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125 Park Avenue
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4031771

Debtor: Newmont USA Limited
Juris: County Recorder, Eureka County, NV

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # 161, 9/30/94

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. ☒

2. ☐ TERMINATION: Effectiveness of the Filing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Filing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provide applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION) This Amendment affects ☒ Debtor or ☐ Secured Party of record. Check only one of these two boxes.
Also check one of the following three boxes provide appropriate information in items 6 and/or 7.
☒ CHANGE name and/or address: Give current name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and address (if address change) in item 7c. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME
Newmont Mining Corporation

OR

6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME
Newmont USA Limited

OR

7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

7d. TAX ID #: SSN OR EIN ADD'L INFO RE TYPE OF ORGANIZATION 7f. JURISDICTION OF ORGANIZATION 7g. ORGANIZATIONAL ID #, if any
DEBTOR CORPORATION DE DE-0623413 ☐ NONE

8. AMENDMENT (COLLATERAL CHANGE) check only one box.
Describe collateral ☐ deleted or ☐ added give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME
Bank One, National Association f/k/a The First National Bank of Chicago, as Indenture Trustee

OR

9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA
Filed with: Eureka Co., NV TRI

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FII (same as item 1a on Amendment form)		
155361, 9/30/94		
12. NAME OF PARTY AUTHORIZING AMENDMENT (same as item 9 on Amendment form)		
12a. ORGANIZATION'S NAME Bank One, National Association/k/a The First National Bank of Chicago,		
as Indenture Trustee		
OR	12b. INDIVIDUAL'S LAST NAME	FIRST NAME
		MIDDLE NAME, SUFFIX

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

Collateral Description:

A 75% undivided interest in all 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 Schedule A hereto.

The foregoing property has been used 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.

SCHEDULE A

Debtor:

Newmont USA Limited (formerly known as Newmont Gold Company, formerly known as Newmont Mining Corporation, formerly known as Newmont Gold Company)

One United Bank Center
1700 Lincoln Street
Denver, Colorado 80203

Secured Party:

State Street Bank and Trust Company (as successor in interest to Shawmut Bank Connecticut, National Association), a national banking association, not in its individual capacity but solely as Owner Trustee under the Trust Agreement No. 1, dated as of July 15, 1994, between Shawmut Bank Connecticut, National Association and Philip Morris Capital Corporation

225 Asylum Street - 23rd Floor
Hartford, Connecticut 06103

Assignee of Secured Party:

Bank One, National Association (formerly known as 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 The First National Bank of Chicago and Shawmut Bank Connecticut, National Association

One Bank One Plaza
Chicago, Illinois 60670
Attention: Sharon McGrath
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 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 Newmont Gold Company and Shawmut Bank Connecticut, National Association, 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 §104.9102.

ANNEX 1

LIST OF ASSETS

The Facility consists of the structures, machinery and equipment which together make up 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 mill with an integral drying chamber, primary and secondary air classifiers, a fine 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, a baghouse, an SO₂ scrubber, a circulating fluid bed roaster, two four-stage calciners 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 tank 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. Second Crushing Facility G.A.
2. Second Crushing Electrical Equipment Room
3. High Angle Conveyor
4. Primary Jaw Crusher

5. [Intentional left blank]
6. 300-TK-02 ne storage Tank
7. Lime Slak
8. [Intentional left blank]
9. [Intentional left blank]
10. 300-TK-Quench Thickener
11. [Intentional left blank]
12. Equipmeand improvements relating to Quench Water Cooling Pond
13. [Intentional left blank]
14. Sludge Tk
15. Quench iter Pumps
16. Coolingnd Transformer and MCC
17. Neutralition Feed Tank
18. Thicker Feed Tank Electrical Room
19. Equipnt and improvements relating to Spill Pond
20. Equipnt and improvements relating to Storm Pond
21. Doubleotator Mill Feed Conveyor
22. Five C TANKS
23. Six Ppane Tanks

24. [Intentionally left blank]
25. Grinding Electrical Equipment Room
26. Equipment : improvements relating to Grinding Transformer Yard
27. Methanol Tank
28. Grinding Building G.A.
29. [Intentionally left blank]
30. Grinding/Sorting 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 Cool Tower
44. Equipment improvements relating to Storm Water Retention Pond
45. Cooling Tower Standpipe
46. 200 BM 0 Radial Stacker
47. 300 CV 0 Mill Feed Conveyor System
48. Equipment improvements relating to 2375 Spill Catchment Pond
49. Sulfuric Acid Pipeline
50. 400 TK 0-15 Six CIP Tanks

THIS PRINTING AND THE DESIGN IT CARRIES ARE THE PROPERTY OF MICHELLE YS PEREIRA LEMOS AND ON THE BORROWER'S EXCLUSIVE RESPONSIBILITY THE BORROWER SHALL RETURN THE LENDER THE ORIGINAL LENDER (WHETHER NOW USED OR NOT) IN THE LIMITS OF THE PRIVATE USE PERMITTED BY ANY WRITTEN CONSENT GIVEN BY THE LENDER TO THE BORROWER.



BOOK 276 PAGE 49
BOOK 351 PAGE 108

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 EMENT 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 AXAIR, INC., AS LESSEE, DATED THE 23RD DAY OF NOVEMBER, 1995, RECORDED IN BOOK 244 AT PAGE 072 IN THE OFFICE OF THE RECORDER, 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, AN 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;

THENCE NORTH 87° 12" WEST, 192.16 FEET;

THENCE NORTH 332° 32" WEST, 203.42 FEET;

THENCE SOUTH 811° 37" WEST, 171.61 FEET;

THENCE SOUTH 571° 05" WEST, 103.37 FEET;

THENCE NORTH 390° 14" WEST, 74.74 FEET;

THENCE SOUTH 561° 48" WEST, 95.22 FEET;

THENCE SOUTH 431° 00" EAST, 38.92 FEET;

THENCE SOUTH 519° 09" WEST, 55.80 FEET;

THENCE NORTH 435° 04" WEST, 169.95 FEET, TO A POINT COINCIDENT WITH THE "CONVEYOR PLOT AREA EASEMENT" PERIMETER LINE, AS DESCRIBED WITH THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEADS OF "CONVEYOR PLOT AREA EASEMENT";

THENCE COINCIDENT WITH SAID "CONVEYOR PLOT AREA EASEMENT" PERIMETER LINE THROUGH THE FOLLOWING THREE COURSES, CONTINUING NORTH 40° 35' 0" WEST, 8.50 FEET, TO A POINT KNOWN AS POINT 'A';

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

THENCE NORTH 324° 28" WEST, 7.88 FEET;

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

THENCE NORTH 55° 58" EAST, 219.88 FEET;

THENCE SOUTH 03° 39" EAST, 224.41 FEET;

THENCE NORTH 55° 30" EAST, 547.94 FEET;

THENCE NORTH 22° 52" WEST, 363.22 FEET;

THENCE NORTH 34° 35" EAST, 506.09 FEET;

THENCE NORTH 41° 40" EAST, 225.46 FEET;

THENCE NORTH 24° 23" EAST, 285.70 FEET;

THENCE NORTH 7° 06' 34" EAST, 195.70 FEET;

THENCE NORTH 2° 24' 44" EAST, 237.36 FEET;

THENCE NORTH 7° 59' 38" EAST, 188.43 FEET;

THENCE NORTH 8° 31' 52" EAST, 257.54 FEET;

THENCE NORTH 2° 17' 00" EAST, 282.30 FEET;

THENCE NORTH 65° 30' EAST, 239.04 FEET;
 THENCE NORTH 56° 52' EAST, 938.04 FEET;
 THENCE NORTH 67° 58' EAST, 372.63 FEET;
 THENCE NORTH 66° 21' EAST, 290.51 FEET;
 THENCE NORTH 127° 24' WEST, 153.64 FEET;

THENCE NORTH 340° 49' EAST, 301.06 FEET, TO A POINT ON A CURVE
 ON THE SOUTHWESTLY 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 EURA COUNTY, NEVADA;

THENCE ALONG SA 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 3779 FEET;

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

THENCE NORTH 832° 34' WEST, 383.38 FEET;
 THENCE SOUTH 107° 24' EAST, 154.01 FEET;
 THENCE SOUTH 146° 21' WEST, 319.68 FEET;
 THENCE SOUTH 158° 58' WEST, 369.44 FEET;
 THENCE SOUTH 122° 52' WEST, 937.28 FEET;
 THENCE SOUTH 130° 30' WEST, 240.85 FEET;
 THENCE SOUTH 117° 00' WEST, 286.32 FEET;
 THENCE SOUTH 131° 52' WEST, 259.31 FEET;
 THENCE SOUTH 159° 38' WEST, 186.55 FEET;
 THENCE SOUTH 124° 44' WEST, 234.01 FEET;
 THENCE SOUTH 106° 34' WEST, 192.93 FEET;
 THENCE SOUTH 132° 24' WEST, 145.17 FEET;
 THENCE SOUTH 142° 22' 52" EAST, 3.18 FEET;
 THENCE NORTH 13° 03' 21" EAST, 638.50 FEET;
 THENCE SOUTH 123° 58' 36" EAST, 333.36 FEET;

THENCE NORTH 651' 52" EAST, 1053.72 FEET;

THENCE SOUTH 208' 08" EAST, 292.71 FEET;

THENCE SOUTH 651' 52" WEST, 1217.41 FEET, TO THE POINT OF BEGINNING.

LESS AND EXCEEDING 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 6' 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 4' 48' 00" WEST, 296.03 FEET;

THENCE NORTH 5' 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 THIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE ADING OF "CONVEYOR PLOT AREA EASEMENT", SAID POINT BEING THE INT OF BEGINNING;

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

THENCE SOUTH 11° 36" WEST, 69.90 FEET;

THENCE SOUTH 45° 32" WEST, 175.84 FEET;

THENCE NORTH 88° 21" WEST, 81.84 FEET;

THENCE NORTH 55° 37" WEST, 171.49 FEET;

THENCE SOUTH 261' 22" WEST, 248.89 FEET;

THENCE SOUTH 411' 56" WEST, 244.91 FEET;

THENCE NORTH 419' 28" WEST, 370.66 FEET;

THENCE NORTH 499' 31" EAST, 470.21 FEET;

THENCE SOUTH 518' 53" EAST, 139.94 FEET;

THENCE NORTH 302' 06" EAST, 172.49 FEET;

THENCE NORTH 615' 27" EAST, 225.71 FEET;

THENCE SOUTH 419' 00" EAST, 88.70 FEET, TO A POINT ON THE PERIMETER LINE OF THE AFOREMENTIONED "CONVEYOR PLOT AREA EASEMENT";

THENCE SOUTH 140' 00" EAST, COINCIDENT WITH SAID PERIMETER LINE, 20.43 FT TO THE POINT OF BEGINNING.

SITE INTEREST ARCEL 3

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

THENCE NORTH 1°47' 13" WEST, 2274.60 FEET TO POINT 'D' AS DESCRIBED IN HIS LEGAL DESCRIPTION FOR DEFINITION OF A LEASE UNDER THE HEING OF "CONVEYOR PLOT AREA EASEMENT", SAID POINT BEING THE POT OF BEGINNING;

THENCE DEPARNG SAID POINT 'D', SOUTH 50°00' 14" WEST, COINCIDENT WITH THE PERIMETER LINE OF SAID "CONVEYOR PLOT AREA EASEMENT", 492 FEET;

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

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

THENCE SOUTH 401' 34" EAST, 44.15 FEET TO THE POINT OF BEGINNING.

SITE INTEREST RCEL 4

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

THENCE NORTH 42' 17" WEST, 2212.97 FEET TO POINT 'B' AS DESCRIBED IN HIS 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 0°05' 39" WEST, 14.50 FEET;

THENCE NORTH 0°54' 21" EAST, 31.50 FEET, TO A POINT ON THE PERIMETER LINE OF THE AFOREMENTIONED "CONVEYOR PLOT AREA EASEMENT";

THENCE SOUTH 0°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 BUILDING LINE;

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

THENCE DEPARTING AID 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 COINCIDE 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°54' 21" 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 01° 34" WEST, 2.59 FEET, TO A POINT COINCIDENT WITH LEASE PARCEL 3 PERIMETER LINE;

THENCE NORTH 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 01° 34" EAST, 2.21 FEET;

THENCE NORTH 9°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 EVEN 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 05' 39" EAST, 2.45 FEET;

THENCE DEPARTING ID EXTERIOR MILL 2 BUILDING LINE, NORTH 59°05' 56" EAST, 7.69 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 CORNERS, SOUTH 39°24' 28" EAST, 7.88 FEET;

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

EXCEPTING FROM LOTS 3 AND 4; PARCEL "A"; W½NE¼SW¼; AND SE¼NE¼SW¼ OF SECTION 31, T34 N., R. 52 E., AN UNDIVIDED 14.25% INTEREST TO COAL, OIL, GAS AND OTHER MINERALS OF EVERY KIND AND NATURE AS CONVEYED TO DON 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, ETC 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 LANDS 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 NE¼ OF SECTION 1, T. 33 N., R. 51 E., ALL COAL, CARBON, GEOTHERMAL RESOURCES, PRECIOUS METALS ORES, BASE METAL ORES, INDUSTRIAL-GRADE SILICATES AND CARBONATES, FERTILIZABLE 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.

BOOK 351 PAGE 100
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Dennis Nexus
02 OCT 18 PM 2:01

EUREKA COUNTY NEVADA
M.H. REBALEATI, RECORDER
FILE NO. FEES 40⁰⁰

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