

A.P.N.

Short Form Deed of Trust and Assignment of Rents

This Deed of Trust, made this 15th day of July 1994, between John L. Avery and Lorraine Y. Avery, husband and wife as joint tenants

, herein called TRUSTOR, whose address is P.O. BOX 186, Caliente, Nevada 89008

FIDELITY NATIONAL TITLE AGENCY OF NEVADA, INC., a Nevada Corporation, herein called TRUSTEE, and Nevada Bank & Trust Company, herein call BENEFICIARY.

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS to TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Lincoln County, Nevada described as: The East Half (E1/2) of Lot Nine (9) and all of Lots 10, Eleven (11), and Twelve (12) in Block Fourteen (14) in the City of Caliente, Lincoln County, Nevada.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. TOGETHER WITH the rents, issues and profits thereof, reserving the right to collect and use the same except during continuance of some default hereunder and during continuance of such default authorizing Beneficiary to collect and enforce the same by any lawful means in the name of any party hereto.

FOR THE PURPOSE OF SECURING: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$ 200,000.00 executed by Trustor in favor of Beneficiary or order. 3. Payment of such additional sums as may hereafter be advanced for the account of Trustor or Assigns by Beneficiary with interest thereon.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR AGREES: By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions (1) to (36) inclusive of the Deed of Trust recorded in the Book and at the page, or Document No. of Official Records in the Office of the County Recorder of the county where said property is located, noted below opposite the name of such county, viz.:

Table with columns: COUNTY, DOCUMENT NUMBER, BOOK, PAGE, COUNTY, DOCUMENT NUMBER, BOOK, PAGE, COUNTY, DOCUMENT NUMBER, BOOK, PAGE. Lists various counties and document details.

(which provisions, identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in the Deed of Trust.

The parties agree that with respect to provision 16, the amount of fire insurance required by covenant 2 shall be \$ 396,000.00 and with respect to attorneys' fees provided for by covenant 7 the percentage shall be 20.0 %.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

John L. Avery (Signature and Name)

Lorraine Y. Avery (Signature and Name)

STATE OF NEVADA } COUNTY OF Lincoln } SS. On 7-15-94 personally appeared before me, a Notary Public, John L. Avery and Lorraine Y. Avery

personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he/she executed the instrument.

Signature (Notary Seal) (Notary Public)



FRANK L. APODACA Notary Public - Nevada Lincoln County My appt. exp. Apr. 27, 1998

Return to: FIDELITY NATIONAL TITLE Escrow No. 94200558-BT Mail Tax Statements to:

102070 FILED AND RECORDED AT REQUEST OF Fidelity Title July 15, 1994 110 COUNTY CLERK OFFICE RECORDS DIVISION 211 LINCOLN COUNTY NEVADA (Signature)

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