

## DECLARATION OF TRUST

WHEREAS, WE, Joseph J. Berrueta and Patricia M. Berrueta, of the  
City/Town of Diamond Valley, County of Eureka, State of Nevada,  
are the joint owners of machinery described as follows:

1. John Deere 425 Cuber with Trailer Serial # 000606E
2. New Holland Swather Serial # 149741
3. Massey Ferguson Model 44B Loader
4. John Deere Tractor Model 60
5. John Deere Tractor Model B
6. Irrigation System for 640 acres
7. Various hand tools, welders or compressors

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that we do hereby acknowledge and declare that we hold and will hold said machinery and all our right, title and interest in and to said machinery IN TRUST

## 1. For the use and benefit of:

(Name) Lorraine B. Dotson - our sister, of  
(Address) P.O. Box 96 Eureka Nevada 89316  
Number Street City State Zip

If because of the physical or mental incapacity of both of us certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during our lifetime, such Successor Trustee shall be fully authorized to retain or sell the said vehicle, and in the latter case, to pay to us or disburse on our behalf such sums from income or principal as appear necessary or desirable for our comfort or welfare. Upon the death of the survivor of us, unless the beneficiary shall predecease us or unless we all shall die as a result of a common accident or disaster, our Successor Trustee is hereby directed forthwith to transfer said vehicle and all right, title and interest in and to said vehicle unto the beneficiary absolutely and thereby terminate this trust; provided, however, that if the beneficiary hereunder shall not have attained the age of 21 years, the Successor Trustee shall hold the trust assets in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the vehicle herein described and may allow the beneficiary to have the use of it if he believes it in the best interest of the beneficiary so to do, or he may dispose of it, investing and reinvesting the proceeds as he may deem appropriate. Prior to the date upon which such beneficiary attains the age of 21 years, the Successor Trustee may apply or expend any or all of the income or principal derived from such sale directly for the maintenance, education and support of the beneficiary without the intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such beneficiary or to the person with whom the beneficiary is living without any liability upon the Successor Trustee to see to the application thereof. If such beneficiary survives us but dies before attaining the age of 21 years, at his or her death the Successor Trustee shall transfer, pay over and deliver the trust property to such beneficiary's personal representative, absolutely.

2. The beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the total taxable estate of the survivor of us by reason of the death of such survivor.

3. All interests of the beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or a present or former spouse of such beneficiary in any proceedings at law or in equity.

4. We reserve unto ourselves the power and right at any time during our lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of the beneficiary and without giving notice to the beneficiary. The sale or other disposition by us of the vehicle held hereunder shall constitute a revocation of this trust.

5. The death during our lifetime, or in a common accident or disaster with us, of the beneficiary designated hereunder shall revoke such designation, and in the former event, we reserve the right to designate a new beneficiary. Should we for any reason fail to designate such new beneficiary, this trust shall terminate upon the death of the survivor of us and the trust property shall revert to the estate of such survivor.

6. In the event of the physical or mental incapacity or death of one of us, the survivor shall continue as sole Trustee. In the event of the physical or mental incapacity or death of the survivor of us, or if we both shall die in a common accident, we hereby nominate and appoint as Successor Trustee hereunder whosoever shall at that time be beneficiary hereunder, unless such beneficiary shall not have attained the age of 21 years or is otherwise legally incapacitated, in which event we hereby nominate and appoint

(Name) JAMES E. DOTSON, of  
(Address) P.O. Box 96 Eureka Nevada 89316  
Number Street City State Zip

to be Successor Trustee.

7. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustees.

8. We as Trustees and our Successor Trustee shall serve without bond.

9. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of  
Nevada

IN WITNESS WHEREOF, we have hereunto set our hands and seals this  
day of April 6, 1981  
(First Settlor sign here) [Signature] L.S.  
(Second Settlor sign here) [Signature] L.S.

I, the undersigned legal spouse of one of the above Settlers, hereby waive all community property rights which I may have in the hereinabove-described vehicle and give my assent to the provisions of the trust and to the inclusion in it of the said vehicle.  
(Spouse sign here) \_\_\_\_\_ L.S.

Witness: (1) \_\_\_\_\_ Witness: (2) \_\_\_\_\_  
STATE OF Idaho City or Town Nampa  
COUNTY OF Canyon  
On the 6th day of April, 1981, personally appeared Joseph John Berrueta and Patricia M Berrueta  
known to me to be the individuals who executed the foregoing instrument, and acknowledged the same to be their free act and deed, before me.

(Notary Seal) [Signature]  
Notary Public



RECORDED AT REQUEST OF  
Patricia Berrueta  
BOOK 94 PAGE 99

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OFFICE OF RECORDS  
CLERK COUNTY OF IDAHO  
WILLIS A. DEWITT, CLERK  
80126  
11:54:00