

127083

**SUBSTITUTION OF TRUSTEE  
UNDER DEED OF TRUST**

WHEREAS, the Estate of BATTISTA TOMERA, Jr., aka BATTISTA TOMERA, aka BUTCH TOMERA, deceased, by and through the Co-Executors of the Estate, MATTHEWS AND WINES, P.C., and McMULLEN MCPHEE & CO., and GEORGE TOMERA aka TOM TOMERA, by and through his Guardians, THOMAS J. TOMERA and PATSY SUE TOMERA, are the Beneficiaries of a Deed of Trust dated April 15, 1973, executed by ROY SHURTZ and LISA SHURTZ, husband and wife, securing an indebtedness of \$600,000.00, and wherein FRONTIER TITLE COMPANY, is named as Trustee; and

WHEREAS, said Deed of Trust was recorded March 14, 1979, in Book 69, at Page 265, Official Records, Document No. 67925, in the Office of the Recorder of Eureka County, Nevada, and re-recorded April 23, 1979, in Book 70, at Page 66, Official Records, Document No. 68149, in the Office of the Recorder of Eureka County, Nevada on the following described real property in Eureka County, Nevada:

See Exhibit "A" attached hereto and incorporated herein by reference.

WHEREAS, on February 13, 1989, the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, entered an Order Authorizing Conveyance of Real and Personal

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MATTHEWS & WINES, P.C.  
675 COURT STREET  
P. O. BOX 911  
ELKO, NEVADA 89601

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Property to Compete Contract and for Authority to Execute Mineral Lease, in the Matter of Estate of BATTISTA TOMERA, JR., aka BATTISTA TOMERA, aka BUTCH TOMERA, which order is recorded February 14, 1989, at Book 194, Page 169 as File Number 126445, Official Records of the Eureka County Recorder's office; and

WHEREAS, on March 20, 1989, the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, entered an Order Authorizing Conveyance of Real and Personal Property to Compete Contract and for Authority to Execute Mineral Lease, in the Matter of the Guardianship of the Person and the Estate of GEORGE TOMERA, aka TOM TOMERA, which order is recorded March 22, 1989, at Book 195, Page 384, as File Number 126889, Official Records of Eureka County Recorder's office; and

WHEREAS, the undersigned, BATTISTA TOMERA JR., aka BATTISTA TOMERA, aka BUTCH TOMERA, deceased, by and through the Co-Executors of the Estate, MATTHEWS AND WINES, P.C., and McMULLEN McPHEE & CO., and GEORGE TOMERA, aka TOM TOMERA, by and through his Guardians, THOMAS J. TOMERA and PATSY SUE TOMERA, are the present Beneficiaries of the said Deed of Trust;

WHEREAS, said Beneficiaries desire to change the Trustee under said Deed of Trust and to substitute the herein named individuals in place of FRONTIER TITLE COMPANY, the Trustee named in the Deed of Trust.

NOW THEREFORE, BATTISTA TOMERA JR., aka BATTISTA TOMERA, aka BUTCH TOMERA, deceased, by and through the Co-Executors of the Estate, MATTHEWS AND WINES, P.C., and McMULLEN MCPHEE & CO., and GEORGE TOMERA, aka TOM TOMERA, by and through his Guardians, THOMAS J. TOMERA and PATSY SUE TOMERA, do hereby substitute and appoint MATTHEWS AND WINES, P.C., and McMULLEN MCPHEE & CO., as Executors of the Estate of BATTISTA TOMERA, JR., and THOMAS J. TOMERA and PATSY SUE TOMERA, as Guardians of the Person and Estate of GEORGE TOMERA as Trustees under the terms of said Deed of Trust in the place of FRONTIER TITLE COMPANY, with the full powers to perform the trust therein imposed including full powers of reconveyance.

DATED This 16<sup>th</sup> day of April, 1989.

ESTATE OF BATTISTA TOMERA, deceased

By: Robert J. Wines  
MATTHEWS AND WINES, P.C.  
Executor

By: Theda McPhie  
McMULLEN MCPHEE & CO., Executor

GEORGE TOMERA

By: Thomas J. Tomera  
THOMAS J. TOMERA, as Guardian  
of the Person and Estate of  
GEORGE TOMERA

By: Patsy Sue Tomera  
PATSY SUE TOMERA, as Guardian  
of the Person and Estate of  
GEORGE TOMERA

STATE OF NEVADA )  
                  ) SS.  
COUNTY OF ELKO )

On this 18<sup>th</sup> day of April, 1989; personally  
appeared before me, a Notary Public, ROBERT J. WINES and  
THEODORE N. MCPHEE, known to me to be Co-Executors of the Estate  
of BATTISTA TOMERA, deceased, who acknowledged that they executed  
the foregoing instrument.

Janyce E. Jenkins  
NOTARY PUBLIC  
JANYCE E. JENKINS  
Notary Public-State of Nevada  
Elko County-Nevada  
Comm. Exp. 0-12-02

STATE OF NEVADA )  
                  ) SS.  
COUNTY OF ELKO )

On this 17<sup>th</sup> day of April, 1989, personally  
appeared before me, a Notary Public, THOMAS J. TOMERA and PATSY  
SUE TOMERA, known to me to be the Guardians of the Person and  
Estate of GEORGE TOMERA, who acknowledged that they executed  
the foregoing instrument.

Janyce E. Jenkins  
NOTARY PUBLIC  
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JANYCE E. JENKINS  
Notary Public-State of Nevada  
Elko County-Nevada  
Comm. Exp. 0-12-02

MATHEWS & WINES, P.C.  
578 COURT STREET  
P. O. BOX 511  
ELKO, NEVADA 89801

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EXHIBIT A

Parcel 1:

TOWNSHIP 30 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 1: All (Fractional)  
Section 3: All  
Section 11: All  
Section 13: All  
Section 15: All

TOWNSHIP 31 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 33: All  
Section 35: All

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 5: SW1/4; That portion of the N1/2 lying Westerly of Nevada State Highway No. 51.  
Section 7: All  
Section 9: That portion of the W1/2 lying Westerly of Nevada State Highway No. 51.

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 31: All

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

A parcel of land in the NE1/4NE1/4, Section 8 and the W1/2, Section 9, T. 30 N. R. 52 E., M.D.B.&M., Eureka County, Nevada, more particularly described as follows:

Beginning at the northwesterly corner of said parcel, a point on the easterly right-of-way line of that public highway described in Book 24, Pages 307-309, Eureka County Deeds (Parcel No. 4), a 6-inch redwood fence post set in right-of-way fence from which the NW corner of Section 4, T. 30 N., R. 52 E., M.D.B.&M., bears N 0° 19' 53" E, 5961.71 feet as Corner No. 1, the point of beginning,

thence S 80° 36' 01" E 1504.64 feet to Corner No. 2, a 6-inch redwood fence post,

thence S 1° 44' 13" E 973.27 feet to Corner No. 3, a 6-foot steel fence post,

thence S 31° 30' 33" W 2530.71 feet to Corner No. 4, a point on the easterly right-of-way line of the above-referred highway, a 6-foot steel fence post,

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thence along said right-of-way, from a tangent bearing N 3° 20' 48" W on a curve to the right, with a radius of 3900 feet, through a central angle of 10° 53' 10", an arc distance of 740.99 feet to Corner No. 5,

thence continuing along said right-of-way N 7° 32' 22" E 515.24 feet to Corner No. 6,

thence continuing along said right-of-way, from a tangent bearing on the last described course, on a curve to the left, with a radius of 3100 feet, through a central angle of 20° 24' 10", an arc distance of 1103.99 feet to Corner No. 7,

thence continuing along said right-of-way N 12° 51' 48" W 1055.56 feet to Corner No. 1, the point of beginning.

EXCEPTING THEREFROM all petroleum, oil, natural gas, and products derived therefrom reserved in Deed from Southern Pacific Land Company, recorded March 9, 1950, in Book 24, Page 42, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING THEREFROM an undivided one-half interest in and to all other minerals reserved in Deed from Eureka Livestock Company, a co-partnership et al, recorded November 4, 1955, in Book 24, Page 478, Deed Records, Eureka County, Nevada.

Parcel 2:

TOWNSHIP 30 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 2: All (Fractional)  
Section 4: Lots 1, 2, 3; SE1/4NW1/4; SE1/4  
Section 10: All  
Section 12: All  
Section 14: N1/2; SW1/4; N1/2SE1/4

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 5: That portion of the SE1/4 lying westerly of Nevada State Highway No. 51.  
Section 6: All  
Section 8: All that portion lying westerly of Nevada State Highway No. 51.  
Section 16: That portion of the W1/2NW1/4 lying westerly of Nevada State Highway No. 51.  
Section 17: All  
Section 18: E1/2

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 32: W1/2; W1/2SE1/4; That portion of the SE1/4SE1/4 lying westerly of Nevada State Highway No. 51.

Parcel 3:

TOWNSHIP 30 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 4: S1/2NE1/4

parcel 4:

TOWNSHIP 30 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 14: S1/2SE1/4

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 18: Lots 1, 2, 3 & 4; E1/2W1/2

EXCEPTING FROM Parcels 1 and 2 above described that certain parcel of land more particularly described as follows:

A triangular tract of land lying in Sections 10 and 15, Township 30 North, Range 51 East, M.D.B.&M., Eureka County, Nevada, being more particularly described as follows:

Beginning at the SE corner of Section 15 as Corner No. 1, the point of beginning,

thence along the South line of said Section 15, N 89° 58' W 8318.64 feet to Corner No. 2, the SW corner of said Section 15,

thence along the line between Sections 15 and 16 North 1072.50 feet to Corner No. 3, the SW corner of Section 10,

thence along the line between Sections 9 and 10, N 0° 23' W 2565.42 feet to Corner No. 4, the W1/4 corner of said Section 10,

thence S 66° 23' 42" E 9096.97 feet to Corner No. 1, the point of beginning.

TOGETHER WITH all buildings and improvements situate thereon.

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TOGETHER WITH all water, water rights, right to the use of water, dams, ditches, canals, pipelines, reservoirs, wells, and all other means for the diversion or use of water appurtenant to the said property, or any part thereof.

TOGETHER WITH all mineral rights, oil or gas owned by the Sellers herein lying on, in or over the above described real property.

TOGETHER WITH all existing easements and rights of way benefiting the above-described real property, including, but not limited, to all easements and rights of way for ingress and egress to said property.

TOGETHER WITH all range rights and grazing rights, and in particular, but without limitation thereto, all rights to graze livestock upon the Public Domain under what is known as the Taylor Grazing Act used or enjoyed in connection with said property.

TOGETHER WITH any and all rights in any range improvement project or cooperative agreements constructed on the public domain in cooperation with the Bureau of Land Management, and all of the Grantors' right in and to any and all other corrals, improvements or structures located on the public domain.

SUBJECT TO all road and utility easements and any and all other easements and rights of way of record.

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

RECORDED AT THE REQUEST OF

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Richard J. Matthews

89 APR 19 P4:47

OFFICIAL RECORDS  
EUREKA COUNTY, CALIFORNIA  
M. M. REBAILLANT, CLERK

FILE NO

FILE 5 122

127083

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