

179407

APN 007-370-45

ASSUMPTION AGREEMENT

TO: STEWART TITLE OF NORTHEASTERN NEVADA, Trustee, and NEVADA BANK & TRUST, Beneficiary

The undersigned, OWEN J. MILLER and CHERYL MILLER, husband and wife, having acquired title to a portion of that certain real property described in a Deed of Trust dated December 11, 2000, recorded in the Office of the Eureka County Recorder, Eureka, Nevada, on December 14, 2000, in Book 339 of Official Records, Page 144, Document No. 175669, executed by RUBY HILL RANCH, LLC, a Nevada Limited Liability Company, as Trustor, to STEWART TITLE OF NORTHEASTERN NEVADA, Trustee, and in favor of NEVADA BANK & TRUST, Beneficiary, which Deed of Trust was given to secure a Promissory Note of even date in the principal sum of \$41,086.23; and

007-370-45

The said undersigned, having agreed as part of the purchase price of said property to assume and pay the balance of said indebtedness evidenced by the said Note, do hereby assume and agree to pay, according to the terms thereof and as specifically set forth hereafter, the balance of the indebtedness evidenced by said Promissory Note in the sum of \$36,977.60, and to perform all of the covenants of said Deed of Trust.

In connection with the above, the undersigned agree to pay the monthly interest payments on said Note commencing with the interest payment due on November 11, 2002, and on the 11th day of each month thereafter. The undersigned further agree to pay the principal payment in the sum of \$4,108.63 which is due on December 11, 2002, and thereafter the annual principal payments in the same amount which is due on the 11th day of December each year until said Note is paid in full.

The undersigned further acknowledge that they have received a copy of the above Promissory Note and are familiar with the terms thereof and know that said Note is a demand Note with a variable interest rate of 2% above prime and interest payable monthly as set forth above.

ROSS P. EARDLEY

ATTORNEY AT LAW
469 IDAHO STREET
ELKO, NEVADA 89801

TELEPHONE (775) 738-4046 - FAX (775) 738-6286

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The undersied further agree that the property described in said Deed of Trust shall be held as security for arand all indebtedness evidenced by said Promissory Note and Deed of Trust.

DATED: Cber 16, 2002.

Owen J. Miller
OWEN J. MILLER

Cheryl Miller
CHERYL MILLER

STATE OF ALABAMA)
) : SS.
COUNTY OF)

This instrunt was acknowledged before me on October 16 2002; by

OWEN J. MILLER ~~and CHERYL MILLER.~~



[Signature]
NOTARY PUBLIC
Commission expires 7/18/06

Address:

Owen J. & Cheryl Mer
266 Swartzelmer Road
Staunton, Virg. 24401

STATE OF VIRGINIA
COUNTY OF AUGUSTA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF OCTOBER, 2002
BY CHERYL MILLER

Susan Wisher
NOTARY PUBLIC
MY COMMISSION FIRES 8/31/03



The undersied, NEVADA BANK & TRUST COMPANY, hereby acknowledges receipt of a copy of the above Assmption Agreement and consents thereto and consents to the sale by Ruby Hill Ranch, LLC to Owd. Mil er and Cheryl Miller of certain property described as Parcel 4 as shown on that certain Divisionf Land into Large Parcels Map filed in Eureka County, Nevada, as File No. 175697.

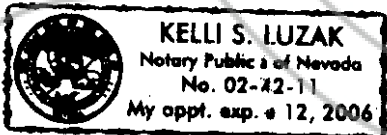
DATED: ctober 8, 2002.

NEVADA BANK & TRUST COMPANY

By JR Prince

STATE OF Nevada)
) : SS.
COUNTY OF Lincoln)

This instrumt was acknowledged before me on October 8, 2002, by J.R. Prince, as President of NEVADA BANK & TRUST COMPANY



Kelli S. Luzak
NOTARY PUBLIC

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Stewart Lutz
02 NOV 13 AM 9:38

CLERK COUNTY NEVADA
S.M. REBALEATI, RECORDER
FILE NO. FEES 16.00

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