

DOC # 0210437

08/13/2007

01:50 PM

Official Record

Recording requested By
NEVADA LAND & RESOURCE CO LLC

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$18.00

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RPTT:

Recorded By: FES

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When recorded return to
Grantee as follows:
STEPHEN F. and JUDITH A. BURKE
6091 Arabian Place
Camarillo, CA 93012

A portion of A.P.N. 005-080-28

ROADWAY AND UTILITY EASEMENT DEED

THIS INDENTURE, made this 16th day of July, 2007 by and between, NEVADA LAND AND RESOURCE COMPANY, LLC a Nevada limited liability company, hereinafter referred to as "Grantor," and, Stephen F. Burke and Judith A. Burke, husband and wife, hereinafter referred to as "Grantee".

WITNESSETH:

WHEREAS, the Grantor is the owner of that certain parcel of land located in Eureka County, Nevada generally described as Assessor's Parcel Number 005-080-28 and more particularly described in Exhibit "A" which is incorporated by this reference as if fully set forth herein;("Property");

WHEREAS, Grantor agrees to provide certain easement rights to Grantee for the installation and maintenance of an access road and public utility easement on a portion of the Property for the benefit of Grantee's property, Eureka County Assessor's Parcel Number 005-080-30;

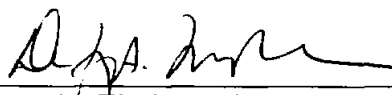
NOW THEREFORE, the undersigned Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, transfer and deliver unto Grantee, its successors and assigns, a non-exclusive easement, not to exceed forty (40) feet in width, for the construction, installation, operation and

maintenance of an access roadway and related improvements over, under and across a portion of the property together with a public utility easement more particularly described in Exhibit "B" which is incorporated by this reference as if fully set forth herein ("Access & Utility Easement"). Said Access & Utility Easement may be used for ingress and egress access and public utility purposes. Grantor hereby consents that said Access & Utility Easement may be relocated or adjusted within the Exhibit "A" property after receiving a written request from the Grantee. Such consent shall not be reasonably withheld. In the event of such relocation or adjustment, a modified legal description shall be recorded by Grantee, specifically describing the location of the easement. This grant of easement shall run with the land and shall be binding upon and shall inure to the benefit of the Grantee, its heirs, successors and assigns. Should Access & Utility Easement not be utilized within ten (10) years from the date above, all rights granted by this easement shall lapse and be of no further force or effect and, further, that if at any time these facilities are abandoned, then all rights granted by the easement shall also be deemed abandoned and lapse.

TO HAVE AND TO HOLD the said easements unto the said Grantee and unto its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has executed this instrument on the day and year first above written.

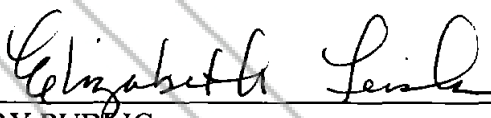
NEVADA LAND AND RESOURCE COMPANY, LLC
a Nevada limited liability company



Dorothy Timian-Palmer
Chief Operating Officer

STATE OF NEVADA)
 : ss.
CARSON CITY)

On July 16th, 2007 personally appeared before me, a notary public, Dorothy Timian-Palmer personally known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that she is the Chief Operating Officer of Nevada Land and Resource Company, LLC a Nevada limited liability company.



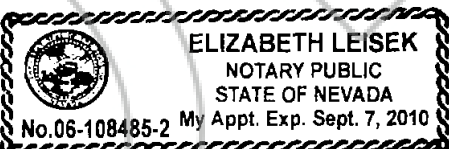
NOTARY PUBLIC


Exhibit "A"

All that property situate in Eureka County, Nevada, more particularly described as:

The West one-half (W½) of Section 17, Township 31 North, Range 49 East, M.D.M., APN 005-080-28, comprising 320.00 acres more or less.

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Exhibit "B"

LEGAL DESCRIPTION

A strip of land forty (40.00) feet in width across, under, and through the following described property situate within the West one-half ($\frac{1}{2}$) of Section 17, Township 31 North, Range 49 East, M.D.B. & M., in the County of Eureka, State of Nevada, and being more particularly described as follows :

Commencing at the northeast corner of that property owned by the Grantor , known as Eureka County Assessors Parcel Number 05-080-28 (the West $\frac{1}{2}$ of said Section 17) , said northeast corner of Grantors property also being the North $\frac{1}{4}$ corner of said Section 17 and the **POINT OF BEGINNING** ;

Thence southerly along the east line of the Northwest $\frac{1}{4}$ of Section 17 to the southeast corner of said Northwest $\frac{1}{4}$ of Section 17 (a.k.a. the center of section). Said southeast corner of the Northwest $\frac{1}{4}$ Of Section 17 also being the northwest corner of the Grantees' property , known as Eureka County Assessors Parcel Number 05-080-30 (the West $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of said Section 17) ;

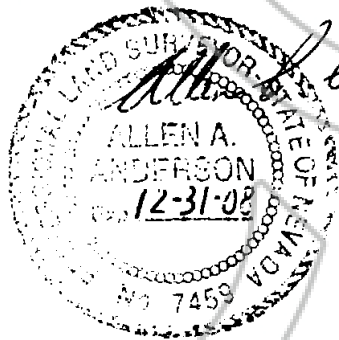
Thence continuing in a southerly direction , 300.00 feet along the east line of the Southwest $\frac{1}{4}$ of said Section 17, said line also being the west line of the Grantees' said property ;

Thence westerly at 90° (ninety degrees) to the left of the aforementioned southerly course , a distance of 40.00 feet;

Thence northerly parallel to the two aforementioned southerly courses to a point of terminus on the north line of Section 17, a distance of 40.00 feet, more or less , westerly from the **POINT OF BEGINNING**.

Said easement parcel contains 117,600.00 square feet, more or less.

Legal description prepared by :
Allen A. Anderson, PLS 7459



7-3-07