APN#3-141-08	EUREKA COUNTY, NV LAND-CET Rec:\$37.00 10/19/2021 03:03 F Total:\$37.00 Pgs	PM
Recording Requested By:	/\	
Dambacher, Trujillo Name and Russell, Apric Address 32 N. Washington St.	00014014202102464820100104 LISA HOEHNE, CLERK RECORDER	
City/State/Zip		
Sonora, California 95370		

2021-246482

(Title of Document) TRUST

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fees applies)

#### **CERTIFICATION OF TRUST**

I. <u>Trust Name and Date</u>. The following trust (referred to herein as the "Trust") is the subject of this Certification of Trust:

THE BARNETT FAMILY 1993 TRUST (referred to herein as the "Declaration of Trust")

The Trust currently exists and is in full force and effect.

II. <u>Settlors and Trustees</u>. The settlors (referred to herein as the "Settlor") of the Trust are:

DEAN H. BARNETT and HELEN E. BARNETT

The Trust is currently being managed by the following successor trustee (referred to herein as the "Trustee"):

JANET BARNETT

- **III.** Revocation or Amendment. THE BARNETT FAMILY 1993 TRUST has not been revoked or amended to make any representations contained in this Certification incorrect and the following provisions are found in THE BARNETT FAMILY 1993 TRUST as it presently exists. The signature below is of the currently acting Trustee.
- **IV.** <u>Powers of Trustee.</u> The Trust provides that the Trustee shall have all of the powers and authorities conferred upon trustees by statute or common law in any jurisdiction in which the Trustee may act, including all powers and authorities conferred by the California Trust Law and by any future amendments thereto, except for any instance in which such powers and authorities may conflict with the express provisions of the Declaration of Trust, in which case the express provisions of the Declaration of Trust shall control. In addition to such powers, the Trustee is specifically authorized:
  - (1) To retain, without liability for any depreciation or loss occasioned by such retention, any property transferred to the Trustee by the Settlor or any other person when the Trustee determines that, because of the circumstances involved, the trust created hereunder would be better served by not diversifying the investment in such property;

- (2) To exchange, sell or lease (including leases for terms exceeding the duration of the trust created by the Declaration of Trust) for cash, property or credit, or to partition, from time to time, publicly or privately, at such prices, on such terms, times and conditions and by instruments of such character and with such covenants as the Trustee may deem proper, all or any part of the assets of the trust, specifically including the power to sell and convey real property and the power to execute deeds with regard to any such sale or conveyance, and no vendee or lessee of the Trustee shall be required to look to the application made by the Trustee of any funds paid to the Trustee;
- (3) To borrow money from any source (including any Trustee) and to mortgage, pledge or in any other manner encumber all or any part of the assets of the trust as may be advisable in the judgment of the Trustee for the advantageous administration of the trust;
- To invest and reinvest any part of the trust in any kind of property whatsoever, real or personal (including oil, gas and other mineral leases, royalties, overriding royalties and other interests), whether or not productive of income, and such investments and reinvestments may be made without regard to the proportion that such property or property of a similar character held may bear to the entire trust estate if the Trustee determines that, because of the circumstances involved, such trust would be better served by not diversifying such investment or reinvestments; provided, however, the standard for assessing the investment performance of a Trustee who is an individual shall be the prudent investor rule in Section 16046 of the California Uniform Prudent Investor Act, and such rule shall be applied to the investment performance of the entire portfolio, taking into account the purposes, terms and provisions stated herein, and not the investment performance of any single investment considered apart from the rest of the portfolio; provided, further, the Settlor may direct the Trustee as to the investments to be made by the Trustee, and the Trustee shall not be liable to any person for any losses resulting from following the written direction of the Settlor in investing the trust assets;
- (5) To employ attorneys, accountants, investment managers, specialists and such other agents as the Trustee shall deem necessary or desirable; to have the authority to nominate an investment manager or managers to manage all or any part of the assets of the trust, and to delegate to said manager investment discretion, and such nomination shall include the power to acquire and dispose of such assets; and to charge the compensation of such attorneys, accountants, investment advisors, investment managers, specialists and other agents and any other expenses against the trust;
- (6) To register and carry any securities or other property in the name of the Trustee or in the name of the nominee of any corporate Trustee (or to hold any such property unregistered) without increasing or decreasing the fiduciary liability of the Trustee; to exercise any option, right or privilege to purchase or to

convert bonds, notes, stocks (including shares or fractional shares of stock of any corporate Trustee), securities or other property, and to borrow money for the purpose of exercising any such option, right or privilege; to vote any stock which may be held in the trust; and if two or more Trustees are serving hereunder and no such Trustee is a corporate Trustee, to open any type of account in such a manner that all activities associated with such account may be handled by one of the Co-Trustees acting alone;

- (7) To enter into any transaction on behalf of the trust (including loans to beneficiaries for adequate security and adequate interest) despite the fact that another party to any such transaction may be (i) a trust of which any Trustee under the Declaration of Trust is also a trustee; (ii) an estate of which any Trustee under the Declaration of Trust is also an executor, personal representative, or administrator; (iii) a business or trust controlled by any Trustee under the Declaration of Trust or of which any such Trustee, or any director, officer or employee of any such corporate Trustee, is also a director, officer or employee; or (iv) the Settlor, any other beneficiary or any Trustee under the Declaration of Trust acting individually;
- (8) To make, in the Trustee's discretion, any distribution required or permitted to be made to any beneficiary under the Declaration of Trust, in any of the following ways when such beneficiary is a minor or is incapacitated: (i) to such beneficiary directly; (ii) to the guardian or conservator of such beneficiary's person or estate; (iii) by applying the required or permitted distribution for the benefit of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform transfers to minors act of any state; (v) by reimbursing or advancing funds to the person who is actually taking care of such beneficiary (even though such person is not the legal guardian or conservator) for expenditures made or to be made by such person for the benefit of such beneficiary; and (vi) by managing such distribution as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution; and the written receipts of the persons receiving such distributions shall be full and complete acquittances to the Trustee;
- (9) To access, establish, control, use, cancel, deactivate, or delete the Settlor's Digital Accounts and Digital Assets, and to access, control, use, deactivate, or dispose of the Settlor's Digital Devices. "Digital Accounts" are electronic systems for creating, generating, sending, sharing, communicating, receiving, storing, displaying, or processing information which provides access to a Digital Asset which is stored on any type of Digital Device, regardless of the ownership of the Digital Device upon which the Digital Asset is stored. "Digital Assets" mean data, files, text messages, emails, documents, audio, video, images, sounds, social media content, social networking content, apps, codes, health care records, health insurance records, credit card points, travel-related miles and points, computer source codes, computer programs, software, software licenses, databases, or the like, including access credential such as usernames, passwords

and answers to secret questions, which are created, generated, sent, communicated, shared, received, or stored by electronic means on a Digital Device. "Digital Devices" are electronic devices that can create, generate, send, share, communicate, receive, store, display, or process information;

- (10) To purchase any of the property (including speculative investments) in the testamentary estate of the Settlor at its fair market value and to retain any property so acquired without liability for depreciation or loss occasioned by such purchase and retention;
- (11) To lend money to the testamentary estate of the Settlor upon adequate security and for adequate interest;
- (12) To invest the assets of the trust in any life insurance policy or policies (including term insurance) on the life of one or more of the beneficiaries of the trusts, or on the life of any person or persons in whom one or more of the beneficiaries of the trust have an insurable interest;
- (13) To store personal property given to a person who is a minor or who is incapacitated for later distribution to such person, or to sell such property and add the proceeds of sale to a trust of which such person is a beneficiary;
- (14) To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of the trust; and, in making any such divisions, partitions, or distributions, the judgment of the Trustee in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive, and the Trustee shall not be liable for any differing tax consequences to the beneficiaries hereunder; and, further, the Trustee shall be authorized to make distributions in divided or undivided interests and on a pro rata or non-pro rata basis and to adjust distributions for resulting differences in valuation;
- (15) To release, in the discretion of the Trustee, any fiduciary power at any time, in whole or in part, temporarily or permanently, whenever the Trustee may deem it advisable, by an instrument in writing executed and acknowledged by the Trustee;
- (16) To invest and reinvest all or part of the assets of the trust in any common trust fund of any corporate Trustee;
- (17) To open and maintain margin accounts or similar accounts with brokerage firms, banks or others for purposes of investing the properties of the trust; to conduct, maintain and operate these accounts, directly or through designation of another as agent, for purchase, sale and exchange of stocks, bonds, commodities, options (including puts and calls, both covered and uncovered), and other securities; and in connection therewith, to borrow money, obtain guarantees

and engage in all other activities necessary or incidental to conducting, maintaining and operating such accounts;

- (18) To continue any business (whether a proprietorship, corporation, partnership, limited partnership or other business entity) which may be transferred to the trust for such time as the Trustee may deem it to be in the best interest of the trust; to employ in the conduct of any such business such capital out of the trust as the Trustee may deem proper; to borrow money for use in any such business alone or with other persons financially interested in such business, and to secure such loan or loans by a mortgage, pledge or any other manner of encumbrance of, not only the trust's interest in such business, but also such portion of the trust outside of such business as the Trustee may deem proper; to organize or acquire, either alone or jointly with others, corporations, partnerships, limited partnerships, limited liability companies or other business entities; and generally to exercise with respect to the continuance, management, sale or liquidation of any business which may be transferred to the trust, or of any new business or business interest, all the powers which may be necessary for its successful operation;
- (19) To execute lease, pooling or unitization agreements (including agreements of such nature extending beyond the terms of the trusts) with respect to any mineral or royalty interest held or acquired by the trust; to drill or contract for the drilling of wells for oil, gas or other minerals; to make dry hole or bottom hole contributions; to enter into any operating agreements with reference to any mineral leases or properties held or acquired by the trust; and generally, with reference to oil, gas and other mineral properties and operations, to enter into such agreements and to do all such other things (whether or not presently recognized as common or proper practice by those engaged in the business of prospecting for, developing, producing, processing, transporting or marketing oil, gas or other minerals) as the Trustee may deem to be advantageous;
- (20) To transfer such sums of the property of the Settlor to an individual serving as agent or attorney-in-fact under a valid power of attorney signed by the Settlor (or to several individuals serving jointly as agents or attorneys-in-fact under a valid power of attorney signed by the Settlor) as such agent or agents may request in order to make gifts, which are specifically authorized by such power of attorney, on behalf of the Settlor, or alternatively, to transfer such sums of the property of the Settlor directly to one or more persons or charities as directed by the Settlor's agent or attorney-in-fact under a valid power of attorney as long as such transfers are specifically authorized by such power of attorney;
- (21) To select and employ, at the discretion of the Trustee but at the expense of the trust, any person, firm or corporation, engaged in rendering investment advisory services or investment management services, to furnish professional assistance or management in connection with making investments, managing securities, or making any other decisions with respect to the purchase,

retention, sale or other disposition of property or securities belonging to the trust; and

- (22) To employ a bank or trust company located anywhere within the United States, at the discretion of the Trustee but at the expense of the trust, as custodian or agent; to have stock and securities registered in the name of such agent or custodian or a nominee thereof without designation of fiduciary capacity; and to nominate such bank or trust company to perform such other ministerial functions as the Trustee may direct. While such stock or securities are in the custody of any such bank or trust company, the Trustee shall be under no obligation to inspect or verify such stock or securities nor shall the Trustee be responsible for any loss by such bank or trust company.
- **V.** <u>Revocability.</u> The Settlor may alter, amend, revoke or terminate the Trust. The Trust has not terminated or been revoked, modified, or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect, and there have been no amendments limiting the powers of the Trustee over the property of the Trust.
- VI. <u>Authority of Multiple Trustees</u>. When multiple trustees are serving as co-trustees, all such co-trustees must act jointly and together.
- VII. <u>Trust Identification Number.</u> The trust identification number is Settlor's Social Security Number.
- **VIII.** Real Property. The legal description of each piece of real property presently held in the Trust is set forth on the attached Exhibit "A" to this Certification of Trust.
- **IX.** Manner In Which Title Should Be Taken. The full legal name of the Trust for purposes of transferring assets into the Trust, holding title of assets, and conducting business for and on behalf of the Trust, is:

"JANET BARNETT, Co-Trustee of THE BARNETT FAMILY 1993 TRUST"

**X.** Personal Nature of Trust. The Trust provisions are not attached to this Certification of Trust because they are of a personal nature and set forth the distribution of Trust property. They do not modify the powers of the Trustee. The signatory of this Certification of Trust is currently the acting Trustee of the Trust and declares that the foregoing statements are true and correct, under penalty of perjury.

- **XI.** <u>Validity of Copies of This Certification of Trust.</u> A copy of this Certification of Trust shall be just as valid as the original.
- **XII.** Signed by all Trustees. This Certification of Trust is being signed by all of the currently acting trustees of the Trust.

IN WITNESS WHEREOF, the Settlor and the Trustee have hereunto set their hands as of the date of the notary's acknowledgment below.

JANET BARNETT, Trustee

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 TUOLUMNE ) ss.
On CXTOBER 12, 2021, before me, Susai Poller, a Notary Public, personally appeared JANET BARNETT, 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), of 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:  (Seal)  SUSAN POLLEY Notary Public - California Tuolumne County Commission # 2342132 My Comm. Expires Jan 18, 2025

# **SCHEDULE A**

The following assets are the separate property of the Settlors, and were transferred to the Trustees on the dates indicated:

## 1. Real Property:

a. Certain real property located in Eureka County, State of Nevada, more particularly described as follows:

### TOWNSHIP 29 NORTH, RANGE 48 EAST, M.D.B.&M.

SECTION 29, N1/2 SW1/4 NW1/4, as shown upon Record of Survey of Crescent Valley Ranch and Farm, Unit No. 5, filed in the office of the Eureka County Recorder on November 5, 1959.

#### DATE TRANSFERRED:

