

175565

PARCEL # 002014-10

00291240

DEED OF TRUST

This DEED OF TRU, made this 24th day of October, 2000, by and between ROBERT H. SELLARD, a single man, hereinafter named TRUSTOR, and STEWART TITLE hereinafter named TRUSTEE, and NEVADA HOUSING DIVISION hereinafter named BENEFICIARY.

WITNESSETH, that TRUSTOR IRREVOCABLY grants, transfers and assigns to TRUSTEE in trust w power of sale, that property located in the County of EUREKA, Nevada, legally descrd as follows:

gr

Parcel 2 as own on that certain Parcel Map for CATTLEMENS TITLE GUARANTEE COMPANY filed in the office of the County Recorder of Eureka County, State Nevada, on May 5, 1995, as File No. 157903, being a portion of Lot 2, Block Crescent Valley Ranch and Farms Unit #1.

EXCEPTING HEREFROM, all petroleum, oil, natural gas and products derived therefrom within or underlying said land or that may be produced therefrom, all rights thereto, as reserved by SOUTHERN PACIFIC LAND COMPANY, Deed to H.J. BUCHENAU and ELSIE BUCHENAU, recorded September 24, 1951, in Book 24, of Deeds at Page 168, Eureka County, Nevada.

and more commonly known as 217 SECOND STREET, CRESCENT VALLEY in Eureka County of NEVADA.

TOGETHER WITH appurtenances in which TRUSTOR has any interests including water rights benefit said real property, represented by shares of a company or otherwise; and

TOGETHER WITH rents, issues and profits thereof, reserving the right to collect and use the same, except in some default hereunder, in which event the TRUSTEE shall collect the same by lawful means in the name of the BENEFICIARY,

FOR THE PURPOSE OF SECURING total amount of Down Payment Agreement (including any and all change orders executed subsequent to the date of this Deed of Trust) and payment of any indebtedness evidenced by and accruing under said Down Payment Agreement the principal sum of Eight Thousand Twenty One and NO/100 (\$8,021.00) executed TRUSTOR in favor of BENEFICIARY, or order.

"The Owner's right, title and interest in this unit and the use, sale, resale and rental of this property are subject to the terms, conditions, restrictions, limitations and provisions as set forth in:

HOME Investment Partnerships Program, Final Rule, 24 CFR Part 92, September 11 1996, (with May 28 1997 technical corrections) Subpart F—Project Requirements, §92.254 Qualifications as affordable housing: homeowners.(a)(5)(ii) Recapture. Recapture provisions must ensure that the participating jurisdiction recoups all or a portion of the HOME assistance to the homebuyer, if the housing does not continue to be the principal residence of the family the duration of the period of affordability. The participating jurisdiction may structure its recapture provisions based on its program design and market conditions. The period of affordability is based upon the total amount of HOME funds subject to recapture described in paragraph (a)(5)(ii)(A)(3) of this section.

(A) The following options for recapture requirements are acceptable to HUD. The participating jurisdiction may adopt, modify or develop its own recapture requirements for HUD approval.

(1) Recapture entire amount. The participating jurisdiction may recapture the entire amount of the HOME investment from the homeowner.

(2) Reduction during affordability period. The participating jurisdiction may reduce the HOME investment amount to be recaptured on a prorated basis for the time the homeowner has owned and occupied the housing measured against the required affordability period.

(3) Shared net proceeds. If the net proceeds are not sufficient to recapture the full HOME investment (or a reduced amount as provided for in paragraph (a)(5)(ii)(A)(2), above, of this section) thus enable the homeowner to recover the amount of the homeowner's down payment and any capital improvement investment made by the owner since purchase, the participating jurisdiction may share the net proceeds. The net proceeds are the sales price minus loan repayment (other than HOME funds) and closing costs. The net proceeds may be divided proportionally as set forth in the following mathematical formulas:

$$\frac{\text{HOME investment}}{\text{HOME investment} + \text{homeowner investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

$$\frac{\text{homeowner investment}}{\text{HOME investment} + \text{homeowner investment}} \times \text{Net proceeds} = \text{amount to homeowner}$$

(4) Owner investment returned first. The participating jurisdiction may permit the homebuyer to recover the homebuyer's entire investment (down payment and capital improvements made by the owner since purchase) before capturing the HOME investment.

5) Amount subject to recapture. The HOME investment that is subject to recapture is based on the amount of HOME assistance that enabled the homebuyer to buy the dwelling units. This includes any HOME assistance that reduced the purchase price from fair market value to an affordable price, but excludes the amount between the cost of producing the market value of the property (i.e., the development subsidy). The recaptured funds must be used to carry out HOME-eligible activities in accordance with the requirements of this part. If the HOME assistance is only used for the development subsidy and therefore not subject to recapture, the resale option must be used.

By execution of this deed of Trust that those provisions included in the Rural Nevada Development Corporation Down Payment Agreement executed by TRUSTOR hereby incorporated herein by reference and made part hereof as though fully set forth herein at length; that the TRUSTOR or his successors will observe and obligations, and parties in said provisions shall be construed to refer to the property obligations and parties set forth in this Deed of Trust

THE UNDESIGNED TRUSTOR request that a copy of any Notice of Default and of any Notice of Sale hereunder, be mailed to him/her, or his/her authorized agent at the address herein set forth:

RURAL NEVADA DEVELOPMENT CORPORATION
740 P.K AVENUE
ELY, NV 89301

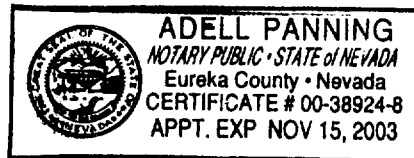
Robert H. Sellard
ROBERT H. SELLARD

10-24-00
DATE

STATE OF NEVADA
COUNTY OF Eureka

On this 24 day of October, 2000 ROBERT H. SELLARD personally appeared before me, a Notary Public, and executed this document.

Adell Panning
NOTARY PUBLIC



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After Recording Please return to:
RNDC
Housing Administrator
740 Park Ave.
Ely, NV 89301

COPY

BOOK 338 PAGE 508
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Stewart Title
00 NOV -2 PM 1:25

EUREKA COUNTY NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES 10⁰⁰

175565

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