

**181721**

Recorded at the request and return to:  
Newmont Mining Corporation  
PO Box 669  
Carlin, NV 89822

**MEMORANDUM OF MINING LEASE AND AGREEMENT**

NOTICE IS HEREBY GIVEN that **Jon A. Hill and B. Roxann Hill**, husband and wife; **Wells Fargo Bank, N.A., Successor Trustee of the Roland G. Hill Trust; Roland D. Hill**, a single man; **Robert M. Hill**, a single man; **Jacqueline Winters**, a single woman; **Me R. Fish (a/k/a Merle Fish) and Joanie M. Fish**, husband and wife; **Laurence Bølli (a/k/a Larry Borelli) and Linda Jean Borrelli**, husband and wife; **Doretha Juncox**, a single woman; **Robert Fish and Karin Fish**, husband and wife; and **Rollie Jean Graye (a/k/a Rolie Jean Graye) (f/k/a Rollie Dickinson) and Gene I. Graye**, husband ("Owner"), and **Newmont USA Limited**, a Delaware corporation, d/b/a Newmont Mining Corporation ("Newmont"), as lessee, have entered into a Mining Lease and Agreement dated as of October 30, 2002 covering that certain property in Eureka County, Nevada described in Exhibit "A" attached hereto (the "Property").

Said Mining Lease and Agreement, in consideration of the royalty referred to below and other covenants and agreements set forth therein, provides that Owner has leased exclusively Newmont all of Owner's right, title and interest in and to the Property.

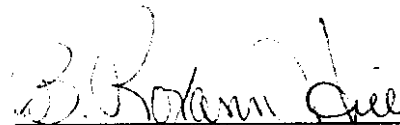
Further, said Mining Lease and Agreement reserves to Owner a royalty from the production of any and all ores and minerals of every kind in, on, or under, and that may be produced from, Property.

Copies of said Mining Lease and Agreement are in the possession of Newmont at its address at 1700 Lolo Street, Denver, Colorado 80203, and Owner at its address at Bradley and Drendel, Trust Account, 401 Flint Street, Reno, Nevada 89801.

IN WITNESS WHEREOF, this Memorandum of Mining Lease and Agreement has been executed effective as of the date first above written.

**OWNER:**

  
Name: Jon A. Hill

  
Name: B. Roxann Hill

Successor  
Wells Fargo Bank, A Trustee of the Roland G. Hill Trust

By: Elizabeth B Lauer  
Name: Elizabeth B Lauer  
Title: Asst VI

By: Randall D Howard  
Name: Randall D. Howard  
Title: Trust Officer

Name: Roland D. F

Name: \_\_\_\_\_

Name: Robert M. F

Name: \_\_\_\_\_

Name: Jacqueline Wters

Name: \_\_\_\_\_

Name: Merle R. Fi

Name: \_\_\_\_\_

Name: Laurence Belli

Name: \_\_\_\_\_

Name: Doretha Juriox

Name: \_\_\_\_\_

Name: Robert Fish

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Name: Rollie Jean aye

Name: \_\_\_\_\_

**NEWMONT:**

Newmont USA Lited, a Delaware corporation, d/b/a Newmont Mining Corporation

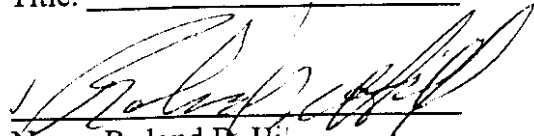
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Wells Fargo Bank, N. Trustee of the Roland G. Hill Trust

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



Name: Roland D. Hill

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Name: Robert M. Hill

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Name: Jacqueline Wiers

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Name: Merle R. Fish

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Name: Joanie M. Fish

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Name: Linda Jean Borrelli

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Name: Robert Fish

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Name: Karin Fish

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Name: Rollie Jean Gye

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Name: Gene I. Graye

**NEWMONT:**

Newmont USA Lind, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_


Name: \_\_\_\_\_

Its: \_\_\_\_\_

Wells Fargo Bank. A., Trustee of the Roland G. Hill Trust

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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Name: Roland D. Hill

  
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Name: Robert M. Hill

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Name: Jacqueline Hill

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Name: Gene I. Graye

**NEWMONT:**  
Newmont USA Lited, a Delaware corporation, d/b/a Newmont Mining Corporation

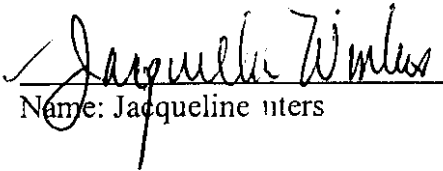
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Wells Fargo Bank. A., Trustee of the Roland G. Hill Trust

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Name: \_\_\_\_\_  
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Name: Rollie Jean Graye

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Name: Gene I. Graye

**NEWMONT:**

Newmont USA Limited, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

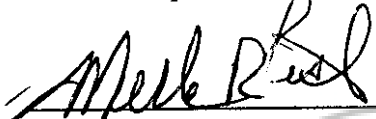
Wells Fargo Bank. A., Trustee of the Roland G. Hill Trust

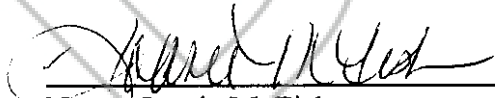
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Name: Gene I. Graye

**NEWMONT:**  
Newmont USA Lited, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Wells Fargo Bank, A., Trustee of the Roland G. Hill Trust

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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Name: Roland D. [ ]

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Name: Robert M. [ ]

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Name: Joanie M. Fish

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*Linda Jean Borrelli*  
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**NEWMONT:**

Newmont USA Lined, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_

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Wells Fargo Bank, A., Trustee of the Roland G. Hill Trust

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*Doretha June Box*  
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Name: Gene I. Graye

**NEWMONT:**  
Newmont USA Ltd, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_



Wells Fargo Bank, A., Trustee of the Roland G. Hill Trust

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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Name: Karin Fish

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Name: Rollie Jean aye

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Name: Gene I. Graye

**NEWMONT:**

Newmont USA Lied, a Delaware corporation, d/b/a Newmont Mining Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

Wells Fargo Bank, A., Trustee of the Roland G. Hill Trust

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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Name: Roland D. [ ]

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Name: Robert M. [ ]

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Name: Jacqueline nters

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Name: Karin Fish

*Rolie Jean Graye*  
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Name: Rolie Jean aye

*Gene I. Graye*  
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Name: Gene I. Graye

**NEWMONT:**

Newmont USA Lited, a Delaware corporation, d/b/a Newmont Mining Corporation

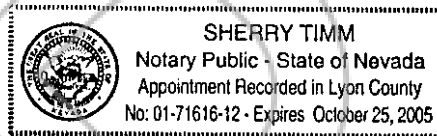
By: *Roland G. Hill*  
Name: *Roland G. Hill*  
Its: *VP North American Ops*

STATE OF NEVADA  
COUNTY OF LYON ) ss.

On this 14<sup>th</sup> day of JANUARY, 2003 personally appeared before me, a Notary Public, A. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

[Signature]  
Notary Public

My commission expires: October 25, 2005

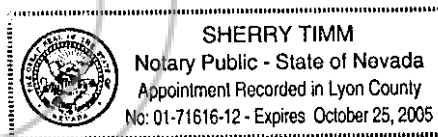


STATE OF NEVADA  
COUNTY OF LYON ) ss.

On this 14<sup>th</sup> day of JANUARY, 2003 personally appeared before me, a Notary Public, Roxann Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.

[Signature]  
Notary Public

My commission expires: October 25, 2005



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002 personally appeared before me, a Notary Public, \_\_\_\_\_ a duly qualified and acting officer of Wells Fargo Bank, N.A., Trustee of the Roland G. Hill Trust, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of said trust.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2002 personally appeared before me, a Notary Pub. Jon A. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2002 personally appeared before me, a Notary Public \_\_\_\_\_, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DEER )

On this 25<sup>TH</sup> day NOVEMBER, 2002 personally appeared before me, a Notary Public Elizabeth B. Lauer & ~~Randall D. Howard~~ a duly qualified and acting ~~Successor~~ officer of Wells Fargo Bank, N.A. Trustee of the Roland G. Hill Trust, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of said trust.

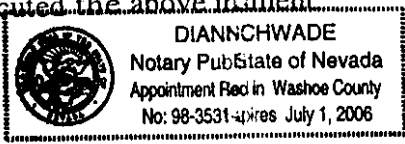
CAROLYN THOMSON  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 10/10/2005

Carolyn Thomson  
\_\_\_\_\_  
Notary Public  
Carolyn Thomson  
1700 Lincoln - 7th Floor  
Denver, CO 80203

CAROLYN THOMSON  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 10/10/2005

STATE OF Nevada  
COUNTY OF Washoe ) ss.

On this 13<sup>th</sup> day of January, 2003 personally appeared before me, a Notary Public, land D. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.



Diann Schwade  
Notary Public

My commission expires: 7-1-06

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003 personally appeared before me, a Notary Public, bert M. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003 personally appeared before me, a Notary Public, Jacqueline Winters, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Roland D. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF Nevada )  
 ) ss.  
COUNTY OF Clark )

On this 31st day of January, 2003 personally appeared before me, a Notary Public Robert M. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

Cindy Johnson  
\_\_\_\_\_  
Notary Public

My commission expires: Sept. 9, 2006



STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Jacqueline Winters, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Roland D. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Robert M. Hill, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

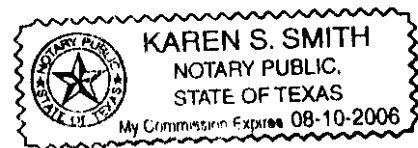
My commission expires: \_\_\_\_\_

STATE OF Texas )  
 ) ss.  
COUNTY OF Dallas )

On this 20 day February, 2003 personally appeared before me, a Notary Public Jacqueline Winters, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.

Karen S. Smith  
Notary Public

My commission expires: 8-10-06

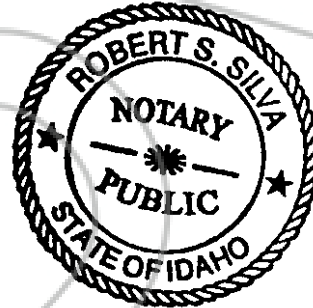


STATE OF Idaho )  
 ) ss.  
COUNTY OF Kenai )

On this 17 day of MARCH, 2003 personally appeared before me, a Notary Public Merle R. Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

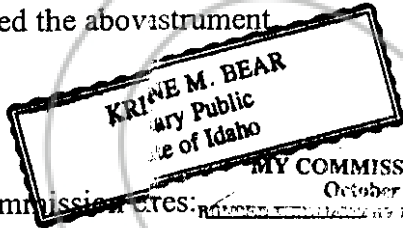
Robert S. Silva  
Notary Public

My commission expires: 6-18-2007



STATE OF Idaho )  
 ) ss.  
COUNTY OF Kenai )

On this 11th day of March, 2003 personally appeared before me, a Notary Public Joanie M. Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.



Kristine M. Bear  
Notary Public

My commission expires: October 2, 2008

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Laurence Borrelli, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Merle R. Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Public Joanie M. Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

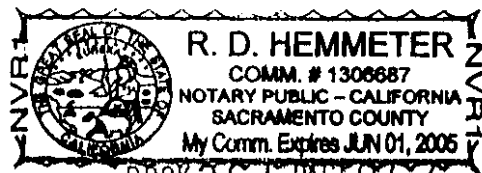
My commission expires: \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SACRAMENTO )

On this 11 day JANUARY, 2003 personally appeared before me, a Notary Public, Laurence Borrelli, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

R. D. Hemmeter  
Notary Public

My commission expires: JUNE 01, 2005



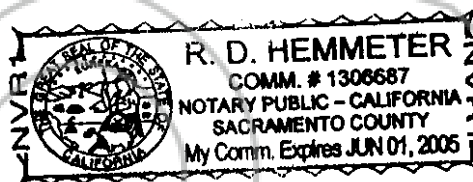
BOOK 361 PAGE 047

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SACRAMENTO )

On this 11 day of JANUARY, 2003 personally appeared before me, a Notary Pub. Linda Jean Borrelli, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the a/e instrument.

R. D. Hemmeter  
Notary Public

My commission expires: JUNE 01, 2005



STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Doretha June Box, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the a/e instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Robert Fish, personally known or proved to me to be the person whose name is scribed to the above instrument who acknowledged to me that he executed the abovastrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

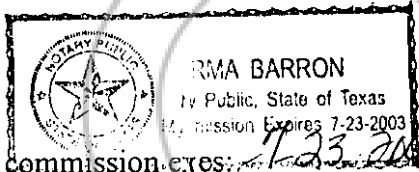
On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Linda Jean Borrelli, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF Texas )  
 ) ss.  
COUNTY OF Tarrant )

On this 21 day January, 2003 personally appeared before me, a Notary Pub. Doretha June Box, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.



Irma Barron  
\_\_\_\_\_  
Notary Public

My commission expires: 7-23-2003

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Robert Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Linda Jean Borrelli, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Doretha June Box, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF California )  
 ) ss.  
COUNTY OF Sacramento )

On this 13<sup>th</sup> day January, 2003 personally appeared before me, a Notary Pub. Robert Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

Karyn M. Gardner  
Notary Public

My commission expires: 2-27-06



STATE OF California  
COUNTY OF Sacramento ) ss.

On this 13<sup>th</sup> day January, 2003 personally appeared before me, a Notary Pub. Karin Fish, personally known or ~~proved to me to be the person~~ whose name is subscribed to the above instrument who acknowledged to me that she executed the above-strument.

Karyn M. Gardner  
Notary Public

My commission expires: 2-27-06



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Rollie Jean Graye, personally known or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the a/e instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Gene I. Graye, personally known or proved to me to be the person whose name is scribed to the above instrument who acknowledged to me that he executed the abovastrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day \_\_\_\_\_, 2003 personally appeared before me, a Notary Pub. Karin Fish, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF California )  
 ) ss.  
COUNTY OF acer )

On this 22nd day March, 2003 personally appeared before me, a Notary Pub. Rollie Jean Graye, ~~personally known~~ or proved to me to be the person whose name subscribed to the above instrument who acknowledged to me that she executed the above instrument.

[Signature]  
Notary Public

My commission expires: May 26th, 2005

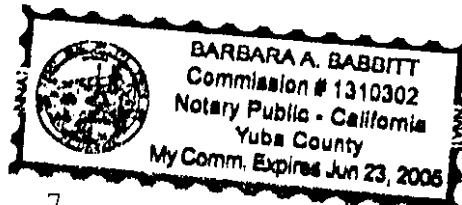
STATE OF California )  
 ) ss.  
COUNTY OF Yuba )



On this 19th day March, 2003 personally appeared before me, a Notary Pub. Gene I. Graye, ~~personally known or~~ proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.

[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

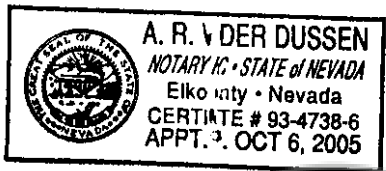


STATE OF NEVADA )  
 ) ss.  
COUNTY OF ELI )

On this 25 day MARCH, 2003 personally appeared before me, a Notary Public LELAND W. KRUGERUD a duly qualified and acting officer of Newmont USA Limited, a Delaware corporation, d/b/a Newmont Mining Corporation personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of said corporation.

A. R. Vander Dussen  
Notary Public

My commission expires: OCT 6, 2005



**EXHIBIT A  
TO  
MINING LEASE AND AGREEMENT**

The Property

An undivided one-quarter (1/4) interest in all minerals other than oil, gas and associated hydrocarbons in, or under the following described property in Eureka County, Nevada:

Township 35 North Range 50 East, MDB&M

Section 15: E1/2, 1/2 NW1/4, SE1/4 NW1/4, E1/2 SW1/4 NW1/4, SW1/4

Section 23: All

Township 36 North Range 50 East, MDB&M

Section 28: S1/2

BOOK 361 PAGE 31-54  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Newmont Mining Corp*  
2003 MAY -2 AM 9:15

EUREKA COUNTY NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. FEES 34.00

**181721**