

Recording requested by, and to be returned to:

Newmont USA Limited  
1700 Lincoln Street, Suite 3600  
Denver, CO 80203  
Attn: Land Department

BOOK 435 PAGE 194-196  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Newmont USA Ltd*  
2006 APR 26 PM 12:29

EUREKA COUNTY, NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. 204546  
FEES 16.00

**SPECIAL WARRANTY DEED**  
**WITH RESERVATION**  
**OF ROYALTY**

PHELPS DODGE EXPLORATION CORPORATION, a Delaware corporation, with its principal office at One North Central Avenue, Phoenix, AZ 85004 ("Grantor"), hereby CONVEYS and SPECIALLY WARRANTS, SUBJECT TO the royalty reservation set forth below, to NEWMONT USA LIMITED, d/b/a Newmont Mining Corporation, a Delaware corporation, with its principle office at 1700 Lincoln Street, Suite 3600, Denver, CO 80203 ("Grantee"), for and in consideration of Ten Dollars (\$10.00) and other valuable consideration paid to it by Grantee, the receipt of which is hereby acknowledged, all of Grantor's right, title, estate, and interest in and to all minerals of any kind and nature whatsoever, excepting Excluded Minerals (the conveyed minerals being referred to herein as "Minerals"), existing upon or beneath the surface of, or within that certain real property which is described on Exhibit A attached hereto and by this reference made a part hereof ("Property");

TOGETHER WITH all right, title, and interest in and to the rights, privileges, royalties, reversions, remainders, rents, issues, and profits which are appurtenant to or obtained from the Minerals;

SPECIFICALLY EXCLUDING FROM "MINERALS", HOWEVER, AND EXCEPTING AND RESERVING UNTO GRANTOR all right, title, estate, and interest in and to all coal, oil, gas, and other hydrocarbons of any kind and nature whatsoever ("Excluded Minerals"), together with all right, title and interest, privileges, royalties, reversions, remainders, rents, issues, and profits which are appurtenant to or obtained from the Excluded Minerals, including without limitation the right to enter in and upon the Property to explore for, develop, mine, drill, remove, extract, produce, process, beneficiate or otherwise treat, and market Excluded Minerals and to use so much of the surface and construct such structures and improvements as may be reasonably necessary or convenient for such purposes but only to the extent the exercise of such reserved right does not unreasonably interfere with Grantee's ownership of and operations with respect to the Minerals; and

SPECIFICALLY RESERVING UNTO GRANTOR, HOWEVER, a perpetual production royalty on all Minerals produced and sold or otherwise disposed of from the Property at a rate equal to 2% Net Smelter Returns, as such term is defined and as such amounts are determined in accordance with the provisions of that certain Royalty Agreement of even date herewith between Grantor and Grantee.

Grantor warrants title to the Minerals to Grantee against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to all matters of record disclosed by the real property records of Eureka County, Nevada.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed effective the 20th day of April, 2006.

PHELPS DODGE EXPLORATION CORPORATION

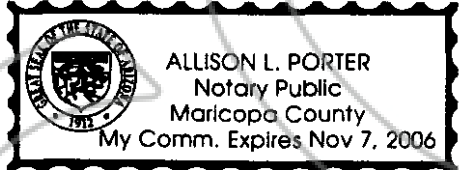
By: *Richard A. Leveille*

Name: Richard A. Leveille  
Title: President

APPROVED AS TO FORM *[Signature]*  
000538 INITIALS

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

On this 20<sup>th</sup> day of April, 2006, personally appeared before me, a Notary Public, Richard A. Leveille, President of Phelps Dodge Exploration 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 in the above said capacities.



*Allison L. Porter*  
NOTARY PUBLIC

My Commission Expires:  
Nov. 7, 2006

**EXHIBIT A  
TO WARRANTY DEED  
WITH RESERVATION OF ROYALTY**

PROPERTY

The land, situated in the State of Nevada, County of Eureka, and more particularly described as follows:

TOWNSHIP 30 NORTH, RANGE 49 EAST, M.D.B.&M.

- Section 1: All
- Section 3: All
- Section 11: All
- Section 13: All
- Section 15: All
- Section 23: All
- Section 25: All
- Section 27: All
- Section 35: All

TOWNSHIP 30 NORTH, RANGE 50 EAST, M.D.B.&M.

- Section 3: All
- Section 5: All
- Section 7: All
- Section 9: All
- Section 15: All
- Section 17: All
- Section 19: All
- Section 21: All
- Section 23: All
- Section 25: All
- Section 27: All
- Section 29: All
- Section 31: All
- Section 33: All

**204546**

# STATE OF NEVADA DECLARATION OF VALUE

FOR RECORDERS OPTIONAL USE ONLY			
Document/Instruments #:	<u>204546</u>		
Book:	<u>435</u>	Page:	<u>194-196</u>
Date of Recording:	<u>4/27/2006</u>		
Notes:	_____		

### 1 Assessor Parcel Number (s)

- a) See attached
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

### 2. Type of Property:

- |  |   |
|--|---|
| a) <input checked="" type="checkbox"/> Vacant Land | b) <input type="checkbox"/> Single Fam Res. |
| c) <input type="checkbox"/> Condo-Twnhse           | d) <input type="checkbox"/> 2-4 Plex        |
| e) <input type="checkbox"/> Apt. Bldg              | f) <input type="checkbox"/> Comm'/Ind'l     |
| g) <input type="checkbox"/> Agricultural           | h) <input type="checkbox"/> Mobile Home     |
| i) <input type="checkbox"/> Other:                 |   |

### 3. Total Value/Sales Price of Property:

Deed in Lieu of Foreclosure Only (value of property) \$ NA

Transfer Tax Value: \$ \_\_\_\_\_

Real Property Transfer Tax Due: \$ \_\_\_\_\_

### 4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: 8
- b. Explain Reason for Exemption: \_\_\_\_\_  
Transfer of mineral interests only.

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature] Capacity Senior Landman

Signature \_\_\_\_\_ Capacity \_\_\_\_\_

### SELLER (GRANTOR) INFORMATION (REQUIRED)

Print Name: Phelps Dodge Exploration Corp.

Address: One North Central Ave.

City: Phoenix

State: AZ Zip: 85004

### BUYER (GRANTEE) INFORMATION (REQUIRED)

Print Name: Newmont USA Limited

Address: 555 Fifth St.

City: Elko

State: NV Zip: 89801

### COMPANY/PERSON REQUESTING RECORDING (REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: \_\_\_\_\_ Escrow # \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**APN list for Special Warranty Deed Book 435, Page 194, Doc. #204546**

05-26-08  
05-26-10, 11, 62 thru 72  
05-26-17, 18, 20, 21, 51, 52, 53, 59, 60  
05-26-47  
05-26-40, 42 thru 45, 50, 57, 58  
05-27-05  
05-27-12  
05-27-18 thru 23  
05-28-01 thru 08  
05-32-01 thru 14  
05-33-06 Ptn.  
05-33-08  
05-33-12 Ptn.  
05-34-01  
05-34-03 Ptn.  
05-34-07 thru 10  
05-34-12 thru 15  
05-34-17 thru 26  
05-34-27  
05-34-29 thru 33, 39  
05-35-01, 02  
05-69-01 thru 18

