

After Recordation Return To:

120310

GRANT OF COMMUNICATIONS SYSTEM EASEMENT

THIS INDENTURE, made and entered into this 1st day of June, 1988, by and between ELKO LAND AND LIVESTOCK COMPANY, a Nevada corporation, (hereinafter referred to as "Grantor"), and AMERICAN TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, (hereinafter referred to as "Grantee"),

W I T N E S S E T H:

THAT THE GRANTOR, for and in consideration of the sum of Thirteen Thousand Nine Hundred Five Dollars (\$13,905.00) in hand paid by the Grantee, and other good and valuable consideration, receipt of which is hereby acknowledged, does by these presents grant to Grantee, its associated and allied companies, its successors, assigns, lessees and agents, a non-exclusive easement and right of way sixteen and one-half (16.5) feet in width eight and one-quarter (8.25) feet each side of the center line as built to construct, operate, maintain, replace and remove such communications systems as the Grantee may from time to time require, consisting of underground cables, wire guides, conduits, manholes, drains, splicing boxes and other facilities for similar uses together with surface testing terminals, markers and other appurtenances, upon, over and under the following described property situate in the Counties of Eureka and Lander, State of Nevada, to wit:

See the attached Exhibit A

IT IS FURTHER AGREED:

1. That Grantee, its successors and assigns, shall have at all times ingress and egress to the above-described land for the purpose of constructing, repairing, renewing, altering, changing, patrolling and operating said communications systems.
2. That Grantee, its successors and assigns, shall be responsible for any damage to personal property or improvements, suffered by Grantor, by reason of construction, maintenance, repair or performance of any other rights herein set forth.

3. That Grantee, its successors and assigns, will at all times save and hold harmless the Grantor, its heirs, successors and assigns, of any and all loss, damage or liability it may suffer or sustain by reason of any injury or damage to any person or property caused by the negligent construction, maintenance, operation of said communications systems by Grantee and from claims of any third parties resulting from Grantee's exercise of its rights herein granted.

4. That Grantor, its successors and assigns, will at all times save and hold harmless the Grantee, its heirs, successors and assigns, of damage to the communications system caused by the negligent exercise by Grantor of rights reserved herein.

5. In the event Grantor determines at any time and from time to time it is necessary to relocate any portion of the communication system or appurtenances, in order to safely develop or mine minerals owned by Grantor on property included in or adjacent to the property described herein, then on sixty (60) days notice, Grantee agrees to relocate said power line and appurtenant facilities, at cost to Grantee, to a location satisfactory to Grantor, provided that if the new location is on lands owned or controlled by Grantor or an affiliate of Grantor, hereinafter called "Grantor lands", then the necessary easement therefore shall be granted to Grantee without additional consideration. Nothing in this or the following provision shall require Grantor to purchase any lands to provide alternative easements for the benefit of Grantee.

If any such relocation is on Grantor lands and such relocation requires the installation of a system to strengthen the signals transmitted by the communication systems to the level existing prior to such relocation, then any easement granted by Grantor pursuant to such relocation shall include easements necessary for additionally required equipment, such additional parcels not to exceed fifty feet by fifty feet (50'x50') in size. Grantor and Grantee shall execute any amendatory documents necessary or expedient as a result of any such relocation.

Subject to the above described right to require relocation of the communication system, Grantor shall not erect or construct, nor permit to be erected or constructed any building or structure, nor permit any activity which is inconsistent with Grantee's use of the easement.

6. Grantee, its successors and assigns, shall have the right to remove or clear any and all buildings, structures, combustible materials, trees, brush, debris, or any other obstruction from said right of way, which in the judgment of Grantee may interfere with or endanger the construction, operation, and maintenance of its utility facilities.

7. In the event that the Grantee hereunder fails to construct the communications facilities contemplated herein within two years of the date hereof, or fails, after initial use, to use the granted easement and right of way for a two (2) year period, the grant contained herein shall terminate and the Grantee's rights to the easement and right of way shall cease.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditament, and appurtenances thereunto belonging or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, granted together with the appurtenances, unto said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused these presents duly to be executed the day and year first above written.

ELKO LAND AND LIVESTOCK COMPANY

By: 

President

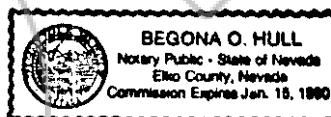
STATE OF Nevada)
COUNTY OF Elko) SS:

On this 28th day of June, 1988, personally appeared before me, a Notary Public, G. Nell Hall, a duly elected and acting officer of Elko Land and Livestock Company, who acknowledged to me that he executed the foregoing instrument on behalf of said corporation.


Notary Public

My Commission Expires:

1/15/90



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The combined length of the above described easements totals
69,529.22 feet, more or less.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 1
T.32 N., R.47 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 1, Township 32 North, Range 47 East, M.D.B. & M.

Commencing at the southeast corner of said Section 1;

thence North 02°41'08" West, a distance of 3299.15 feet to the Point of Beginning;

thence South 71°10'22" West, a distance of 5479.03 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 1 and end on the west line of said Section 1.

EXHIBIT A

DESCRIPTION

MAY 25, 1988

A.T. & T. Easement
Section 2
T. 32 N., R. 47 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 2, Township 32 North, Range 47 East, M.D.B. & M.

Commencing at the southeast corner of said Section 2:

thence North $01^{\circ}34'25''$ West, a distance of 1409.12 feet to the Point of Beginning;

thence South $71^{\circ}10'22''$ West, a distance of 1896.49 feet to an angle point;

thence South $85^{\circ}29'19''$ West, a distance of 3476.94 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 2 and end on the west line of said Section 2.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 3
T. 32 N., R. 47 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 3 Township 32 North, Range 47 East, M.D.B. & M.

Commencing at the southeast corner of said Section 3;

thence North $00^{\circ}13'00''$ East, a distance of 572.82 feet to the Point of Beginning;

thence South $86^{\circ}29'19''$ West, a distance of 5331.45 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 3 and end on the west line of said Section 3.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 4
T.32 N., R.47 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 4 Township 32 North, Range 47 East, M.D.B. & M.

Commencing at the southeast corner of said Section 4;

thence North $00^{\circ}04'00''$ East, a distance of 252.48 feet to the Point of Beginning;

thence South $85^{\circ}29'19''$ West, a distance of 1445.99 feet to an angle point;

thence South $87^{\circ}32'58''$ West, a distance of 3864.80 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 4 and end on the west line of said Section 4.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 5
T.32 N., R.47 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 5 Township 32 North, Range 47 East, M.D.B. & M.

Commencing at the southeast corner of said Section 5:

thence North $80^{\circ}22'00''$ East, a distance of 186.37 feet to the Point of Beginning;

thence North $89^{\circ}41'12''$ West, a distance of 4059.18 feet to an angle point;

thence South $72^{\circ}56'35''$ West, a distance of 719.49 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 5 and end on the south line of said Section 5.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 6
T.32 N., R.48 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 6 Township 32 North, Range 48 East, M.D.B. & M.

Commencing at the northeast corner of said Section 6:

thence South $00^{\circ}02'00''$ East, a distance of 265.40 feet to the Point of Beginning;

thence South $71^{\circ}10'22''$ West, a distance of 5373.82 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 6 and end on the west line of said Section 6.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 3
T. 32 N., R. 49 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 3, Township 32 North, Range 49 East, M.D.B. & M.

Commencing at the southwest corner of said Section 3:

thence South 90°00'00" East, a distance of 653.53 feet to the Point of Beginning;

thence North 77°41'36" West, a distance of 667.46 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the south line of said Section 3 and end on the west line of said Section 3.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.1. & 1. Easement
Section 5
T.32 N., R.49 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 5, Township 32 North, Range 49 East, M.D.B. & M.

Commencing at the northwest corner of said Section 5:

thence South $86^{\circ}56'11''$ East, a distance of 1989.67 feet to the Point of Beginning;

thence South $47^{\circ}36'17''$ East, a distance of 4013.56 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the north line of said Section 5 and end on the east line of said Section 5.

EXHIBIT A

DESCRIPTION

MAY 26, 1888

A.T. & F. Easement
Section 11
T. 32 N., R. 49 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 11, Township 32 North, Range 49 East, M.D.B. & M.

Commencing at the northeast corner of said Section 11:

thence South $00^{\circ}13'13''$ East, a distance of 2288.20 feet to the Point of Beginning;

thence North $65^{\circ}29'54''$ West, a distance of 3953.46 feet to an angle point;

thence North $80^{\circ}05'18''$ West, a distance of 1673.86 feet to the Point of Ending.

the sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 11 and end on the west line of said Section 11.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.1. & T. Easement
Section 7
T.32 N., R.50 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 7, Township 32 North, Range 50 East, M.D.B. & M.

Commencing at the southeast corner of said Section 7:

thence North 90°00'00" West, a distance of 880.85 feet to the Point of Beginning;

thence North 66°25'42" West, a distance of 3790.85 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the south line of said Section 7 and end on the west line of said Section 7.

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EXHIBIT A

DESCRIPTION

MAY 25, 1988

A. T. & T. Easement
Section 11
T. 32 N., R. 50 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 11, Township 32 North, Range 50 East, M.D.B. & M.

Commencing at the southeast corner of said Section 11:

thence North 00°00'00" East, a distance of 1131.62 feet to the Point of Beginning;

thence North 75°54'57" West, a distance of 1549.64 feet to an angle point;

thence South 84°44'04" West, a distance of 3531.59 feet to an angle point;

thence South 76°52'56" West, a distance of 279.76 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 11 and end on the west line of said Section 11.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 15
T.32 N., R.50 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 15, Township 32 North, Range 50 East, M.D.B. & M.

Commencing at the northeast corner of said Section 15:

thence South $89^{\circ}54'00''$ West, a distance of 2066.23 feet to the Point of Beginning;

thence South $76^{\circ}21'42''$ West, a distance of 1492.83 feet to an angle point;

thence South $75^{\circ}49'49''$ West, a distance of 1806.33 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the north line of said Section 15 and end on the west line of said Section 15.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 17
T.32 N., R.50 E., M.D.B. & M.

An easement 16.58 feet wide, 8.25 feet on each side of the following described centerline located in Section 17, Township 32 North, Range 50 East, M.D.B. & M.

Commencing at the northeast corner of said Section 17:

thence South $00^{\circ}02'00''$ East, a distance of 1602.31 feet to the Point of Beginning;

thence North $76^{\circ}15'07''$ West, a distance of 5317.64 feet to an angle point;

thence North $66^{\circ}25'42''$ West, a distance of 113.18 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the east line of said Section 17 and end on the west line of said Section 17.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 31, Part 1
T.33 N., R.49 E., M.O.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 31, Township 33 North, Range 49 East, M.O.B. & M.

Commencing at the southeast corner of said Section 31;

thence North $00^{\circ}37'00''$ West, a distance of 1723.75 feet to the Point of Beginning;

thence North $47^{\circ}36'06''$ West, a distance of 5965.12 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the south line of said Section 31 and end on the north line of said Section 31.

EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 31, Part 2
T.33 N., R.49 E., M.D.B. & M.

An easement 16.50 feet wide, 8.25 feet on each side of the following described centerline located in Section 31, Township 33 North, Range 49 East, M.D.B. & M.

Commencing at the southwest corner of said Section 31;

thence North $80^{\circ}02'42''$ West, a distance of 5315.73 feet to the Point of Beginning;

thence South $46^{\circ}34'26''$ East, a distance of 507.88 feet to an angle point;

thence North $68^{\circ}26'49''$ East, a distance of 804.31 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the west line of said Section 31 and end on the north line of said Section 31.

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EXHIBIT A

DESCRIPTION

MAY 26, 1988

A.T. & T. Easement
Section 32
T.33 N., R.49 E., M.D.B. & M.

An easement 16.60 feet wide, 8.25 feet on each side of the following described centerline located in Section 32, Township 33 North, Range 49 East, M.D.B. & M.

Commencing at the southwest corner of said Section 32:

thence South $86^{\circ}55'58''$ East, a distance of 1988.59 feet to the Point of Beginning;

thence North $47^{\circ}36'06''$ West, a distance of 2714.10 feet to the Point of Ending.

The sidelines of the above described easement are lengthened or shortened, as necessary, to begin on the south line of said Section 32 and end on the west line of said Section 32.

RECORDED AT THE REQUEST OF

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Coatsfield Service

88 JUL 25 AM 51

OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
MIN. REG. & L. RECORDER

FILE NO. 120310 *fee \$24.00*

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