

85713

MEMORANDUM OF AGREEMENT

None - Inter vivos
DOCUMENTARY TRANSFER TAX \$
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED; OR
☐ COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES
REMAINING THEREON AT TIME OF TRANSFER.
UNDER PENALTY OF PERJURY:
FIRST AMERICAN TITLE COMPANY
Muriel Cavaller
SIGNATURE OF DECLARANT OR AGENT
DETERMINING TAX-FIRM NAME

THIS MEMORANDUM is recorded for the purpose of imparting record notice to any and all persons that the parties herein-after identified have on January 31, 1981, entered into an "Exchange and Transfer Agreement" affecting the properties commonly referred to as Half Circle Ranch, and more particularly described in Exhibit "A" attached hereto and hereby made a part of this memorandum. As Exhibit "A" indicates, the properties effected by the above-mentioned Exchange Agreement are located in Lander and Eureka Counties and, therefore, a copy of this Memorandum is recorded in the County Recorder's Office of each county. Because of the continuing nature of the obligations assumed in the above-mentioned Exchange Agreement, it is the intention of each of the parties hereto that the terms of said agreement shall survive the recording of that certain Grant, Bargain and Sale Deed With Assignments from C. DeLynn Heaps and J. Vern Dunn to Crescent Valley Resources Company. The terms of the "Exchange and Transfer Agreement," as well as the notice intended to be effected by the recordation of this Memorandum, shall be considered to be in full force and effect until a "Satisfaction of Obligations" form is recorded on the real property records of Lander and Eureka Counties.

A full and complete copy of the subject "Exchange and Transfer Agreement," duly executed, is on file with B. Wells O'Brien, Attorney at Law, located at the offices of Woodburn, Wedge, Blakey and Jeppson, One East First Street, 16th Floor, Reno, Nevada 89501.

The names and addresses of the parties to said agreement are:

C. DeLynn Heaps
1075 South Lynnwood Drive
Orem, Utah 84057

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J. Vern Dunn
P. O. Box T
Provo, Utah 84601

Crescent Valley Resources Company,
a Nevada corporation,
Resident Agent:
B. Wells O'Brien
One East First Street
16th Floor
Reno, Nevada 89501

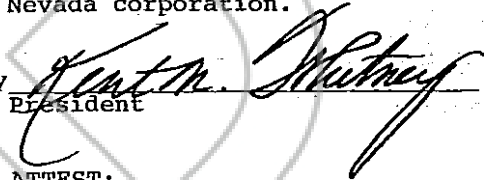
Crescent Valley Farms Company,
a Nevada corporation,
Resident Agent;
B. Wells O'Brien
One East First Street
16th Floor
Reno, Nevada 89501

DATED this 31 day of January, 1981.

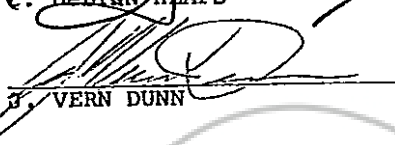
CRESCENT VALLEY RESOURCES COMPANY,
a Nevada corporation.


C. DELYNN HEAPS

By


President

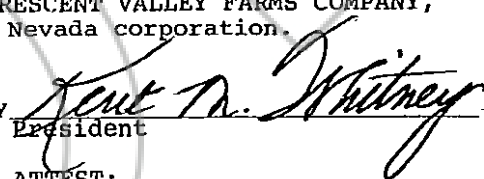
ATTEST:


J. VERN DUNN


Secretary

CRESCENT VALLEY FARMS COMPANY,
a Nevada corporation.

By


President

ATTEST:

Secretary

STATE OF Utah)
COUNTY OF Utah) ss.

On the 31 day of January, 1981, personally appeared before me, a Notary Public in and for the State of Utah, C. DELYNN HEAPS and J. VERN DUNN, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

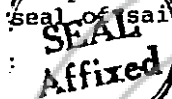


Shirley S. Zeller
Notary Public

Residing at Orion, Utah
My Commission Expires 12/17/83

STATE OF Utah)
COUNTY OF Utah) ss.

On the 31 day of January, 1981, personally appeared before me Keith M. Whitely and Carl W. Smith who being by me duly sworn did say, each for himself, that he, the said Keith M. Whitely is the president, and he, the said Carl W. Smith is the secretary of CRESCENT VALLEY RESOURCES COMPANY, a Nevada corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Keith M. Whitely and Carl W. Smith each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

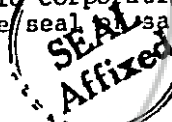


Shirley S. Zeller
Notary Public

Residing at Orion, Utah
My Commission Expires 12/17/83

STATE OF Utah)
COUNTY OF Utah) ss.

On the 31 day of January, 1981, personally appeared before me Keith M. Whitely and Carl W. Smith who being by me duly sworn did say, each for himself, that he, the said Keith M. Whitely is the president, and he, the said Carl W. Smith is the secretary of CRESCENT VALLEY FARMS COMPANY, a Nevada corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Keith M. Whitely and Carl W. Smith each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



Shirley S. Zeller
Notary Public

Residing at Orion, Utah
My Commission Expires 12/17/83

Caldwell Ranch:

NE1/4 of Section 13, Township 28 North, Range 47 East, M.D.B. & M., together with improvements, water, and water rights located thereon.

Dan Filippini Lands:

N1/2SW1/4 and S1/2NE1/4 of Section 36, Township 30 North, Range 50 East of the MDB&M.

Subject to reservations in Dan Filippini of an undivided one-half interest in and to all oil, gas, coal, geothermal, and steam and mineral rights of every kind and nature, including the right to use so much of the surface to prospect for, locate, develop, produce, and transport said oil, gas, coal, geothermal or steam, or minerals and any of their by-products.

HALF CIRCLE RANCH:

PARCEL I

TOWNSHIP 28 NORTH, RANGE 49 EAST, M.D.B. & M.

Section 1: All
Section 3: All
Section 9: All
Section 11: All
Section 13: All
Section 15: All
Section 21: N1/2
Section 23: All

TOWNSHIP 28 NORTH, RANGE 50 EAST, M.D.B. & M.

Section 1: All
Section 3: All
Section 5: All
Section 7: All
Section 9: All
Section 11: All
Section 13: All
Section 15: All
Section 17: All
Section 19: All
Section 21: All
Section 23: All

TOWNSHIP 23 NORTH, RANGE 51 EAST, M.D.B. & M.

Section 5: All
Section 7: All
Section 9: All

TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B. & M.

Section 1: All
Section 3: All
Section 9: All
Section 11: All
Section 13: All
Section 15: All
Section 21: All
Section 23: All
Section 25: All
Section 27: All
Section 35: All

TOWNSHIP 29 NORTH, RANGE 50 EAST, M.D.B. & M.

Section 1: All
Section 3: All
Section 5: All
Section 7: All
Section 9: All
Section 11: All
Section 13: E1/2; N1/2NW1/4; N1/2S1/2NW1/4;
S1/2N1/2SW1/4; S1/2SW1/4
Section 15: All
Section 17: All
Section 19: All
Section 21: All
Section 23: All
Section 25: All
Section 27: All
Section 29: All
Section 31: All
Section 33: All
Section 35: All

TOWNSHIP 29 NORTH, RANGE 51 EAST, M.D.B. & M.

Section 31: All

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B. & M.

Section 35: All

EXCEPTING all petroleum, oil, natural gas and products derived therefrom, together with the exclusive right at all times to enter upon or in said land, to prospect for and to drill, bore, recover and remove the same, as reserved by SOUTHERN PACIFIC LAND COMPANY in Deed recorded July 7, 1949 in Book 23 of Deeds at page 583, Eureka County, Nevada, records.

EXCEPTING from all of PARCEL I, except Sections 1, 3, 9, 15 and 21, Township 29 North, Range 49 East; Section 1, Township 29 North, Range 50 East; and Section 35, Township 30 North, Range 50 East, M.D.B. & M., a one-half interest in and to the iron and mineral rights conveyed by DAN FILIPPINI to ROY L. PRIMEAUX and FRANCES PRIMEAUX by deed recorded August 20, 1951 in Book 24 of Deeds at page 153, Eureka County, Nevada.

PARCEL II

TOWNSHIP 26 NORTH, RANGE 49 EAST, M.D.B. 6M.

Section 20: NW1/4NE1/4; NE1/4SW1/4

TOWNSHIP 27 NORTH, RANGE 48 EAST, M.D.B. 6M.

Section 33: NW1/4SW1/4

TOWNSHIP 28 NORTH, RANGE 47 EAST, M.D.B. 6M.

Section 5: Lots 2, 3 and 4

Section 6: NE1/4

TOWNSHIP 28 NORTH, RANGE 48 EAST, M.D.B. 6M.

Section 1: All

Section 3: All

Section 5: All

Section 7: All

Section 8: NE1/4NE1/4; S1/2S1/2

Section 9: All

Section 11: All

Section 12: S1/2SW1/4; SW1/4SE1/4

Section 13: All

Section 14: N1/2; SW1/4; W1/2SE1/4

Section 15: All

Section 16: W1/2NE1/4; NW1/4

Section 17: All

Section 18: E1/2E1/2; NW1/4NE1/4; NE1/4NW1/4;

Lot 1 (NW1/4NW1/4)

Section 19: NW1/4SE1/4

Section 21: S1/2SE1/4

Section 22: SW1/4SW1/4

Section 23: N1/2NW1/4

Section 24: NE1/4NE1/4

Section 27: SW1/4NW1/4

Section 28: NE1/4; E1/2NW1/4; SE1/4SW1/4;

SW1/4SE1/4; NE1/4SE1/4

Section 32: SE1/4NE1/4; SW1/4SW1/4; NE1/4SW1/4;

NW1/4SE1/4

Section 33: NW1/4NW1/4

TOWNSHIP 28 NORTH, RANGE 49 EAST, M.D.B. 6M.

Section 2: S1/2NE1/4

Section 7: All

Section 19: N1/2

Section 24: NW1/4NW1/4

Section 26: NE1/4NW1/4

Section 28: NW1/4NE1/4; NE1/4SE1/4

Section 30: NE1/4NW1/4

Section 32: SE1/4NW1/4

Section 34: NW1/4NW1/4

Section 35: NW1/4SE1/4

Section 36: NW1/4NE1/4; N1/2SW1/4

TOWNSHIP 29 NORTH, RANGE 47 EAST, M.D.B. 6M.

Section 18: Lots 10, 11 and 12

Section 32: Lots 2, 3 and 4; NE1/4SE1/4

TOWNSHIP 29 NORTH, RANGE 48 EAST, M.D.B. 6M.

Section 3: All

TOWNSHIP 29 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 36: W1/2NE1/4

TOWNSHIP 29 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 10: SW1/4SE1/4

Section 30: S1/2NE1/4; NE1/4SE1/4

PARCEL III

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 15: All

Section 21: All

Section 23: All

EXCEPTING, therefrom, ninety per cent. (90%) of the coal, oil, gas and other minerals of every kind and nature whatsoever as reserved by STRATHEARN CATTLE COMPANY and DAVE STRATHEARN in Deeds recorded May 25, 1959 in Book 25 of Deeds at page 297, Eureka County, Nevada, records and recorded June 10, 1959 in Book 25 of Deeds at page 310, Eureka County, Nevada records.

PARCEL IV

TOWNSHIP 29 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 10: N1/2; SW1/4; N1/2SE1/4; SE1/4SE1/4

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 10: NE1/4NE1/4; S1/2NE1/4; SE1/4; SE1/4SW1/4

Section 14: W1/2NW1/4; SW1/4; S1/2SE1/4

Section 16: NE1/4NE1/4; S1/2NE1/4; SE1/4; SE1/4SW1/4

Section 22: All

EXCEPTING, therefrom, all minerals as reserved by UNITED STATES OF AMERICA in Patents recorded September 23, 1964 in Book 6 of Official Records at page 34, Eureka County, Nevada, records and recorded August 16, 1963 in Book 27 of Deeds at page 9, Eureka County, Nevada, records.

FURTHER EXCEPTING from PARCELS I, II, III and IV, an undivided one-half interest in and to all oil, gas and mineral rights in and to all the rights of DAN FILIPPINI as reserved by DAN FILIPPINI in Deed recorded January 6, 1966 in Book 9 of Official Records at page 442, Eureka County, Nevada, records, and in Book 10 of Official Records at page 266, Lander County, Nevada records.

1. Southern Pacific Land Company Grazing Lease No. 4314-A, dated June 1, 1974 covering the following described real property, to-wit:

Trail Sections: All of Secs. 5 & 17, Twp 28 North, Rge 49 East, Lots 1, 2, 7, 8, 9, & 10 and S1/2 of Sec. 5, All of Secs. 17 and 29, Twp. 29 North, Rge. 49 East, MDM, containing 3,129.75 acres, more or less.

2. Bureau of Land Management Permits for grazing for 5847 AUM's in the Argenta, Carico Lake, Grass Valley, and Roberts Creek allotments and units in common with other users, administered by the Battle Mountain office of the Bureau of Land Management.
3. Bureau of Land Management Permits for grazing for 6836 AUM's in the Half Circle-Dana Allotment of the Buckhorn Unit in common with others, administered by the Bureau of Land Management Office at Elko, Nevada.

RECORDED AT REQUEST OF
FIRST AMERICAN TITLE CO. OF NEVADA
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OFFICIAL RECORDS
ELKO COUNTY, NEVADA
WILLIS A. BEPko RECORDER
FILE NO. 85713
FEE \$ 11.00