

**LAST WILL AND TESTAMENT
OF
JAMES L. WASHBURN**

I, James L. Washburn, of Caselton, Lincoln County, Nevada, do hereby make publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils at any time heretofore made by me.

1. I hereby nominate, constitute, and appoint Lois E. Washburn (my wife) of Caselton, Lincoln County, Nevada, to be independent executor of this will and to serve without bond.
2. If for any reason, the person named above shall fail to qualify, or cease to act as executor, then I nominate, constitute and appoint Lauana Bryner of West Jordan, Utah, or if she is unable I appoint Vell E. Washburn of Pioche, Lincoln County, Nevada, or if he is unable to serve I appoint Sharene Bennion of Sandy, Utah, or if she is unable I appoint James L. Washburn Jr. of Sandy, Utah, as independent executor to serve without bond.
3. This Will shall not be construed as giving the executor any authority or powers relative to any properties whose ownership I have transferred during my lifetime, to a trust.
4. I direct that all my just debts, secured and unsecured, be paid as soon as practical after my death, but my executor shall not be required to pay in advance of maturity of any obligation of mine.
5. I give and bequeath to the Washburn Family Trust all property of my estate, of whatever kind and nature, and wheresoever situated, of which I may be seized or possessed or to which I may be entitled at the time of my death.
6. In addition to, and not in limitation of all authority, power and discretion granted under applicable law, I authorize the executor:
 - (a) to retain any assets which shall come into their possession as a part of my estate;
 - (b) to sell or exchange any property contained in my estate, whether real or personal, and in case of sale, to sell at public auction or privately, for cash or credit, and upon such terms and conditions as they may deem best;
 - (c) to invest and reinvest in such notes, bonds, debentures, shares of stock (common or preferred) or other securities or property as they, in their sole discretion, shall deem best without being confined to such investments as are usual for the investment of trust funds;
 - (d) to register and take title to any securities or other property held in my estate in the name of any nominee selected by them without disclosing this trust;

- (e) to compromise and adjust any claims against or in favor of my estate upon such terms and conditions as they deem proper;
- (f) to borrow money and renew obligations for my estate without any personal liability on my executors in doing so, and for such purposes to pledge, mortgage, and encumber all or any portion of my estate.

7. If any provision of this Will or its application or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this instrument which can be given effect without the invalid provision or application, and to this end the provisions of the Will are severable.

IN WITNESS WHEREOF, I have hereunder set my hand and seal this 5th day of May, 1993

James L. Washburn
James L. Washburn

The foregoing Will consisting of three pages, this page included, was on the 5th day of May, 1993, signed, sealed, published and declared by the said testator as and for his Last Will and Testament in our presence, and we, at his request and in his presence, and in the presence of each other, have here unto subscribed our names as witnesses on the same date and witness his signing of this Will, and also that he appeared to be of lawful age and sound mind and memory and there was no evidence of undue influence in his so signing.

Witnessed by:	Addresses
<u>Lucy Smith</u>	<u>Picabe Nevada</u>
<u>Maggie Powers</u>	<u>Picabe Nevada</u>

STATE OF NEVADA)
COUNTY OF LINCOLN)

On the 5th day of May, 1993, before came James L. Washburn, known to me to be the testator described in the foregoing Will and

Ruby Lister
Maggie Connor

the witnesses respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said Testator, James L. Washburn, declared to me and to said witnesses in my presence that said instrument is his last Will and Testament and that he had willingly made and executed it as his free act and deed for the purpose therein expressed; and the said witnesses, each on his/her oath stated to me in the presence and hearing of the said Testator, that the said Testator has declared to them that said instrument is his last Will and Testament and that he executed same as such and wanted each of them to sign as witness; and that each witness was at that time eighteen (18) years of age or over and was of sound mind.

Judy A. Etchart
NOTARY PUBLIC



100344

FILED AND RECORDED AT REQUEST OF

James L. Washburn

May 5, 1993

1:50 MINUTES EAST 3 OF CLARK

P M. IN BOOK 105 OF OFFICIAL

RECORDS, PAGE 612 LINCOLN

COUNTY, NEVADA.

Yuriko Serzer

COUNTY CLERK

By [Signature] Deputy