

DT-101



Declaration of Trust

WHEREAS, We, Harold D. Charlton & Dorothy L. Charlton, of the City/Town of Caliente, County of Lincoln, State of Nevada are the owner of certain real property located at (and known as) 165 Culverwell in the City/Town of Caliente, State of Nevada which property is described more fully in the Deed conveying it from Harold D. Charlton & Dorothy L. Charlton to Harold D. Charlton & Dorothy L. Charlton as Trustees that certain piece or parcel of land with buildings thereon standing, located in said Caliente, being

LOT Eight (8) in Block one (1) of the Modern Townsite Addition to the City of Caliente, according to the official map thereof filed in the office of the County Recorder of Lincoln County Nevada.

Trustees; Ref. Document dated Jan. 6, 1983 Revocable Living Trust

Being the same premises earlier conveyed to the Settlor by an instrument dated July 24, 1996 and recorded in Book 119, Page 575 of the Lincoln County Nevada Land Records. Inst. 105499

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I hold and will hold said real property and all my right, title and interest in and to said property and all furniture, fixtures and personal property situated therein on the date of my death, IN TRUST

1. For the use and benefit of (Name) Carol Corinne Charlton, of (Address) 165 Culverwell, Caliente, Nevada 89008

If because of my physical or mental incapacity certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during my lifetime, such Successor Trustee shall be fully authorized to pay to me or disburse on my behalf such sums from income or principal as appear necessary or desirable for my comfort or welfare. Upon my death, unless the beneficiary shall predecease me or unless we both shall die as a result of a common accident or disaster, my Successor Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to said property unto the beneficiary absolutely and thereby terminate this trust; provided, however, that if the beneficiary hereunder shall not have attained the age of 21 years, the Successor Trustee shall hold the trust assets in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the specific trust property herein described if he believes it in the best interest of the beneficiary so to do, or he may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as he may deem appropriate. If the specific trust property shall be productive of income or if it be sold or otherwise disposed of, the Successor Trustee may apply or expend any or all of the income or principal directly for the maintenance, education and support of the beneficiary without the

BOOK 130 PAGE 393

Lincoln County

intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such beneficiary or to the person with whom the beneficiary is living without any liability upon the Successor Trustee to see to the application thereof. If such beneficiary survives me but dies before attaining the age of 21 years, at his or her death the Successor Trustee shall transfer, pay over and deliver the trust property to such beneficiary's personal representative, absolutely.

2. The beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the Settlor's total taxable estate by reason of the Settlor's death.

3. All interests of a beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or a present or former spouse of such beneficiary in any proceedings at law or in equity.

4. I reserve unto myself the power and right during my lifetime (1) to place a mortgage or other lien upon the property, (2) to collect any rental or other income which may accrue from the trust property and to pay such income to myself as an individual. I shall be exclusively entitled to all such income accruing from the trust property during my lifetime, and no beneficiary named herein shall have any claim upon any such income and/or profits distributed to me.

5. I reserve unto myself the power and right at any time during my lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of the beneficiary and without giving notice to the beneficiary. The sale or other disposition by me of the whole or any part of the property held hereunder shall constitute as to such whole or part a revocation of this trust.

6. The death during my lifetime, or in a common accident or disaster with me, of the beneficiary designated hereunder shall revoke such designation, and in the former event, I reserve the right to designate a new beneficiary. Should I for any reason fail to designate such new beneficiary, this trust shall terminate upon my death and the trust property shall revert to my estate.

7. In the event of my physical or mental incapacity or my death, I hereby nominate and appoint as Successor Trustee hereunder whosoever shall at that time be beneficiary hereunder, unless such beneficiary shall not have attained the age of 21 years or is otherwise legally incapacitated in which event I hereby nominate and appoint

(Name) Carol Corinne Charlton of  
(Address) 165 Culverwell Caliente Nevada 89008  
Number Street City State Zip

to be Successor Trustee.

8. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustee.

9. The Trustee and his successors shall serve without bond.

10. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of Nevada

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

(Settlor sign here) Harold D. Charlton L.S.

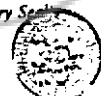
I, the undersigned legal spouse of the Settlor, hereby waive all community property, dower or curtesy rights which I may have in the hereinabove-described property and give my assent to the provisions of the trust and to the inclusion in it of the said property.  
(Spouse sign here) Dorothy S. Charlton L.S.

Witness: (1) Mary Cardinal Witness: (2) John M. Cook

STATE OF NC 2008 City or Town \_\_\_\_\_  
COUNTY OF Lincoln

On the 9-26-97 day of September, 1997, personally appeared Harold D. Charlton & Dorothy S. Charlton

known to me to be the individual(s) who executed the foregoing instrument, and acknowledged the same to be \_\_\_\_\_ free act and deed, before me.

(Notary Seal)  FRANK L. APODACA  
Notary Public - Nevada  
Lincoln County  
My appl. exp. Apr. 27, 1998

[Signature]  
Notary Public

COPY

NO. 109756

FILED AND RECORDED AT REQUEST OF

Dorothy L. Charlton

September 26, 1997

AT 45 MINUTES PAST 3 O'CLOCK

PM IN BOOK 130 OF OFFICIAL

RECORD PAGE 398 LINCOLN

COUNTY, NEVADA

Yuriko Setzer

COUNTY RECORDER

by Julie Boucher, deput