

UNIFORM COMMERCIAL CODE — FINANCING STATEMENT — FORM UCC-1

This FINANCING STATEMENT is presented for filing pursuant to the Nevada Uniform Commercial Code

155361

IMPORTANT: Read instructions on back before filling out form.

Receipt No. _____

| | | | |
|--|---|---|--|
| 1. DEBTOR (NAME FIRST, LAST, MIDDLE) IF LEGAL BUSINESS NAME INDIVIDUAL (LAST NAME FIRST) <u>Newmont Gold Company</u> | | 1A. SOCIAL SECURITY OR FEDERAL TAX NO. <u>6632</u> | |
| 1B. MAILING ADDRESS <u>One United Bank Center, 1700 Lincoln Street</u> | | 1C. CITY, STATE <u>Denver, Colorado</u> | 1D. ZIP CODE <u>80203</u> |
| 1E. RESIDENCE ADDRESS | | 1F. CITY, STATE | 1G. ZIP CODE |
| 2. ADDITIONAL DEBTOR (IF ANY) IF LEGAL BUSINESS NAME INDIVIDUAL (LAST NAME FIRST) | | 2A. SOCIAL SECURITY OR FEDERAL TAX NO. | |
| 2B. MAILING ADDRESS | | 2C. CITY, STATE | 2D. ZIP CODE |
| 2E. RESIDENCE ADDRESS | | 2F. CITY, STATE | 2G. ZIP CODE |
| 3. <input type="checkbox"/> ADDITIONAL DEBTOR(S) ON ATTACHED SHEET | | | |
| 4. SECURED PARTY NAME <u>Shawmut Bank Connecticut, National Association, as Owner Trustee No. 1</u> (See Schedule A) MAILING ADDRESS <u>777 Main Street</u> CITY <u>Hartford</u> STATE <u>Connecticut</u> ZIP CODE <u>06115</u> | | 4A. SOCIAL SECURITY NO. FEDERAL TAX NO. OR BANK TRANSIT AND A.B.A. NO. <u>ABA No. 011900445</u> | |
| 5. ASSIGNEE OF SECURED PARTY (IF ANY) NAME <u>First National Bank of Chicago, as Indenture Trustee No. 1</u> (See Schedule A) MAILING ADDRESS <u>One First National Plaza, Suite 0126</u> CITY <u>Chicago</u> STATE <u>Illinois</u> ZIP CODE <u>60670</u> | | 5A. SOCIAL SECURITY NO. FEDERAL TAX NO. OR BANK TRANSIT AND A.B.A. NO. <u>9825</u> | |
| 6. This FINANCING STATEMENT covers the following types or items of property (if crops or timber, include description of real property on which growing or to be growing and name of record owner of such real estate, if fixtures, include description of real property to which affixed or to be affixed and name of record owner of such real estate, if oil, gas or minerals, include description of real property from which to be extracted) <u>A 75% undivided interest in all of the Debtor's right, title and interest in and to the equipment, goods and other tangible personal property which together comprise a refractory gold ore treatment plant facility located near Carlin, Nevada, all as more fully described in Schedule A hereto.</u> The foregoing property has been leased by the Secured Party to the Debtor under the lease described in Schedule A which lease is intended to be a true lease. This financing statement is being filed only as a precautionary measure in the event that such lease is determined not to be a true lease. This is a fixture filing to be recorded in the real estate records against the real property described in Schedule B and against the lessor's interest in the foregoing property that are fixtures under the lease described in Schedule A. | | | |
| SIGNATURE OF RECORD OWNER <u>Patricia A. Flanagan</u> | | 6C. \$ _____ MAXIMUM AMOUNT OF INDEBTEDNESS TO BE SECURED AT ANY ONE TIME (OPTIONAL) | |
| 6B. <u>Newmont Gold Company</u> (TYPE) RECORD OWNER OF REAL PROPERTY | | | |
| 7. Check if Applicable <input checked="" type="checkbox"/> | A. <input checked="" type="checkbox"/> Proceeds of collateral are also covered | B. <input type="checkbox"/> Products of collateral are also covered | C. <input type="checkbox"/> Proceeds of above described original collateral in which a security interest was perfected (Debtor's Signature Not Required) |
| 8. Check if Applicable <input type="checkbox"/> | D. <input type="checkbox"/> Collateral was brought into this State subject to security interest in another jurisdiction (Debtor's Signature Not Required) | | |
| 9. <input type="checkbox"/> DEBTOR IS A "TRANSMITTING UTILITY" IN ACCORDANCE WITH NRS 704.205 AND NRS 104.9403 | | | |

10. (Date) September 30, 1994

by Patricia A. Flanagan TREASURER
(SIGNATURE(S) OF DEBTOR(S)) (TITLE)

by Robert L. Reynolds Assistant Vice President
(SIGNATURE(S) OF SECURED PARTY(IES)) (TITLE)

11. Return Copy to:
NAME Bonnie L. Martinolich, Esq.
ADDRESS Debevoise & Plimpton
CITY, STATE AND ZIP 875 Third Avenue
New York, New York 10022

Trust Account Number (If Applicable) _____

BOOK 276 PAGE 468

11. This Space for Use of Filing Officer (Date, Time, File Number and Filing Office)

U.C.C. FILE NO. **155361**

FILED THIS 30TH DAY
OF SEPTEMBER, 1994,
AT 36 MINUTES PAST
9 A.M., RECORDS OF
EUREKA COUNTY, NEVADA.

MICHAEL REBALEATI
EUREKA COUNTY RECORDER

White - Alphabetical, r.m.d. - Acknowledgement,
with - Secured party; BLUE - Debtor

SCHEDULE A

Debtor:

Newmont Gold Company
One United Bank Center
1700 Lincoln Street
Denver, Colorado 80203

Secured Party:

SHAWMUT BANK CONNECTICUT, NATIONAL ASSOCIATION, a national banking association, not in its individual capacity but solely as Owner Trustee under that certain Trust Agreement No. 1, dated as of July 15, 1994, between it and Philip Morris Capital Corporation

777 Main Street
Hartford, Connecticut 06115

Assignee of Secured Party:

THE FIRST NATIONAL BANK OF CHICAGO, a national banking association, as Indenture Trustee under the Trust Indenture and Security Agreement, dated as of July 15, 1994, between it and the Secured Party

One First National Plaza
Suite 0126
Chicago, Illinois 60670-0126

Attention: Corporate Trust Services
Division

Description of
Collateral :

A 75% undivided interest in all of the Debtor's right, title and interest in and to the equipment, goods and other tangible personal property (including fixtures) which together comprise a refractory gold ore treatment process facility located near Carlin, Nevada, all as more fully described in Annex 1 hereto, and any and all substitutions, replacements and accessions thereto or therefor and the proceeds thereof,

including, without limitation, insurance proceeds.

The above-described collateral includes goods which are or are to become fixtures on the real estate described in Schedule B attached hereto and incorporated herein by this reference. The record owner of the real estate described in Schedule B is Debtor.

The foregoing property has been leased by the Secured Party to the Debtor pursuant to a Lease dated as of September 30, 1994 between the Debtor and the Secured Party, which lease is intended to be a true lease. This financing statement is being filed only as a precautionary measure in the event that such lease is determined not to be a true lease and to perfect the lessor's interest under the lease described above in any of the collateral which is deemed to be fixtures within the meaning of Nevada Revised Statutes §104A.2309.

ANNEX 1

LIST OF ASSETS

The Facility consists of the structures, machinery and equipment which together make up an integrated refractory gold ore treatment process facility. The principal components of the Facility are (1) a primary and secondary crushing circuit composed of, among other things, a jaw crusher, a high-angle conveyor, a screen and standard cone crusher, a radial stacker, reclaim feeders and a lime bin, (2) a dry grinding circuit composed of, among other things, a natural gas-fired burner, a double rotator grinding unit with an integral drying chamber, primary and secondary air classifiers, a fine ore bin, a bucket elevator and two baghouse clusters, (3) a roasting circuit consisting of two parallel trains each with a day feed bin, a circulating fluid bed preheater circuit and baghouse, an SO₂ scrubber, a circulating fluid bed roaster, two four-stage calcine coolers and two calcine quench tanks, (4) a thickening, cooling and CIL/CIP circuit, consisting of, among other things, six CIL tanks, 5 CIP tanks, a neutralization tank and related pumps, piping and compressors, (5) a gas cooling and cleaning circuit consisting of, among other things, a washing tower, two gas coolers, a fluorine removal tower and electrostatic precipitators, (6) a sulfuric acid plant consisting of, among other things, a drying tower, heat exchangers, a multiple bed converter vessel, intermediate and final absorption towers, a scrubber, a filter and sulfuric acid tanks and (7) related conveyor systems, pollution control equipment, emission stacks, cooling tower, a propane back-up system, water and acid pipelines and storage tanks.

Set forth below is a more detailed list of the assets comprising the Facility each of which is located on the process plot plan of the site on which the Facility is located near Carlin, Nevada, a reduced copy of which is attached hereto as Annex 1. Each number on the attached plot corresponds to the number next to the asset set forth below.

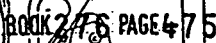
1. Secondary Crushing Facility G.A.
2. Secondary Crushing Electrical Equipment Room
3. High Angle Conveyor
4. Primary Jaw Crusher

5. [Intentionally left blank]
6. 300-TK-02 Lime storage Tank
7. Lime Slaking
8. [Intentionally left blank]
9. [Intentionally left blank]
10. 300-TK-03 Quench Thickener
11. [Intentionally left blank]
12. Equipment and improvements relating to Quench Water Cooling Pond
13. [Intentionally left blank]
14. Sludge Tank
15. Quench Water Pumps
16. Cooling Pond Transformer and MCC
17. Neutralization Feed Tank
18. Thickener Feed Tank Electrical Room
19. Equipment and improvements relating to Spill Pond
20. Equipment and improvements relating to Storm Pond
21. Double Rotator Mill Feed Conveyor
22. Five CIL TANKS
23. Six Propane Tanks

24. [Intentionally left blank]
25. Grinding Electrical Equipment Room
26. Equipment and improvements relating to Grinding Transformer Yard
27. Methanol Tank
28. Grinding Building G.A.
29. [Intentionally left blank]
30. Grinding/Roasting Facility Control Room
31. Motor Control Room
32. Water Treatment
33. Acid Storage Tank H_2SO_4
34. Liquid Sulfur Storage Tank
35. [Intentionally left blank]
36. Sulfuric Acid Plant (By Lurgi)
37. Roasting Facility (By Lurgi)
38. Gas Cooling and Cleaning
39. [Intentionally left blank]
40. Neutralization Tank
41. Plant Acid Storage Tank
42. [Intentionally left blank]

- 43. ROTP Cooling Tower
- 44. Equipment and improvements relating to Storm Water Retention Pond
- 45. Cooling Tower Standpipe
- 46. 200 BM 001 Radial Stacker
- 47. 300 CV 001 Mill Feed Conveyor System
- 48. Equipment and improvements relating to 2375 Spill Catchment Pond
- 49. Sulfuric Acid Pipeline
- 50. 400 TK O10-15 Six CIP Tanks

ANNEX 1
TO
LIST OF ASSETS



SCHEDULE B

All that certain lot, piece or parcel of land situate in the County of Eureka, State of Nevada, described as follows:

PORTIONS OF THE NORTH HALF OF SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST; THE SOUTH HALF OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST; AND THE WEST HALF OF SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, MOUNT DIABLO MERIDIAN; SAID PORTIONS TO DEFINE THE LIMITS OF AN EASEMENT KNOWN AS THE CONVEYOR PLOT AREA AND EACH OF FOUR SITE INTEREST PARCELS KNOWN AS FOLLOWS: SITE INTEREST PARCEL 1, AN APPROXIMATE 47.69 ACRE LEASE PARCEL; SITE INTEREST PARCEL 2, AN APPROXIMATE 6.28 ACRE LEASE PARCEL; SITE INTEREST PARCEL 3, AN APPROXIMATE 2203.84 SQUARE FOOT LEASE PARCEL; SITE INTEREST PARCEL 4, AN APPROXIMATE 456.75 SQUARE FOOT LEASE PARCEL, EACH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR EACH OF THE FOLLOWING DESCRIPTIONS IS THE EAST SECTION LINE OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, DEPICTED AS NORTH 00°05' 41" WEST ON EXHIBIT "A" ATTACHED TO THAT CERTAIN SHORT FORM LEASE BETWEEN NEWMONT GOLD COMPANY, AS LESSOR, AND PRAXAIR, INC., AS LESSEE, DATED THE 23RD DAY OF NOVEMBER, 1992, RECORDED IN BOOK 244 AT PAGE 072 IN THE OFFICE OF THE RECORDER OF EUREKA COUNTY, NEVADA.

SITE INTEREST PARCEL 1

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, MOUNT DIABLO MERIDIAN, A FOUND GENERAL LAND OFFICE MONUMENT, ALSO COMMON TO SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, AND SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST, AND SECTION 6, TOWNSHIP 33 NORTH, RANGE 52 EAST;

THENCE NORTH 00°05' 41" WEST, COINCIDENT WITH THE EAST LINE OF THE AFOREMENTIONED SECTION 36, 731.30 FEET, TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SECTION LINE, SOUTH 62°51' 52" WEST, 74.18 FEET;

THENCE SOUTH 06°43' 15" EAST, 172.08 FEET;

THENCE SOUTH 44°36' 42" WEST, 294.74 FEET;

THENCE SOUTH 69°37' 35" WEST, 1000.00 FEET;

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THENCE NORTH 87°26' 12" WEST, 192.16 FEET;
THENCE NORTH 33°52' 32" WEST, 203.42 FEET;
THENCE SOUTH 81°41' 37" WEST, 171.61 FEET;
THENCE SOUTH 57°11' 05" WEST, 103.37 FEET;
THENCE NORTH 39°50' 14" WEST, 74.74 FEET;
THENCE SOUTH 50°41' 48" WEST, 95.22 FEET;
THENCE SOUTH 41°31' 00" EAST, 38.92 FEET;
THENCE SOUTH 51°49' 09" WEST, 55.80 FEET;

THENCE NORTH 40°35' 04" WEST, 169.95 FEET, TO A POINT COINCIDENT WITH THE "CONVEYOR PLOT AREA EASEMENT" PERIMETER LINE, AS DESCRIBED WITHIN THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADING OF "CONVEYOR PLOT AREA EASEMENT";

THENCE COINCIDENT WITH SAID "CONVEYOR PLOT AREA EASEMENT" PERIMETER LINE THROUGH THE FOLLOWING THREE COURSES, CONTINUING NORTH 40°35' 04" WEST, 8.50 FEET, TO A POINT KNOWN AS POINT 'A';

THENCE DEPARTING POINT 'A', NORTH 48°03' 57" EAST, 20.00 FEET;

THENCE NORTH 39°24' 28" WEST, 7.88 FEET;

THENCE DEPARTING SAID COINCIDENT "CONVEYOR PLOT AREA EASEMENT" PERIMETER LINE, CONTINUING NORTH 39°24' 28" WEST, 198.71 FEET;

THENCE NORTH 49°55' 58" EAST, 219.88 FEET;
THENCE SOUTH 40°03' 39" EAST, 224.41 FEET;
THENCE NORTH 58°55' 30" EAST, 547.94 FEET;
THENCE NORTH 34°22' 52" WEST, 363.22 FEET;
THENCE NORTH 64°34' 35" EAST, 506.09 FEET;
THENCE NORTH 69°41' 40" EAST, 223.46 FEET;
THENCE NORTH 63°24' 23" EAST, 285.70 FEET;
THENCE NORTH 57°06' 34" EAST, 195.70 FEET;
THENCE NORTH 72°24' 44" EAST, 237.36 FEET;
THENCE NORTH 67°59' 38" EAST, 188.43 FEET;
THENCE NORTH 78°31' 52" EAST, 257.54 FEET;
THENCE NORTH 62°17' 00" EAST, 282.30 FEET;

THENCE NORTH 65°30' 30" EAST, 239.04 FEET;

THENCE NORTH 56°22' 52" EAST, 938.04 FEET;

THENCE NORTH 67°58' 58" EAST, 372.63 FEET;

THENCE NORTH 66°46' 21" EAST, 290.51 FEET;

THENCE NORTH 12°07' 24" WEST, 153.64 FEET;

THENCE NORTH 34°30' 49" EAST, 301.06 FEET, TO A POINT ON A CURVE ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 766, AS RECORDED IN BOOK 76, PAGES 144-148 OF DEEDS, IN THE OFFICE OF THE RECORDER OF EUREKA COUNTY, NEVADA;

THENCE ALONG SAID CURVE, WHICH IS NON-TANGENT AND CONCAVE TO THE SOUTHWEST, DEPARTING A TANGENT WHICH BEARS SOUTH 59°18' 00" EAST, COINCIDENT WITH THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 766, SAID CURVE HAVING A RADIUS OF 9900.00 FEET, PASSING THROUGH A CENTRAL ANGLE OF 2°09' 27", AN ARC DISTANCE OF 372.79 FEET;

THENCE DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 40°20' 12" WEST, 98.74 FEET;

THENCE NORTH 89°32' 34" WEST, 383.38 FEET;

THENCE SOUTH 12°07' 24" EAST, 154.01 FEET;

THENCE SOUTH 66°46' 21" WEST, 319.68 FEET;

THENCE SOUTH 67°58' 58" WEST, 369.44 FEET;

THENCE SOUTH 56°22' 52" WEST, 937.28 FEET;

THENCE SOUTH 65°30' 30" WEST, 240.85 FEET;

THENCE SOUTH 62°17' 00" WEST, 286.32 FEET;

THENCE SOUTH 78°31' 52" WEST, 259.31 FEET;

THENCE SOUTH 67°59' 38" WEST, 186.55 FEET;

THENCE SOUTH 72°24' 44" WEST, 234.01 FEET;

THENCE SOUTH 57°06' 34" WEST, 192.93 FEET;

THENCE SOUTH 63°24' 23" WEST, 145.17 FEET;

THENCE SOUTH 34°22' 52" EAST, 3.18 FEET;

THENCE NORTH 73°03' 21" EAST, 638.50 FEET;

THENCE SOUTH 23°58' 36" EAST, 333.36 FEET;

THENCE NORTH 62°51' 52" EAST, 1053.72 FEET;

THENCE SOUTH 27°08' 08" EAST, 292.71 FEET;

THENCE SOUTH 62°51' 52" WEST, 1217.41 FEET, TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THOSE LANDS SUBJECT TO THAT CERTAIN LEASE AGREEMENT DESCRIBED WITHIN THAT CERTAIN SHORT FORM LEASE BETWEEN NEWMONT GOLD COMPANY, AS LESSOR, AND PRAXAIR, INC., AS LESSEE, DATED THE 23RD DAY OF NOVEMBER, 1992 ENCOMPASSING THAT STRUCTURE KNOWN AS THE OXYGEN PLANT, RECORDED IN BOOK 244, AT PAGE 072, IN THE OFFICE OF THE RECORDER OF EUREKA COUNTY, NEVADA, TOGETHER WITH A 10 FOOT WIDE STRIP COINCIDENT WITH THE NORTHEASTERLY PERIMETER OF THE SAID OXYGEN PLANT, BOTH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED SOUTHEAST SECTION CORNER, OF SECTION 36;

THENCE NORTH 16°01' 05" WEST, 1077.63 FEET, TO THE POINT OF BEGINNING;

THENCE COINCIDENT WITH THE AFOREMENTIONED OXYGEN PLANT LEASE LINE THROUGH THE FOLLOWING THREE COURSES, SOUTH 50°00' 00" WEST 248.70 FEET;

THENCE NORTH 24°48' 00" WEST, 296.03 FEET;

THENCE NORTH 65°12' 00" EAST, 240.00 FEET;

THENCE DEPARTING SAID OXYGEN PLANT LEASE LINE, DEFINING THE AFOREMENTIONED 10 FOOT WIDE STRIP, CONTINUING NORTH 65°12' 00" EAST, 10.00 FEET;

THENCE SOUTH 24°48' 00" EAST, 228.11 FEET;

THENCE SOUTH 50°00' 00" WEST, 10.36 FEET TO THE POINT OF BEGINNING.

SITE INTEREST PARCEL 2

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, MOUNT DIABLO MERIDIAN, A FOUND GENERAL LAND OFFICE MONUMENT, ALSO COMMON TO SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, AND SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST, AND SECTION 6, TOWNSHIP 33 NORTH, RANGE 52 EAST;

THENCE SOUTH 86°39' 35" WEST, 2469.72 FEET TO POINT 'C' AS DESCRIBED IN THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADING OF "CONVEYOR PLOT AREA EASEMENT", SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID POINT 'C', SOUTH 17°51' 15" EAST, 163.93 FEET;

THENCE SOUTH 11°37' 36" WEST, 69.90 FEET;

THENCE SOUTH 45°15' 32" WEST, 175.84 FEET;

THENCE NORTH 88°55' 21" WEST, 81.84 FEET;

THENCE NORTH 55°20' 37" WEST, 171.49 FEET;

THENCE SOUTH 26°41' 22" WEST, 248.89 FEET;

THENCE SOUTH 41°41' 56" WEST, 244.91 FEET;

THENCE NORTH 41°49' 28" WEST, 370.66 FEET;

THENCE NORTH 49°09' 31" EAST, 470.21 FEET;

THENCE SOUTH 51°48' 53" EAST, 139.94 FEET;

THENCE NORTH 35°02' 06" EAST, 172.49 FEET;

THENCE NORTH 63°15' 27" EAST, 225.71 FEET;

THENCE SOUTH 40°19' 00" EAST, 88.70 FEET, TO A POINT ON THE PERIMETER LINE OF THE AFOREMENTIONED "CONVEYOR PLOT AREA EASEMENT";

THENCE SOUTH 28°40' 00" EAST, COINCIDENT WITH SAID PERIMETER LINE, 20.43 FEET TO THE POINT OF BEGINNING.

SITE INTEREST PARCEL 3

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, MOUNT DIABLO MERIDIAN, A FOUND GENERAL LAND OFFICE MONUMENT, ALSO COMMON TO SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, AND SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST, AND SECTION 6, TOWNSHIP 33 NORTH, RANGE 52 EAST;

THENCE NORTH 88°47' 13" WEST, 2274.60 FEET TO POINT 'D' AS DESCRIBED IN THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADING OF "CONVEYOR PLOT AREA EASEMENT", SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID POINT 'D', SOUTH 50°00' 14" WEST, COINCIDENT WITH THE PERIMETER LINE OF SAID "CONVEYOR PLOT AREA EASEMENT", 49.92 FEET;

THENCE DEPARTING SAID PERIMETER LINE, NORTH 40°01' 34" WEST, 44.15 FEET;

THENCE NORTH 50°00' 14" EAST, 49.92 FEET;

THENCE SOUTH 40°01' 34" EAST, 44.15 FEET TO THE POINT OF BEGINNING.

SITE INTEREST PARCEL 4

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, MOUNT DIABLO MERIDIAN, A FOUND GENERAL LAND OFFICE MONUMENT, ALSO COMMON TO SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, AND SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST, AND SECTION 6, TOWNSHIP 33 NORTH, RANGE 52 EAST;

THENCE NORTH 89°42' 17" WEST, 2212.97 FEET TO POINT 'B' AS DESCRIBED IN THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADING OF "CONVEYOR PLOT AREA EASEMENT", SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID POINT 'B', SOUTH 49°54' 21" WEST, 31.50 FEET;

THENCE NORTH 40°05' 39" WEST, 14.50 FEET;

THENCE NORTH 49°54' 21" EAST, 31.50 FEET, TO A POINT ON THE PERIMETER LINE OF THE AFOREMENTIONED "CONVEYOR PLOT AREA EASEMENT";

THENCE SOUTH 40°05' 39" EAST, COINCIDENT WITH SAID PERIMETER LINE, 14.50 FEET TO THE POINT OF BEGINNING.

CONVEYOR PLOT AREA EASEMENT PARCEL 5

COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 36, TOWNSHIP 34 NORTH, RANGE 51 EAST, MOUNT DIABLO MERIDIAN, A FOUND GENERAL LAND OFFICE MONUMENT, ALSO COMMON TO SECTION 31, TOWNSHIP 34 NORTH, RANGE 52 EAST, AND SECTION 1, TOWNSHIP 33 NORTH, RANGE 51 EAST, AND SECTION 6, TOWNSHIP 33 NORTH, RANGE 52 EAST;

THENCE NORTH 86°10' 39" WEST, 2013.76 FEET TO POINT 'A', WHICH IS COINCIDENT WITH THE SITE INTEREST PARCEL 1 PERIMETER AS DESCRIBED IN THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADING OF "SITE INTEREST PARCEL 1", SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING POINT 'A', SOUTH 40°35' 04" EAST, COINCIDENT WITH THE AFOREMENTIONED SITE INTEREST PARCEL 1 PERIMETER LINE, 8.50 FEET;

THENCE DEPARTING SAID SITE INTEREST PARCEL 1 PERIMETER LINE, SOUTH 59°05' 56" WEST, 147.43 FEET, TO A POINT ON THE EXTERIOR OF THE MILL 2 BUILDING LINE;

THENCE SOUTH 40°05' 39" EAST, COINCIDENT WITH THE EXTERIOR OF SAID MILL 2 BUILDING LINE, 0.88 FEET;

THENCE DEPARTING SAID EXTERIOR OF MILL 2 BUILDING LINE, ON A COURSE WITHIN THE INTERIOR OF THE MILL 2 BUILDING, SOUTH 49°54' 21" WEST, 89.46 FEET TO A POINT ON THE EXTERIOR OF MILL 2 BUILDING LINE;

THENCE COINCIDENT WITH THE EXTERIOR OF MILL 2 BUILDING LINE THROUGH THE NEXT THREE COURSES, NORTH 40°05' 39" WEST, 23.00 FEET, TO A POINT COINCIDENT WITH LEASE PARCEL 4 PERIMETER LINE, KNOWN AS POINT 'B';

THENCE DEPARTING POINT 'B', COINCIDENT WITH SAID LEASE PARCEL 4, CONTINUING NORTH 40°05' 39" WEST, 14.50 FEET;

THENCE DEPARTING SAID LEASE PARCEL 4 PERIMETER LINE, CONTINUING NORTH 40°05' 39" WEST, 30.86 FEET;

THENCE DEPARTING THE AFOREMENTIONED EXTERIOR OF MILL 2 BUILDING LINE, SOUTH 49°36' 54" WEST, 293.26 FEET, TO A POINT COINCIDENT WITH LEASE PARCEL 2 PERIMETER LINE, KNOWN AS POINT 'C';

THENCE DEPARTING POINT 'C', NORTH 28°40' 00" WEST, COINCIDENT WITH LEASE PARCEL 2 PERIMETER LINE, 20.43 FEET;

THENCE DEPARTING SAID LEASE PARCEL 2 PERIMETER LINE, NORTH 49°36' 54" EAST, 216.17 FEET;

THENCE NORTH 40°01' 34" WEST, 2.59 FEET, TO A POINT COINCIDENT WITH LEASE PARCEL 3 PERIMETER LINE;

THENCE NORTH 50°00' 14" EAST, COINCIDENT WITH SAID LEASE PARCEL 3 PERIMETER LINE, 49.92 FEET, TO A POINT KNOWN AS POINT 'D';

THENCE DEPARTING SAID POINT 'D' AND LEASE PARCEL 3 PERIMETER LINE, SOUTH 40°01' 34" EAST, 2.21 FEET;

THENCE NORTH 49°33' 52" EAST, 23.12 FEET, TO A POINT ON THE EXTERIOR OF SAID MILL 2 BUILDING LINE;

THENCE DEPARTING SAID EXTERIOR OF MILL 2 BUILDING LINE, BEGINNING A SERIES OF SEVEN COURSES WITHIN THE INTERIOR OF THE MILL 2 BUILDING, CONTINUING NORTH 49°33' 52" EAST, 27.26 FEET;

THENCE SOUTH 38°43' 26" EAST, 22.37 FEET;

THENCE NORTH 51°16' 34" EAST, 11.80 FEET;

THENCE SOUTH 38°43' 26" EAST, 10.50 FEET;

THENCE NORTH 78°18' 36" EAST, 37.73 FEET;

THENCE NORTH 49°54' 21" EAST, 18.00 FEET;

THENCE SOUTH 40°05' 39" EAST, 13.91 FEET, TO A POINT ON THE EXTERIOR OF SAID MILL 2 BUILDING LINE;

THENCE COINCIDENT WITH THE EXTERIOR OF SAID MILL 2 BUILDING LINE, CONTINUING SOUTH 40°05' 39" EAST, 2.45 FEET;

THENCE DEPARTING SAID EXTERIOR MILL 2 BUILDING LINE, NORTH 59°05' 56" EAST, 167.69 FEET, TO A POINT ON THE AFOREMENTIONED SITE INTEREST PARCEL 1 PERIMETER LINE;

THENCE COINCIDENT WITH SITE INTEREST PARCEL 1 PERIMETER LINE, THE FOLLOWING TWO COURSES, SOUTH 39°24' 28" EAST, 7.88 FEET;

THENCE SOUTH 48°03' 57" WEST, 20.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM LOTS 3 AND 4; PARCEL "A"; W½NE¼SW¼; AND SE¼NE¼SW¼ OF SECTION 31, T. 34 N., R. 52 E., AN UNDIVIDED 14.25% INTEREST TO COAL, OIL, GAS AND OTHER MINERALS OF EVERY KIND AND NATURE AS CONVEYED TO DONALD W. UNRUH AND DARLENE I. UNRUH BY MESNE DOCUMENTS OF RECORD.

FURTHER EXCEPTING FROM LOTS 3 AND 4; PARCEL "A"; W½NE¼SW¼ AND SE¼NE¼SW¼ OF SECTION 31, T. 34 N., R. 52 E., AN UNDIVIDED 80.75% INTEREST TO OIL, GAS AND OTHER HYDROCARBONS AS RESERVED BY JOHN M. MCKINLEY, ET AL IN DEED RECORDED JULY 2, 1982 IN BOOK 103, PAGE 63, OFFICIAL RECORDS, EUREKA COUNTY, NEVADA.

EXCEPTING FROM THE SE¼ OF SECTION 36, T. 34 N., R. 51 E., ALL THE OIL, GAS AND GEOTHERMAL RESOURCE MINERAL DEPOSITS LYING IN AND UNDER SAID LAND AS RESERVED BY THE UNITED STATES OF AMERICA, IN PATENT RECORDED AUGUST 1, 1984, IN BOOK 124, PAGE 356, OFFICIAL RECORDS, EUREKA COUNTY, NEVADA.

EXCEPTING FROM PORTIONS OF THE N¼ OF SECTION 1, T. 33 N., R. 51 E., ALL COAL, HYDROCARBON, GEOTHERMAL RESOURCES, PRECIOUS METALS ORES, BASE METALS ORES, INDUSTRIAL-GRADE SILICATES AND CARBONATES, FISSIONABLE MINERALS AND ALL OTHER MINERALS OF EVERY KIND AND CHARACTER, METALLIC OR OTHERWISE, WHETHER OR NOT PRESENTLY KNOWN TO SCIENCE OR INDUSTRY, NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, LYING IN AND UNDER SAID LAND RESERVED BY SOUTHERN PACIFIC LAND COMPANY, A CALIFORNIA CORPORATION, BY INSTRUMENT RECORDED JULY 21, 1987, IN BOOK 160, PAGE 382, OFFICIAL RECORDS, EUREKA COUNTY, NEVADA.

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