

138235

ASSIGNMENT OF NOTE AND DEED OF TRUST

KNOW ALL MEN BY THESE PRESENTS:

That, for and in consideration of the sum of ONE HUNDRED TWENTY THREE THOUSAND SIX HUNDRED THIRTY ONE and 13/100 (\$123,631.13) DOLLARS, and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, Co-Executors of the ESTATE OF BATTISTA TOMERA, JR., aka BATTISTA TOMERA, aka BUTCH TOMERA, do hereby grant, bargain, convey and assign unto GEORGE TOMERA, Box 486, Carlin, Nevada 89822, all of Decedent's right, title, interest and estate belonging to BATTISTA TOMERA JR., or his Estate, in and to a Deed of Trust, dated February 28, 1986, executed by JULIAN TOMERA RANCHES STONEHOUSE DIVISION, a Nevada Corporation, as Trustor for TOMERA BROTHERS, a Nevada General Partnership, Beneficiary.

Said Deed of Trust describes real property located in both Elko and Eureka Counties, Nevada and was recorded May 16, 1986 at Book 523, Page 661, as File Number 215463, Official Records of Elko County Recorder's Office and June 23, 1986, at Book 145, Page 534 as File Number 103377, Official Records of Eureka County Recorder's Office.

The undersigned also hereby convey all of BATTISTA TOMERA, JR.'s right, title, interest and Estate in and to the Promissory Note secured by the above Deed of Trust, dated February 28, 1986, in the original principal sum of SEVEN HUNDRED SIXTY FOUR THOUSAND ONE HUNDRED (\$764,100.00) DOLLARS, together with

all monies, rights and interests payable pursuant thereto and together with all unpaid accrued and accruing interest thereon.

The Co-Executors authority for this assignment is as follows:

A. ELKO COUNTY:

1. BATTISTA TOMERA JR., died on September 6, 1988; his Estate is currently being probated by the Fourth Judicial District Court, in and for the County of Elko, State of Nevada. The undersigned are the duly appointed Co-Executors of the Estate which is being probated as File Number 3776, Department II.

2. The TOMERA BROTHERS partnership was dissolved by Court Order, dated August 14, 1989; a copy of this Order was recorded on August 14, 1989, in Book 692, at page 136, as File Number 280192, Official Records of Elko County Recorder's Office.

3. The Court authorized the Co-Executors to exchange the Note and Deed of Trust by Order for Exchange of Property entered March 11, 1991, which order was recorded March 22, 1991 in Book 748, at page 457 as File Number 304232, Official Records of the Elko County Recorder's office.

B. EUREKA COUNTY:

1. A certified copy of the Order dissolving the TOMERA BROTHERS partnership, dated August 14, 1989 was recorded on August 15, 1989, in Book 200, at Page 526, as File Number 128935, Official Records of Eureka County Recorder's Office.

2. A certified copy of the Order for Exchange of Property, entered March 11, 1991, was recorded on March 27,

1991, in Book 221, at Page 436, as File Number 136357, Official Records of Eureka County Recorder's Office.

The authorization for GEORGE TOMERA to accept this assignment is as follows:

1. The Fourth Judicial District Court entered its order for Exchange of Property in the matter of the Guardianship of the Estate and Person of GEORGE TOMERA aka TOM TOMERA, an adult, Case Number 3805, Department II, on June 11, 1990; said order was recorded March 22, 1991, in Book 748, Page 454, as File Number 304231, Official Records of Elko County Recorder's Office and on March 27, 1991, in Book 221 at Page 433, as File Number 136356, Official Records of Eureka County Recorder's Office.

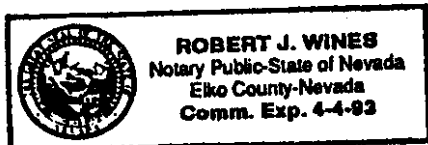
DATED this 15<sup>th</sup> day of March, 1991.

  
RICHARD J. MATTHEWS, Co-Executor  
BATTISTA TOMERA ESTATE

  
THEODORE N. MCPHEE, Co-Executor  
BATTISTA TOMERA ESTATE

STATE OF NEVADA )  
 ) SS.  
COUNTY OF ELKO )

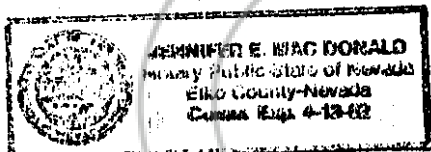
On this 1<sup>st</sup> day of April, 1991, personally appeared before me, a Notary Public, RICHARD J. MATTHEWS, as Co-Executor of the ESTATE OF BATTISTA TOMERA, known to me to be said person, who acknowledged that he executed the foregoing instrument.



Robert J. Wines  
NOTARY PUBLIC

STATE OF NEVADA )  
 ) SS.  
COUNTY OF ELKO )

On this 2<sup>nd</sup> day of April, 1991, personally appeared before me, a Notary Public, THEODORE N. MCPHEE, as Co-Executor of the BATTISTA TOMERA ESTATE, known to me to be said person, who acknowledged that he executed the foregoing instrument.



Jennifer MacDonald  
NOTARY PUBLIC

CERTIFICATION OF COPY  
STATE OF NEVADA )  
COUNTY OF ELKO ) SS.

I, JERRY D. REYNOLDS, the duly elected and qualified Recorder of Elko County, in the State of Nevada, do hereby certify that this is a true, full and correct copy of the instrument now on record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, in Elko, Nevada this

14<sup>th</sup> day of October, A.D. 1991  
JERRY D. REYNOLDS, COUNTY RECORDER

(SEAL)

SEAL  
Affixed

FEE \$8.00 FILE # 311987  
FILED FOR RECORD  
AT REQUEST OF  
Matthews & Wines  
91 OCT 14 P2:30

RECORDED BY 765 TO 557  
JERRY D. REYNOLDS  
ELKO CO. RECORDER

MATTHEWS & WINES, P.C.  
687 SIXTH STREET, SUITE 1  
P. O. BOX 511  
ELKO, NEVADA 89801

311987

BOOK 227 PAGE 244

BOOK 765 PAGE 560

BOOK 227 PAGE 241  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Matthews & Wines*  
'91 OCT 17 P4:17

EUREKA COUNTY, NEVADA  
M.N. REBALCATTI, RECORDER  
FILE NO. FEE \$900

138235

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