

When recorded mail to:

Gregory S. Bell, Esq.
KIRTON, McCONKIE & BUSHNELL
330 South 300 East
Salt Lake City, UT 84111

NOTICE OF MORTGAGE AND EQUITABLE LIEN AND CONSTRUCTIVE TRUST

THIS NOTICE OF MORTGAGE AND EQUITABLE LIEN AND CONSTRUCTIVE TRUST, is executed this 24th day of October, 1986, by THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("CPB"), in contemplation of the following facts and circumstances:

R E C I T A L S:

A. Meadow Valley Land and Cattle Company, a general partnership ("Meadow") executed that certain Note Secured by Deed of Trust dated June 29, 1979, in favor of CPB in the original principal amount of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) (the "Meadow Note").

B. To evidence and secure the repayment of the indebtedness and the performance of all obligations set forth in the Meadow Note, Meadow executed a Deed of Trust dated June 29, 1979, in favor of CPB, with Land Title of Nevada Inc., a Nevada corporation, as trustee (the "Trustee"), which Deed of Trust was recorded June 29, 1979, as Entry No. 64610 in Book 30, beginning at Page 471 of the official records of Lincoln County, State of Nevada (the "Deed of Trust"). The Deed of Trust constitutes a mortgage lien on certain real property and any and all improvements located thereon (the "Property"), as security for the repayment of the Meadow Note. The Property is located in the State of Nevada and is more particularly

described on Exhibit "A" attached hereto and incorporated herein by this reference.

C. The Harmsen Family Limited Partnership ("Harmsen, Ltd.") executed that certain Promissory Note dated May 31, 1984, in favor of CPB in the original principal amount of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) (the "Harmsen Note").

D. In consideration for Harmsen, Ltd.'s promise to pay the amount of \$750,000.00 pursuant to the Harmsen Note, CPB executed that certain Assignment of Note, Deed of Trust and Security Agreement, dated May 31, 1984, in favor of Harmsen, Ltd.

E. To evidence and secure the repayment of the indebtedness and the performance of all obligations set forth in the Harmsen Note, Harmsen, Ltd. executed a Collateral Assignment of Trust Deed dated May 31, 1984, in favor of CPB, which Collateral Assignment of Trust Deed was recorded August 13, 1986, as Entry No. 85422 in Book 71, beginning at Page 526 of the official records of Lincoln County, State of Nevada (the "Collateral Assignment").

F. Meadow has defaulted under the Deed of Trust, Harmsen, Ltd. has initiated or caused to be initiated a non-judicial foreclosure against Meadow, and Trustee has scheduled and has prepared to carry out a Trustee's sale of the Property.

NOW, THEREFORE, in consideration of the premises recited herein, CPB asserts, claims, and gives notice of the following:

1. CPB has a first and prior claim above all others in the beneficial interest and rights accrued or to accrue under the Deed of Trust, together with the indebtedness secured thereby.

2. The Deed of Trust has been foreclosed by the Trustee's sale conducted by Trustee under the Deed of Trust on or about October 24, 1986. Harmsen, Ltd. or its successors, assigns or affiliates,

having obtained the Property by bidding amounts due under the Meadow Note by virtue of Harnsen, Ltd.'s ownership thereof, the interest and claim of the CPB attaches to the Property and all rents, profits, issues and proceeds therefrom as a mortgage and equitable lien and constructive trust thereon to secure the Harnsen Note.

3. All persons should take notice that the CPB claims a mortgage and equitable lien and constructive trust against the Property to secure the Harnsen Note.

IN WITNESS WHEREOF, CPB has executed this Notice of Mortgage Lien the day and year first written above.

THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: KIRTON, McCONKIE & BUSHNELL

By: Gregory S. Bell
Gregory S. Bell
Office of General Counsel

STATE OF Utah)
COUNTY OF Salt Lake) ss.

On this 24th day of October, 1986, personally appeared before me GREGORY S. BELL, who being by me duly sworn, did say that he is of KIRTON, McCONKIE & BUSHNELL and the Office of General Counsel, representing THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that the within and foregoing instrument was signed on behalf of said Utah corporation sole, and GREGORY S. BELL duly acknowledged that the Utah corporation sole executed the same.

My Commission Expires:

January 3, 1988



Gregory S. Bell
Notary Public
Residing at: Raymond, Utah

102386-2/[CH8]

Lincoln County

EXHIBIT "A"

The East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 13, Township 4 South, Range 66 East, M. D. B. & M., and all that portion of the West Half (W $\frac{1}{2}$) of Section 18, Township 4 South, Range 67 East, M. D. B. & M., lying West of State Highway No. 55 and all that portion of the West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 19, Township 4 South, Range 67 East, lying West of State Highway No. 55 and the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, Township 4 South, Range 66 East, M. D. B. & M., and that portion of the Southeast Quarter (SE $\frac{1}{4}$) of Section 24, Township 4 South, Range 66 East, M. D. B. & M., lying West of State Highway No. 55 and all that portion of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 25, Township 4 South, Range 66 East, M. D. B. & M., lying West of the Union Pacific Railroad right of way.

Excepting therefrom that portion of the above described land heretofore conveyed to the incorporated City of Caliente by Deed recorded in Book "L-1" of R.E. Deeds, page 345.

Also excepting therefrom that portion of the above described land heretofore conveyed to Lincoln County Post No. 23 American Legion, the Hugh Jacobson Post No. 7114 V.F.W. and Barracks No. 2287 Veterans of World War I of U.S.A., by Deed recorded in Book "L-1" of R.E. Deeds at page 346.

Also excepting that portion of the above described land heretofore conveyed to Ronal Young and Betty Young, husband and wife by Deed recorded in Book "K-1" of Real Estate Deeds at page 356.

Also, except that portion conveyed to the United States of America by Deed recorded July 26, 1963 in Book "M-1" of Real Estate Deeds at page 163.

Also except that portion conveyed to Ronal Young et ux by Deed recorded September 3, 1969 in Book "N-1" of R.E. Deeds at page 440.

Also except those portions conveyed to the Board of Co. Commissioners by Deed recorded May 27, 1936 in Book "E-1" of R.E. Deeds at page 91 and recorded May 27, 1936 in Book "E-1" of R.E. Deeds at page 90.

Also except an undivided 1/2 interest in that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 7 lying within the Meadow Valley Wash.

Also except that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 7 lying South of U.S. Highway 93.

Also except that portion of Section 7 beginning at a point on the East boundary of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, Township 4 South, Range 67 East, M.D.B. & M., a point common with the Southwest corner of the Molt Addition to the City of Caliente, Nevada thence South 44°29' West 208.71 feet; thence North 45°31' West 208.71 feet; thence North 44°29' East 422.10 feet; thence South 00°07' West 298.49 feet to the Point of Beginning.

Except the interest in that portion of said land conveyed to County of Lincoln State of Nevada by Deed recorded January 6, 1975 in Book "12" of Official Records at page 441.

Excepting from the entire of the above described any and all rights of way heretofore granted by the Grantors herein or their predecessors in interest to the Union Pacific Railroad Co., and its predecessors in interest and to the State of Nevada for Highway purposes, which said rights of way are on file and of record in the Office of the County Recorder of said Lincoln County, Nevada.

EXHIBIT A

DEED 30 PAGE 472
BOOK 72 PAGE 481

Lincoln County

EXHIBIT "A" CONTINUED

MEADOW VALLEY LAND & CATTLE COMPANY

WATER RIGHTS

Name of Water	Identification	
1 Indian Spring No. 1	Proof 01022	Cert. 51
2 Indian Spring No. 2	Proof 01022	Cert. 62
3 George Blythe Spring	Proof 01022	Cert. 57
4 Oak and Grassy Spring	Proof 01027	Cert. 5
5 Meadow Valley Creek	Proof 01264	
6 Robinson Seeps	Proof 01398	
7 Rabbit Spring	Proof 01549	
8 South Willow Spring	Proof 02321	
9 Welson Well	Proof 02350	
10 Cliff Spring	Permit 780	Cert. 566
11 Cyclone & Redrock Spring	Permit 780	Cert. 566
12 Meadow Valley Creek	Permit 2873	Cert. 237
13 Cottonwood Spring	Permit 3270	Cert. 269
14 Bristol Lake Reservoir #1	Permit 3875	Cert. 724
15 Bristol Lake Reservoir	Permit 3876	Cert. 725
16 Bristol Lake Reservoir #2	Permit 3878	Cert. 726
17 Point of Rock Spring	Permit 3879	Cert. 1090
18 Delamar Flat Reservoir	Permit 4462	Cert. 1759
(also known as Mackie Reservoir)	(Amended Cert. 3166)	
19 Canyon Spring No. 2	Permit 4696	Cert. 732
20 Canyon Spring No. 1	Permit 4697	Cert. 733
21 Dana Spring	Permit 4972	Cert. 734
22 Point of Rock Reservoir	Permit 5316	Cert. 582
23 Theriot Reservoir		
(also known as Knoll Pond		
Reservoir and Watershed of		
Pahoon and Boulder Range)	Permit 5318	Cert. 582
24 West Side Spring	Permit 6094	Cert. 105(3)
25 Pace Spring		
(also known as Conway Spring)	Permit 6095	Cert. 1054
26 Abandoned Spring	Permit 8921	Cert. 170(0)
27 Cliff Spring Reservoir	Permit 9618	Cert. 2107
28 Meadow Valley Wash	Permit 9935	Cert. 2483
29 Grassy Spring	Permit 10289	Cert. 2403
30 Seven Oaks Seep	Permit 10581	Cert. 259(5)
31 Mona Spring	Permit 10629	Cert. 259(6)
32 Buckboard Spring	Permit 10655	Cert. 261(1)
33 Willow Spring	Permit 10656	Cert. 26(12)
34 West Oak Spring	Permit 10747	Cert. 280(5)
35 Bishop Spring	Permit 10897	Cert. 2770
36 Horn Spring	Permit 11378	Cert. 404(7)
37 Tunnel Spring #1		
(an undivided 1/4 interest)	Permit 12388	Cert. 4085
38 Underground Well	Permit 18910	Cert. 7014
39 Underground Well	Permit 28558	Cert. 9058
40 Underground Well	Permit 28559	Cert. 9056
41 Underground Well	Permit 28560	Cert. 9057
42 Underground Well	Permit 29338	Cert. 9059
43 Underground Well	Permit 31044	
44 Underground Well	Permit 31045	

STATE OF UTAH)
) ss
 COUNTY OF SALT LAKE)

On this 28th day of June, 1979, personally appeared before me, a Notary Public in and for said Salt Lake County, KENT E. SWENSEN, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS my hand and official seal.

Kent E. Swensen
 Notary Public in and for said County and State

My Commission Expires:

October 9, 1982

LC 00 REC 473

SD 72 REC 4S2

Section 13

Less the following:

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 13, including the Union Pacific Railroad Right-of-Way, approximately 3.9 acres. The North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13 west of the Union Pacific Railroad Right-of-Way, approximately 17.3 acres. The North 1/2 of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13 west of the Union Pacific Railroad Right-of-Way, approximately 4.8 acres. The South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 west of the Union Pacific Railroad Right-of-Way, approximately 1.7 acres. All a part of Township 4 South, Range 4 East, N.M.P. & M.

1.

100 55 513

55739

FOR AND BEHALF OF
James McQuinn & Barrett
Att. in Charge

STATE OF NEW MEXICO
COUNTY OF LINCOLN
TOWNSHIP 4 SOUTH
RANGE 4 EAST

TRUSTEES

1917

17/11/1917 72 453