

APNs: 007-100-02; 007-110-03

EUREKA COUNTY, NV

Rec:\$35.00

Total:\$35.00

MCEWEN MINING INC

2018-237031

12/10/2018 04:08 PM

Pgs=5

**WHEN RECORDED RETURN TO:**

McEwen Mining, Inc.  
150 King Street, P.O. Box 24  
Toronto ON M5H 1J9  
Canada



LISA HOEHNE, RECORDER

**MEMORANDUM OF SURFACE USE AGREEMENT**

This Memorandum of Surface Use Agreement ("Memorandum"), dated as of this \_\_\_\_ day of 12/5, 2018, is made by and between McEwen Mining Inc., a Colorado corporation (incorrectly identified in the Agreement (defined below) as a Nevada corporation) ("MMI"), Michel and Margaret Ann Etcheverry Family Limited Partnership, a California limited partnership (incorrectly identified in the Agreement as "Etcheverry Family Limited Partnership") ("Owner"), and Diamond Cattle Co., LLC, a Nevada limited liability company ("DMC" and together with Owner and MMI, collectively, the "Parties")

1. The Parties entered into that certain Surface Use Agreement, dated on or about January 28, 2014 ("Agreement"), which generally sets forth terms and conditions related to the Parties' respective interests, rights, and obligations, in and related to that certain real property located in the Eureka County, Nevada, commonly known as APNs 007-100-02 and 007-110-03, and more particularly described on Exhibit "A" attached hereto (the "Property"), as more thoroughly set forth in the Agreement.

2. Pursuant to Section 19 of the Agreement, a memorandum of the Agreement is to be executed and recorded to impart actual and constructive notice of the existence of the Agreement, which shall run with the land and be binding upon the Parties' respective successors and assigns.

3. All of the other terms, conditions and agreements contained within the Agreement are fully incorporated herein by reference as if fully set forth herein. This Memorandum is not intended to limit, increase or in any manner affect any of the terms of the Agreement, or any rights, interests or obligations of the Parties.

[Signature and Acknowledgement Pages to Follow]

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Surface Use Agreement as of the date first set forth above.

**McEwen Mining Inc.,**  
a Colorado corporation

By: SA  
Name: Simon Quick  
Title: V.P. PROJECTS

STATE OF NEVADA     )  
COUNTY OF Eureka     )

This agreement was acknowledged before me on December 10, 2018 by Simon Quick, as V.P. Projects of McEwen Mining Inc., a Colorado corporation.

Diane D. Podborny  
Notary Public in and for said County and State

My commission expires: March 12, 2021



**Michel and Margaret Ann Etcheverry**  
**Family Limited Partnership, a California**  
limited partnership

By: Michel Etcheverry  
Name: MICHEL ETCHEVERRY  
Title: PRESIDENT

STATE OF NEVADA     )  
COUNTY OF     )

This agreement was acknowledged before me on \_\_\_\_\_, 2018 by \_\_\_\_\_, as \_\_\_\_\_ of the Michel and Margaret Ann Etcheverry Family Limited Partnership, a California limited partnership.

\_\_\_\_\_  
Notary Public in and for said County and State.

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

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of KERN

On December 05, 2018 before me, RANDEL D. THOMPSON, Notary Public  
(insert name and title of the officer)

personally appeared Matthew Etcheverry,  
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~  
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in  
his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the  
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

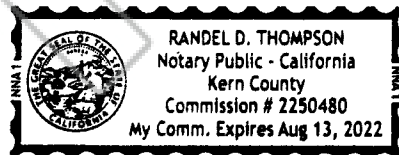
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Randel D. Thompson*

(Seal)



**Diamond Cattle Co., LLC.**

a Nevada limited liability company

By:

Name: MARTIN ETcheverry

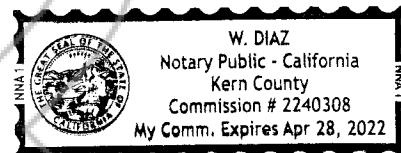
Title: member

STATE OF ~~NEVADA~~ California  
COUNTY OF Kern

This agreement was acknowledged before me on November 28, 2018 by  
Martin Etcheverry as member of Diamond Cattle Co., LLC, a Nevada limited  
liability company

W. Diaz  
Notary Public in and for said County and State.

My commission expires: April 28, 2022



**to Memorandum of Surface Use Agreement**

**Parcel 1: Roberts Creek**

**Township 22, North, Range 50 East MDB&M**

APN: 07-100-02      Section 24: E ½ NE ¼

**Township 22 North, Range 51 East, MDB&M**

APN: 07-110-03      Section 19: Lot 3 (39.2 acres); Lot 4 (39.2 acres);  
SE ¼ SW ¼  
Section 30: NE ¼ NW ¼; Lot 1 (39.16 acres)  
Lot 2 (39.09 acres); Lot 3 (39.01 acres);  
Lot 4 (38.94 acres)

APN: 07-110-03      Section 19:      Lot 3 (39.2 acres); Lot 4 (39.2 acres);  
SE ¼ SW ¼  
Section 30:      NE ¼ NW ¼; Lot 1 (39.16 acres)  
Lot 2 (39.09 acres); Lot 3 (39.01 acres);  
Lot 4 (38.94 acres)