTURE, made and entered into this 14<sup>th</sup> day of FEBRUARY, 1981, by and between JOHN W. MARVEL and WILBURTA S. MARVEL, husband and wife, of Battle Mountain, Nevada, Grantors; and JOHN DAVIS and JOANNA DAVIS, husband and wife, whose address is Post Office Box 33, Battle Mountain, Nevada, Grantees;

W I T N E S S E T H:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, to them in hand paid by the Grantees, and other good and valuable consideration, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell, and convey unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, and their assigns, and the heirs, executors, administrators, and assigns of the survivor, forever, all that certain lot, piece, or parcel of land situate, lying, and being in the County of Eureka, State of Nevada, and more particularly described as follows, to-wit:

A parcel of land located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, and the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 33 North, Range 48 East, M.D.B.&M. Eureka County, Nevada more particularly described as follows:

Commencing at the Southeast Corner of said Section 26, thence North 4° 31' 30" West 4051.65 feet to Corner No. 1 the true point of beginning being on the northerly right-of-way of U.S. Highway 40,

Thence from a tangent bearing North 76° 55' 52" East, on a curve to the right, with a radius of 3112.00 feet, through a central angle of 7° 11' 34", for an arc length of 390.67 feet along the said northerly right-of-way of U.S. Highway 40 to Corner No. 2,

Thence North 5° 52' 34" West 250.00 feet to Corner No. 3,

Thence South 80° 31' 39" West 421.78 feet to Corner No. 4,

Thence South 13° 04' 08" East 250.00 feet to Corner No. 1, the point of beginning; containing 2.289 acres more or less, as shown by the parcel map for JOHN W. MARVEL and WILBURTA S. MARVEL filed in the Office of the Recorder, Eureka County, Nevada, on January 19, 1981 as File No. 78377.

SUBJECT TO all conditions, encroachments, codes, laws, zoning ordinances, restrictions and regulations, if any, which apply to the property.

SUBJECT TO all existing rights of way, easements, licenses, and privileges for highways, roads, trails, railroads, canals, ditches, flumes, conduits, pipe, pole, or transmission lines, telephone lines

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or cables, reservoirs, and dams, on, under, over, through or across said premises or any portion thereof.

SUBJECT TO all covenants, conditions, restrictions, exceptions, easements, rights of way, reservations, and rights of record.

SUBJECT TO Agricultural Use Assessment pursuant to Chapter 361A of Nevada Revised Statutes.

SUBJECT TO the following Covenant which shall apply to and run with the conveyed land:

Grantees herein covenant and agree, at their sole cost and expense, to construct and maintain a fence surrounding the above-described property. Said fence shall be constructed and maintained in accordance with generally accepted local practice and N.R.S. 569.450 for the intended purpose of livestock use on the Grantors' remaining adjacent property.

SUBJECT TO those certain Terms, Provisions, Covenants and Conditions, contained in that certain Contract of Purchase and Sale dated February 14, 1981, wherein Grantors herein are the Sellers and Grantees herein are the Buyers.

RESERVING AND EXCEPTING THEREFROM, HOWEVER, unto Grantors, their successors and assigns, all of Grantors' right, title, interest and estate in and to the oil, gas, coal and all other minerals of whatever kind and nature, and all geothermal resources in any and every form, located within, on, or beneath the surface of said land, or any portion thereof, including the right to the use of so much of the surface thereof as may be required in prospecting, or exploring for, locating, drilling, developing, mining, producing, removing and transporting said oil, gas, coal, or any other minerals, and any geothermal resources.

RESERVING AND EXCEPTING THEREFROM, HOWEVER, all springs, wells, water, water rights, and stockwater rights appropriated to, appurtenant to or decreed to said lands, or any portion thereof; with all applications, proofs, permits, maps and certificates relating to such water and water rights, including, but not limited to, those water rights, if any, decreed to the above-described lands, or any portion thereof, by the Edward's Decree in Civil Action No. 2804 in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, entitled "In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Tributaries, and by any subsequent court orders, judgments or decrees amending or modifying said Edward's Decree; together with all dams, ditches, diversions, licenses, easements, pipelines, structures, measuring devices, headgates, rights-of-way and controls incidental to, used or relating to the utilization or beneficial use of such water and water rights.

RESERVING AND EXCEPTING THEREFROM, HOWEVER, any and all rights, privileges, preferences, licenses and permits to graze livestock upon the public lands administered by the United States Department of the Interior, Bureau of Land Management, based upon, appurtenant to or used in connection with the real property or any portion thereof, with the right to transfer the same from the above-described lands to other lands of Grantor.

TOGETHER WITH all buildings and improvements situate thereon.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises to the Grantees, as joint tenants with right of survivorship and not as tenants in common, their assigns, and the heirs, executors, administrators, and assigns of the survivor, forever.

IN WITNESS WHEREOF, the said Grantors have executed this Deed the day and year first hereinabove written.

*John W. Marvel*  
JOHN W. MARVEL

*Wilburta S. Marvel*  
WILBURTA S. MARVEL

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF LANDER )

On this 14th day of FEBRUARY, 1981, personally appeared before me, a Notary Public, JOHN W. MARVEL and WILBURTA S. MARVEL, husband and wife, who acknowledged to me that they executed the foregoing instrument.



*John E. Marvel*  
NOTARY PUBLIC

RECORDED AT REQUEST OF  
*Goicoechea, DiGrazia & Marvel*  
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OFFICIAL RECORDS  
EUREKA COUNTY, NEVADA  
WILLIS A. DEPAUL RECORDER  
FILE NO. 79026  
FEE \$ 5.00

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