

DIAMOND  
Founders Title of Sacramento County

Order No. 731317-EN

140734

Escrow No. \_\_\_\_\_

When Recorded Mail To:

D. Vryonis, Esq., Brodovsky & Brodovsky  
8800 Cal Center Drive, #300, Sacramento, CA 95826

Space above this line for recorder's use

DEED OF TRUST WITH ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made March 30, 1992  
DANIEL H. RUSSELL and ROBERTA A. RUSSELL, husband and wife, as  
community property  
whose address is P. O. Box 339, Folsom, California 95630  
(Number and Street) (City) (State)  
FIRST AMERICAN TITLE COMPANY OF NEVADA, a Nevada corporation,  
(SEE ATTACHED RIDER)  
WITNESSETH: That Trustor grants to Trustee in trust, with power of sale, that property in the  
, County of Eureka , State of NEVADA described as:  
(See Exhibit "A" for legal description)

(SEE ATTACHED RIDER FOR ADDITIONAL TERMS)

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the purpose of securing (1) payment of the sum of \$See Rider Attached with interest thereon according to the terms of 11 promissory notes made by Trustor, payable to order of Beneficiary, and all extensions or renewals thereof; and (2) the performance of each agreement of Trustor incorporated herein by reference or contained herein; (3) payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or to his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A, and it is mutually agreed that each and all of the terms and provisions set forth in subdivision B of the fictitious Deed of Trust recorded in the office of each County Recorder in the State of Nevada on January 30, 1968, in the book and at the page thereof, or under the document or file number, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	DOC. NO.	COUNTY	BOOK	PAGE	DOC. No.
Churchill	39 Mortgages	363	116384	Lincoln			45902
Clark	850 Off. Rec.		682747	Lyon	37 Off. Rec.	341	100661
Douglas	57 Off. Rec.	116	40060	Mineral	11 Off. Rec.	129	89073
Elko	92 Off. Rec.	652	35747	Nye	105 Off. Rec.	107	04823
Esmeralda	3-X Deeds	195	35922	Ormsby	72 Off. Rec.	537	32867
Eureka	22 Off. Rec.	138	45941	Pershing	11 Off. Rec.	249	66107
Humboldt	28 Off. Rec.	124	131075	Storey	"S" Mortgages	206	31506
Lander	24 Off. Rec.	168	50782	Washoe	300 Off. Rec.	517	107192
				White Pine	295 R. E. Records	258	

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties, and printed on the reverse side hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed a reasonable amount.

The undersigned Trustor requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address above set forth.

STATE OF ~~NEVADA~~ )  
CALIFORNIA ) ss.  
County of \_\_\_\_\_ )

Signature of Trustors

Daniel H. Russell  
DANIEL H. RUSSELL

Roberta A. Russell  
ROBERTA A. RUSSELL

On \_\_\_\_\_  
personally appeared before me, a Notary Public,

who acknowledged that he executed the above instrument.

Notary Public

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## RIDER TO DEED OF TRUST

**Beneficiaries:** The beneficiaries under the attached Short Form Deed of Trust and Assignment of Rents are as follows (collectively, the "Beneficiaries"):

- Angelo K. Tsakopoulos, an individual
- William C. Cummings, an individual
- JD Ranch, a California General Partnership and
- The following partners of Russell Ranch, a California limited partnership (collectively, the "70% Partners"):
  - AKT Development Corporation, a California corporation (GP)
  - Angelo K. Tsakopoulos, an individual (GP)
  - Angelo K. Tsakopoulos, an individual (LP)
  - William C. Cummings, an individual (LP)
  - Laguna Creek West 289 Investors, a California general partnership (LP)
  - William B. Brodovsky, an individual (LP)
  - Alan A. Brodovsky, an individual (LP)

**Obligations Secured:** In addition to those obligations referenced in Paragraphs 1, 2 and 3 of the printed form, the lien of this deed of trust secures the timely payment and performance of the following obligations:

(a) All obligations evidenced by those certain promissory notes set forth on Schedule 1 to this Rider, as each such note has been modified pursuant to a separate Promissory Note Modification Agreement of even date herewith (the "Notes"); and

(b) All obligations, covenants and agreements of Trustor contained in the Notes, this deed of trust or any other deeds of trust, security agreements or other collateral documents executed in favor of the Beneficiaries and securing the obligations evidenced by the Notes.

**TRUSTORS:**

Donal H Russell  
Russell H. Russell

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# SCHEDULE "1"

## NOTES

	<u>AMOUNT</u>	<u>PAYEE(S)</u>	<u>DATED</u>
1.	\$ 91,245.09	Angelo K. Tsakopoulos (50%) William C. Cummings (50%)	12/1/91
*			
2.	20,158.90 (P) 6,879.78 (AI)	Angelo K. Tsakopoulos (50%) William C. Cummings (50%)	12/1/91
**			
3.	49,057.80 (P) 16,824.93 (AI)	JD Ranch Partnership	12/1/91
4.	4,876.37 (P) 617.21 (AI)	JD Ranch Partnership	12/1/91
5.	8,845.98	JD Ranch Partnership	12/1/91
6.	1,022,700.00 (P) 220,254.07 (AI)	Russell Ranch ***	3/15/92
7.	78,956.22 (P) 19,952.62 (AI)	Russell Ranch ***	3/15/92
8.	70,560.00 (P) 22,422.40 (AI)	Russell Ranch ***	3/15/92
9.	26,666.68 (P) 1,010.24 (AI)	JD Ranch Partnership	3/15/92
10.	77,724.60 (P) 4,912.05 (AI)	Angelo K. Tsakopoulos (50%) William C. Cummings (50%)	3/15/92
11.	22,549.25 (P) 375.10 (AI)	Russell Ranch ***	3/15/92

\*P = Principal

AI = Prior Accrued Interest

\*\* This note is being replaced by that certain Replacement Promissory Note dated March 15, 1992 replacing JD Ranch with Angelo K. Tsakopoulos as payee and increasing the (AI) portion of the note to \$18,269.41 to bring it current as of March 15, 1992.

\*\*\* Original Payee, subsequently endorsed to 70% Partners.

The Blue Diamond Ranch - Parcels Five, Six, Seven and Eight:

PARCEL FIVE:

EXHIBIT A

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B. & M.

Section 20: West 1/2

EXCEPTING THEREFROM that portion thereof conveyed to CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A UTAH CORPORATION SOLE, in Deed recorded September 7, 1984 in Book 127, page 457 as Document No. 95671, Official Records, which is described as follows:

Commencing at the West 1/4 corner of said Section 20, thence North 0°09'00" East 1767.82 feet along the West line of said Section 20 to Corner No. 1 the true point of beginning; thence continuing North 0°09'00" East 840.25 feet along the West line of said Section 20 to corner No. 2, being on the Southerly Right of Way line of 7th Street; thence South 89°59'48" East 840.95 feet along the said Southerly right of way line of 7th Street to Corner No. 3; thence from a tangent bearing South 70°38'55" West on a curve to the left, with a radius of 1380.00 feet, through a central angle of 51°05'48", for an arc length of 1230.69 feet to Corner No. 1, the point of beginning, now known as Parcel One and Two of the certain Parcel Map recorded June 4, 1984, under Document No. 93464, Eureka County, Nevada records.

Section 29: North 1/2

PARCEL SIX:

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B. & M.

Section 20: East 1/2

EXCEPTING THEREFROM, all potassium, oil and gas as reserved in Patent dated March 13, 1963, executed by UNITED STATES OF AMERICA to JAMES J. KAHLE recorded May 3, 1963 in Book 26 of Deeds at page 426, Eureka County, Nevada records.

PARCEL SEVEN:

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B. & M.

Section 22: East 1/2

Section 27: East 1/2

EXCEPTING THEREFROM, all the oil, gas, potash and sodium as reserved in Patents executed by UNITED STATES OF AMERICA to THOMAS H. GALLAGHER and JOHN B. BONDS, recorded April 9, 1964 in Book 3 of Official Records at page 555 and December 30, 1964 in Book 6 of Official Records at page 348, Eureka County, Nevada.

PARCEL EIGHT:

TOWNSHIP 21 NORTH, RANGE 53 EAST, M.D.B. & M.

Section 28: All

EXCEPTING THEREFROM all the oil and gas as reserved in Patents executed by UNITED STATES OF AMERICA to DOROTHY S. GALLAGHER and MILLIE S. SEWELL, recorded December 30, 1964 in Book 6 of Official Records at pages 349 and 350, Eureka County, Nevada records.

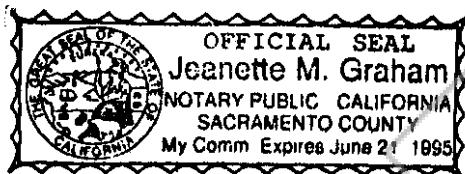
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STATE OF CALIFORNIA     )  
                                  ) ss.  
COUNTY OF SACRAMENTO    )

On this 20<sup>th</sup> day of April, 1992, before me, the undersigned, a Notary Public in and for the State of California, personally appeared DANIEL H. RUSSELL and ROBERTA A. RUSSELL, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ /they executed the same in ~~his~~ ~~her~~ /their authorized capacity(ies), and that by ~~his~~ ~~her~~ /their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jeanette M Graham



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OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
Founders Title Co.

'92 APR 27 A11 26

EUREKA COUNTY, NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. FEE \$ 9.00

140734

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