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LESSLIE BOUCHER

ORDER QUIETING TITLE

Case No. 49-11-99LC

Department No.

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LINSOLPOUNT PIGAN LINSOLPOUNTY CLERK

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LINCOLN

ROCKY MOUNTAIN COMPANY, a Utah Limited Partnership,

Plaintiff,

vs.

JEFFERY E. CARTER, ENERGY AND DEVELOPMENT CO.; JEFFREY B. CARTER, ENERGY AND DEVELOPMENT CO.; JEFFREY E. CARTER, ENERGY AND DEVELOPMENT COMPANY; JEFFREY F. CARTER, ENERGY AND DEVELOPMENT COMPANY; ZIONS FIRST NATIONAL BANK, a National Banking Association; NEVADA TITLE COMPANY, a Nevada Corporation; LAND TITLE OF NEVADA, INC., a Nevada Corporation; MARTIN A. JOHNSON; MARTIN L. JOHNSON; WILLARD S. JOHNSON; WILLARD D. JOHNSON; C. FRANK DAMON; GORDON DAMON; LAURENCE C. THOMPSON; MARNELL T. THOMPSON, MARNELL TERRY THOMPSON; JACQUELYN A. KILBRIDE; JACQUELINE A. KILBRIDE; EMILY S. CONDON; GERALD E. STRONG; PATRICIA A. SHERMAN; WILLIAM M. SHERMAN; JENNIFER H. SHERMAN; JENNIFER SHERMAN; JENNIFER M. SHERMAN; DOUGLAS C. SHERMAN; MARGARET A. SHERMAN; ORLANDO EPP; JAMES E. LANDRUM; J. ALLEN LANDRUM; J. ALLEN JOHNSON; BRANDON B. JOHNSON; HUNTER W. JOHNSON; MARK A. JOHNSON; MILISSA D. JOHNSON; MELISSA D. JOHNSON; RUTH L. THOMPSON; C. DEXTER LUFKIN; MARILYN LUFKIN; GORDON DAMON, trustee of THE MURIEL C. DAMON

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TRUST; JOHNSON BROTHERS PARTNERSHIP; SHERMAN FAMILY GENERAL PARTNERSHIP; JOHNSON FAMILY PARTNERSHIP; F.M.A. LEASING CO., a Utah corporation; WESTERN WOOD STRUCTURES; JEFFREY R. ALBREGTS; MEADOW VALLEY PROPERTIES, A Nevada General Partnership; STEVE HARMSEN; HARMSEN FAMILY LIMITED PARTNERSHIP, a Utah Limited Partnership; DOE COMPANIES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5; DOE LIMITED LIABILITY COMPANIES 1-5; DOES 1-5; and all other persons unknown or entities unknown claiming any right, title, estate, lien or interest in the real property of Plaintiff adverse to the Plaintiff's ownership or any cloud upon Plaintiff's title to the following described property: PARCEL 1: TOWNSHIP 4 SOUTH RANGE 67 EAST, M.D.B.& M. Section 18: All of the Northwest Quarter (NW4); the North Half (N2) of the Southwest Quarter (SW4); the Southwest Quarter (SW4) of the Northeast Quarter (NEW); and the Southwest Quarter (SW4) of the Southwest Quarter (SW4) EXCEPTING THEREFROM all that portion of the West Half (Wh) of Section 18, Township 4 South, Range 67 East, M.D.B.& M., lying West of State Highway No. 55. Section 19: Government Lot 1, previously described as the Northwest Quarter (NW4) of the Northwest Quarter (NW4); Government Lot 2, previously described as the Southwest Quarter (SW4) of the Northwest Quarter (NW4); and Government Lot 3, previously described as the Northwest Quarter (NW4) of the Southwest Quarter (SW%) EXCEPTING THEREFROM all that portion of the West Half (WH2) of the Northwest Quarter (NW4) of Section 19, Township 4 South, Range 67 East, M.D.B.& M., lying West of State Highway No. 55. Except the interest in the portion of said land conveyed to County of Lincoln, State of

Nevada, by Deed recorded January 6, 1975

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in Book 12 of Official Records at page 441, Lincoln County, Nevada records. FURTHER EXCEPTING FROM all that property situated in the Southwest Quarter (SW4) of the Northwest Quarter (NW4) of Section 19, Township 4 South, Range 67 East, M.D.B.& M, County of Lincoln, State of Nevada, more particularly described as follows: Commencing at the intersection of the center line of the Nevada State Highway Right of Way No. 55, FAS Route 633 (Project S-633(1)) Corrected Deed, Document No. 55665, Book 12, Page 441, recorded January 6, 1975, of the Official Records of Lincoln County, Nevada and the South Boundary Line of the Northeast Quarter (NE%) of the Southeast Quarter (SE4) of Section 24, Township 4 South, Range 66 East, MDB& M. at Highway Engineer's Station X465438.69 POC; said commencing point further described as bearing South 6°10'02" West , a distance of 9,421.64 feet from the Northeast corner of Section 13, Township 4 South, Range 66 East, M.D.B.&M.; thence along the center line of said Nevada State Highway Right of Way from a point on a tangent which bears North 36°55'02" East, along a curve to the left with a radius of 800.00 feet, through an angle of 13°49'21" and an arc distance of 193.00 feet to a point of tangency; thence along centerline of said State Highway Right of Way North 23°05'41" East, a distance of 939.19 feet to a point on a curve; thence along said centerline from a tangent which bears the last described course, also being a curve to the right with a radius of 3,000 feet through an angle of 12°52'20" and an arc distance of 673.99 feet to a point of tangency; thence along said centerline North 35°58'01" East, a distance of 580.70 feet to the true point of beginning; thence South 52°14'59" East, a distance

of 529.94 feet to a point on the

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beginning of a tangent curve; thence along said curve to the left with a radius of 311.54 feet, through an angle of 28°36'50" an arc distance of 155.59 feet to a point of beginning of a compound curve; thence from said compound point on a tangent which bears South 80°51'49" East, along a curve to the left with a radius of 1,071.63 feet, through an angle of 21°43'30" and an arc distance of 406.33 feet to a point of tangency; thence North 77°24'41" East, distance of 245.00 feet, more or less, to a point on the Easterly Line of the Southwest Quarter (SW4) of the Northwest Quarter (NW4) of said Section 19; said Easterly Line being the West Property Line of Kershaw-Ryan Nevada State Recreation Park; thence North along said Easterly Line, a distance of 900.00 feet, more or less, to the Northeast Quarter (NE4) Corner of the Southwest quarter (SW%) of the Northwest Quarter (NW4) of said Section 19; thence West along the North line of the Southwest Quarter (SW¾) of the Northwest Quarter (NW4) of said Section 19, a distance of 960.0 feet, more or less, to a point on the Center Line of said State Highway Right of Way No. 55; thence along said Center Line South 13°16'45" West, a distance of 200.00 feet, more or less, to the beginning of a tangent curve; said point of beginning of a tangent curve being Station "X" 493 + 58.83 on Center Line of said State Highway Right of Way No. 55; thence along said Center Line, also being a curve to the right with a radius of 1,000.00 feet, through an angle of 22°41'16" and an arc distance of 395.98 feet to a point of tangency; thence along said Center Line South 35°58'01" West, a distance of 37.28 feet to the true point of beginning. EXCEPTING THEREFROM the forty (40) feet wide right of way on the Southeasterly side of the center line of

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said Nevada State Highway, FAS Route 633 (Project S-633(1)). (The above parcel was acquired by the State of Nevada for improving the entrance to the Kershaw-Ryan Recreation Park). Also excepting therefrom that portion conveyed to the City of Caliente more particularly described as follows: Being a portion of the Northwest Quarter (NW4) of Section 18, Township 4 South, Range 67 East, M.D.B.&M., and more particularly described by metes and bounds as follows, to-wit: BEGINNING at a point on the Southeasterly right-of-way line of the Union Pacific Railroad, 28.74 feet right of an measured radially from the centerline of Clover Street at Highway Engineer's Station "CS" 21+4.73 P.O.C.; said point of beginning being further described as bearing North 89°02'18" West, a distance of 2,611.28 feet from the Northeast corner of said Section 18, Township 4 South, Range 67 East, M.D.B.&M.; thence South 01°01'51" West, along the West line of the Mark and Linda Holt property a distance of 188.86 feet to an intersection with the right or Southeasterly right-of-way line of Clover Street; thence along said right or Southeasterly right-of-way line of Clover Street the following six (6) courses and distances: (1) south 53°41'09" West a distance of 145.96 feet; (2) | South 70°54'04" West a distance of 236,39 feet; (3) South 18°47'23" West a distance of 183.33 feet; (4) From a non-tangent curve concave to the East, having a tangent bearing of South 01°12'41" West, a radius of 470.00 feet and a delta of 04°55'20" for an arc length of 40.38 feet to a point of reverse curvature; (5) From a tangent curve concave to the Northwest, having a tangent bearing of South 03°42'40" East, a radius of 280.00 feet and a delta of 62°59'58", for an

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arc length of 307.87 feet to a point of reverse curvature; (6) From a tangent curve, concave to the Southeast, having a tangent bearing of South 59°17'18" West, a radius of 37.00 feet and a delta of 41°50'01" for an arc length of 27.02 feet to a point on the Northeasterly right-of-way line of State Route 317; Thence along said Northeasterly rightof-way line of State Route 317, along a non-tangent curve, concave to the Northeast, having a tangent bearing of North 32°30'55" West, a radius of 1,624.07 feet and a delta of 8°37'27" for an arc length of 244.45 feet, more, or less, to a point on the Southeasterly right-of-way line of said Union Pacific Railroad; thence along said Southeasterly right-of-way line of the Union Pacific Railroad along a nontangent curve, concave to the Southeast, having a tangent bearing of North 32°30'23" Rast, a radius of 1,860.08 feet and a delta of 24°52'56" for an arc length of 807.79 feet, more or less, to the beginning of a spiral curve; Thence along said spiral curve, being concave to the Southeast, having a tangent bearing of North 57*18'46" East and a long chord of North 58°35'02" East a distance of 123.31 feet to the point of beginning. Excepting from all 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. Assessor's Parcel Number: 13-130-03 PARCEL 2: TOWNSHIP 4 SOUTH, RANGE 66 EAST, M.D.B.&M. Section 24: The North

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Half (N4) of the Southeast Quarter (SEX); the Southwest quarter (SW%) of the Southeast quarter (SE%) EXCEPTING THEREFROM all that portion of the Southeast Quarter (SEX) of Section 24, Township 4 South, Range 66 East, M.D.B.& M., lying West of State Highway No. 55. Section 25: The Northwest Quarter (NW%) of the Northeast Quarter (NE%); the South Half (Sh) of the Southwest Quarter (SW%); the East Half (E1/2) of the Northwest Quarter (NW%); the Southwest Quarter (Sw%) of the Northeast Quarter (NE%); the North Half (N1) of the Southwest Quarter (SW%); and the Northwest Quarter (NW%) of the Southeast Ouarter (SE%) EXCEPTING THEREFROM all that portion of the East Half (E4) of the Northwest Quarter (NW%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., lying West of the Union Pacific Railroad right of way. EXCEPTING FROM the Northwest Quarter (NW%) of the Northeast quarter (NE%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., all uranium, thorium, or other material which may be determined to be peculiarly essential to the production of fissionable material lying in and under said land as reserved by the United States of America, in Patent recorded June 22, 1959, in Book L-1 of Real East Deeds, page 209, Lincoln County, Nevada. Also excepting therefrom that portion of the Southwest quarter (SW1/4) of the Northeast Quarter (NE%) (and that portion of the Northwest Quarter (NW%) of the Southeast Quarter (SE%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., more particularly described as follows: Parcels 1,2,3 and 4 of that certain Parcel map for Meadow Valley Properties recorded March 27, 1984 in the Office of

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the County Recorder of Lincoln County, Nevada in Book A of Plats, page 228 as File No. 79735, Lincoln County, Nevada records. Together with an easement for access and utility purposes as described as follows: Also including a parcel or strip of land forty (40) feet in total width being twenty (20) feet wide on each side of the surveyed center line of a road and utility easement from State Highway Engineer's Station 421+67.07 on the center line of Nevada State Highway right of way NO. 55 FAS Route 633 (Project S-633(1)) to the five acre parcel described in the above paragraphs; said center line is more fully described as follows: Beginning at Highway Engineer's Station 421 + 67.07 on the centerline of said Nevada State Highway Right of Way; thence along the center line of said Road and Utility Easement South 66°14' East, a distance of 283.35 feet to a point on a tangent curve; thence continuing along said easement center line being a curve to the right with a radius of 1,000.00 feet, through an angle of 4°49' and an arc distance of 84.07 feet to a point of tangency; thence continuing along said center line South 61°24' East, a distance of 227.15 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 100.00 feet. through an arc angle of 50°28'30" an arc distance of 88.10 feet to a point of tangency; thence continuing along said center line South 10°55'30" East, a distance of 38.44 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 50.00 feet, through an angle of 72°45'30" and an arc distance of 63.49 feet to a point of tangency; thence continuing along said

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easement center line South 61°49' West a distance of 150.17 feet. TOWNSHIP 4 SOUTH, RANGE 66 EAST, M.D.B.&M. Section 26: East Half (E4) of the Southeast Quarter (SE%) Section 35: The East Half (E4) of the Northeast Quarter (NE%); the Southwest Quarter (SW%) of the Northeast Quarter (NE%); and the Northwest Quarter (NW%) of the Southeast Quarter (SE%) Section 36: The Northwest Quarter (NW%) of the Northwest Quarter (NW%) Also excepting the interest in the 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, Lincoln County, Nevada records. Excepting from all 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. Assessor's Parcel #: 13-140-05 and 13-140-07 PARCEL 3: The Southwest Quarter (SW%) of the Northeast Quarter (NE%), the Southeast Quarter (SE%) of the Northwest quarter (NW%), the East Half (E1) of the Southwest quarter (SW4) of Section 7, Township 4 South, Range 67 East, M.D.B.&M. EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land heretofore conveyed to the incorporated City of Caliente by Deed recorded in Book "L-1" of Real Estate Deeds, page 345, Lincoln County, Nevada records. FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Nevada, Department of Transportation by Corrected Sales Deed,

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Document No. 55665, Book 12, page 441, recorded January 6, 1975, Lincoln County, Nevada. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said 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 1 of U.S.A., by Deed recorded in Book "L-1" of Real Estate Deeds at page 346, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said 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, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land conveyed to the United States of America by Deed recorded July 26, 1963, in Book "M-1" of Real Estate Deeds at page 163 Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land conveyed to Ronal Young, et ux, by Deed recorded September 3, 1969, in Book "N-1" of Real Estate Deeds at page 440 Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, those portions of said land conveyed to the Board of Co. Commissioners by Deed recorded May 27, 1936, in Book "E-1" of Real Estate Deeds at page 90 and recorded May 27, 1936, in Book "E-1" of Real Estate Deeds at page 91, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, all that portion of said land conveyed to the State of Nevada, by deed recorded June 16, 1967, in Book N+1, of Real Estate Deeds, page

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25 26 208 Lincoln County, Nevada records. Excepting from all 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. Assessor's Parcel Nos. 03-111-01, 03-121-01 & 03-151-02,

Defendants. ..

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER QUIETING TITLE AND DECLARATORY JUDGMENT

This cause came on for hearing the 22nd day of August, 2003; plaintiff personally appearing through its representative and plaintiff's attorney, MICHAEL F. MACKEDON, of the law firm of MACKEDON, McCORMICK & KING, a professional corporation; the Court has heard proof of the allegations of the Complaint to Quiet Title to Real Property and For Declaratory Relief and has required the representative of plaintiff, a corporation, to be examined, under oath, respecting ownership and possession of the real property described in the Complaint; the Court finds as follows:

FINDINGS OF FACT

As and for findings of fact, the Court finds:

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- 1. That the Court has previously considered and ruled as to the only defendant named in this action answering plaintiff's Complaint;
- 2. That the defendants herein named were properly served with Summons and no named defendant, other than that defendant previously heard by this Court, has appeared or answered in opposition to the Complaint filed by plaintiff;
- 3. That the default of all other defendants against whom plaintiff's seek declaratory relief should be duly and regularly entered on the record of this proceeding;
- 4. Plaintiff acquired title to the real property described in this action by way of trustee deed following foreclosure sale and plaintiff has continuously owned and occupied the property since that date;
- 5. Plaintiff's deed was recorded in the office of the Lincoln County Recorder;
- 6. Plaintiff and plaintiff's predecessors in interest have paid all taxes of every kind levied and assessed and due against the property;
- 7. Plaintiff and plaintiff's predecessors in interest have occupied the described property to the exclusion of all others and have been in actual, open, exclusive and adverse possession of the described property continuously for more

 than 15 years from the date of filing the Complaint in this action and have owned the same in fee throughout that time.

- 8. Plaintiff and plaintiff's predecessors in interest have continuously maintained fences on all exterior boundaries of the property which have completely enclosed the property to which plaintiff seeks quiet title.
- 9. Title to the described property including the tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights should be quieted in favor of plaintiff.
- 10. The defendants should be permanently enjoined and restrained from asserting any claim or interest in or to the property described herein.
- 11. That several unreleased and/or fugitive recorded

 Deeds of Trust as described in plaintiff's Complaint affect
 title to the real property described herein.
- 12. That the Promissory Notes or indebtedness for which the Deeds of Trust are security had maturity dates which appear to be short than five (5) years from the date of making or for which no maturity date can be ascertained from the record. All beneficiaries or other persons who may claim an interest in said Deeds of Trust have been named in the

Complaint and properly served with Summons and their defaults should be entered by the Court.

payment filed in the records of Lincoln County, Nevada, since the dates the obligations were made and the Deeds of Trust were recorded has been pursued. That any beneficiary with an interest of record in said Deeds of Trust have been served by plaintiffs in this action and no defendant against whom plaintiff's seek declaratory judgment has responded.

14. That the named beneficiaries in the Deeds of Trust, certain defendants herein, never undertook significant action to enforce the collection of any obligations or to protect or defend the collateral described in their respective Deeds of Trust by payment of delinquent liens, taxes and charges, and/or failed to prosecute or otherwise pursue their rights of enforcement or foreclosure for a period of more than ten (10) years from the maturity date of the Promissory Note which they secured and therefore, pursuant to N.R.S. 106.240 said obligations represented by the Deeds of Trust are presumptively satisfied.

of monies due on a Promissory Note or Lease in the State of Nevada is six (6) years and more than fifteen (15) years and

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in some cases twenty (20) years have passed without any demand or claim for payment having been made on the Promissory Note and/or underlying obligations and that many of the named beneficiaries under the Deeds of Trust, payees on the Promissory Notes and/or obligations no longer exist de jure or de facto as viable business organizations.

CONCLUSIONS OF LAW

Based upon the findings of fact set forth above, the Court makes the following conclusions of law:

- Plaintiff is the owner in fee simple as to the property described in the Complaint and is entitled to the quiet and peaceful possession of that certain parcel of land situate in the County of Lincoln, State of Nevada, more particularly described hereinafter;
- 2. Plaintiff's title to said property, including the tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights should be quieted against any and all claims or demands of any person claiming under the named defendants to any estate, right, title, lien or interest in the described real property;
- That defendants and any person claiming under said defendants are permanently enjoined and restrained from

asserting any claim or interest in or to the above-described real property or any part hereof;

- 4. That the defaults of the defendants against whom plaintiff is seeking declaratory judgment be entered upon the record of this proceeding;
- 5. That the Promissory Notes secured by Deeds of Trust acting as a cloud upon the title to the subject real property be declared and deemed to be released as to said real property and of no further force and effect.

ORDER

Based upon the findings of fact and conclusions of law the Court enters the following Order:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff is the owner in fee simple and is entitled to the quiet and peaceful possession of that certain parcel of land situate in the County of Lincoln, State of Nevada, more particularly described as follows:

PARCEL 1: TOWNSHIP 4 SOUTH

RANGE 67 EAST, M.D.B.& M. Section 18:

All of the Northwest Quarter (NW4); the

North Half (N½) of the Southwest Quarter
(SW4); the Southwest Quarter (SW4) of
the Northeast Quarter (NE4); and the

Southwest Quarter (SW4) of the Southwest
Quarter (SW4) EXCEPTING THEREFROM all
that portion of the West Half (W4) of
Section 18, Township 4 South, Range 67
East, M.D.B.& M., lying West of State

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Highway No. 55. Section 19: Government Lot 1, previously described as the Northwest Quarter (NW4) of the Northwest Quarter (NW4); Government Lot 2, previously described as the Southwest Quarter (SW4) of the Northwest Quarter (NW4); and Government Lot 3, previously described as the Northwest Quarter (NW4) of the Southwest Quarter (SW4) EXCEPTING THEREFROM all that portion of the West Half (Wh) of the Northwest Quarter (NW4) of Section 19, Township 4 South, Range 67 East, M.D.B.& M., lying West of State Highway No. 55. Except the interest in the 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, Lincoln County, Nevada records. FURTHER EXCEPTING FROM all that property situated in the Southwest Quarter (SW4) of the Northwest Quarter (NW4) of Section 19, Township 4 South, Range 67 East, M.D.B.& M, County of Lincoln, State of Nevada, more particularly described as follows: Commencing at the intersection of the center line of the Nevada State Highway Right of Way No. 55, FAS Route 633 (Project S-633(1)) Corrected Deed, Document No. 55665, Book 12, Page 441, recorded January 6, 1975, of the Official Records of Lincoln County, Nevada and the South Boundary Line of the Northeast Quarter (NEW) of the Southeast Quarter (SE%) of Section 24, Township 4 South, Range 66 East, MDB& M. at Highway Engineer's Station X465438.69 POC; said commencing point further described as bearing South 6°10'02" West , a distance of 9,421.64 feet from the Northeast corner of Section 13, Township 4 South, Range 66 East, M.D.B.&M.; thence along the center line of said Nevada State Highway Right of Way from a point on a tangent which bears North 36°55'02" East, along a curve to the left with a radius of

800.00 feet, through an angle of 13°49'21" and an arc distance of 193.00 feet to a point of tangency; thence along centerline of said State Highway Right of Way North 23°05'41" East, a distance of 939.19 feet to a point on a curve; thence along said centerline from a tangent which bears the last described course, also being a curve to the right with a radius of 3,000 feet through an angle of 12°52'20" and an arc distance of 673.99 feet to a point of tangency; thence along said centerline North 35°58'01" East, a distance of 580.70 feet to the true point of beginning; thence South 52°14'59" East, a distance of 529.94 feet to a point on the beginning of a tangent curve; thence along said curve to the left with a radius of 311.54 feet, through an angle of 28°36'50" an arc distance of 155.59 feet to a point of beginning of a compound curve; thence from said compound point on a tangent which bears South 80°51'49" East, along a curve to the left with a radius of 1,071.63 feet, through an angle of 21°43'30" and an arc distance of 406.33 feet to a point of tangency; thence North 77°24'41" East, a distance of 245.00 feet, more or less, to a point on the Easterly Line of the Southwest Quarter (SWM) of the Northwest Quarter (NW4) of said Section 19; said Easterly Line being the West Property Line of Kershaw-Ryan Nevada State Recreation Park; thence North along said Easterly Line, a distance of 900.00 feet, more or less, to the Northeast Quarter (NE%) Corner of the Southwest quarter (SW4) of the Northwest Quarter (NW%) of said Section 19; thence West along the North line of the Southwest Ouarter (SW%) of the Northwest Quarter (NW4) of said Section 19, a distance of 960.0 feet, more or less, to a point on the Center Line of said State Highway Right of Way No. 55; thence along said

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Center Line South 13°16'45" West, distance of 200.00 feet, more or less, to the beginning of a tangent curve; said point of beginning of a tangent curve being Station "X" 493 + 58.83 on Center Line of said State Highway Right of Way No. 55; thence along said Center Line, also being a curve to the right with a radius of 1,000.00 feet, through an angle of 22°41'16" and an arc distance of 395.98 feet to a point of tangency; thence along said Center Line South 35°58'01" West, a distance of 37.28 feet to the true point of beginning. EXCEPTING THEREFROM the forty (40) feet wide right of way on the Southeasterly side of the center line of said Nevada State Highway, FAS Route 633 (Project S-633(1)). (The above parcel. was acquired by the State of Nevada for improving the entrance to the Kershaw-Ryan Recreation Park). Also excepting therefrom that portion conveyed to the City of Caliente more particularly described as follows: Being a portion of the Northwest Quarter (NW4) of Section 18, Township 4 South, Range 67 East, M.D.B.&M., and more particularly described by metes and bounds as follows, to-wit: BEGINNING at a point on the Southeasterly right-of-way line of the Union Pacific Railroad, 28.74 feet right of an measured radially from the centerline of Clover Street at Highway Engineer's Station "CS" 21+4.73 P.C.C.; said point of beginning being further described as bearing North 89°02'18" West, a distance of 2,611.28 feet from the Northeast corner of said Section 18, Township 4 South, Range 67 East, M.D.B.&M.; thence South 01°01'51" West, along the West line of the Mark and Linda Holt property a distance of 188.86 feet to an intersection with the right or Southeasterly right-of-way line of Clover Street; thence along said right or Southeasterly right-of-way line

of Clover Street the following six (6) courses and distances: (1) south 53°41'09" West a distance of 145.96 feet; (2) South 70°54'04" West a distance of 236.89 feet; (3) South 18°47'23" West a distance of 183.33 feet; (4) From a non-tangent curve concave to the East, having a tangent bearing of South 01°12'41" West, a radius of 470.00 feet and a delta of 04°55'20" for an arc length of 40.38 feet to a point of reverse curvature; (5) From a tangent curve concave to the Northwest, having a tangent bearing of South 03°42'40" East, a radius of 280.00 feet and a delta of 62°59'58", for an arc length of 307.87 feet to a point of reverse curvature; (6) From a tangent curve, concave to the Southeast, having a tangent bearing of South 59°17'18" West, a radius of 37.00 feet and a delta of 41°50'01" for an arc length of 27.02 feet to a point on the Northeasterly right-of-way line of State Route 317; Thence along said Northeasterly rightof-way line of State Route 317, along a non-tangent curve, concave to the Northeast, having a tangent bearing of North 32°30'55" West, a radius of 1,624.07 feet and a delta of 8°37'27" for an arc length of 244.45 feet, more or less, to a point on the Southeasterly right-of-way line of said Union Pacific Railroad; thence along said Southeasterly right-of-way line of the Union Pacific Railroad along a nontangent curve, concave to the Southeast, having a tangent bearing of North 32°30'23" East, a radius of 1,860.08 feet and a delta of 24°52'56" for an arc length of 807.79 feet, more or less, to the beginning of a spiral curve; Thence along said spiral curve, being concave to the Southeast, having a tangent bearing of North 57°18'46" East and a

long chord of North 58°35'02" East a distance of 123.31 feet to the point of beginning. Excepting from all 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. Assessor's Parcel Number: 13-130-03 PARCEL 2: TOWNSHIP 4 SOUTH, RANGE 66 EAST, M.D.B.&M. Section 24: The North Half (NԿ) of the Southeast Quarter (SEW); the Southwest quarter (SWW) of the Southeast quarter (SEW) EXCEPTING THEREFROM all that portion of the Southeast Quarter (SE%) of Section 24, Township 4 South, Range 66 East, M.D.B.& M., lying West of State Highway No. 55. Section 25: The Northwest Quarter (NW%) of the Northeast Quarter (NE%); the South Half (S½) of the Southwest Quarter (SW%); the East Half (E%) of the Northwest Quarter (NW%); the Southwest Quarter (Sw%) of the Northeast Quarter (NE%); the North Half (N1/2) of the Southwest Quarter (SW%); and the -Northwest Quarter (NW%) of the Southeast Quarter (SE%) EXCEPTING THEREFROM all that portion of the East Half (E4) of the Northwest Quarter (NW%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., lying West of the Union Pacific Railroad right of way. EXCEPTING FROM the Northwest Quarter (NW%) of the Northeast quarter (NE%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., all uranium, thorium, or other material which may be determined to be peculiarly essential to the production of fissionable material

lying in and under said land as reserved by the United States of America, in Patent recorded June 22, 1959, in Book L-1 of Real East Deeds, page 209, Lincoln County, Nevada. Also excepting therefrom that portion of the Southwest quarter (SW%) of the Northeast Quarter (NE%) (and that portion of the Northwest Quarter (NW%) of the Southeast Quarter (SE%) of Section 25, Township 4 South, Range 66 East, M.D.B.&M., more particularly described as follows: Parcels 1,2,3 and 4 of that certain Parcel map for Meadow Valley Properties recorded March 27, 1984 in the Office of the County Recorder of Lincoln County, Nevada in Book A of Plats, page 228 as File No. 79735, Lincoln County, Nevada. records. Together with an easement for access and utility purposes as described as follows: Also including a parcel or strip of land forty (40) feet in total width being twenty (20) feet wide on each side of the surveyed center line of a road and utility easement from State Highway Engineer's Station 421+67.07 on the center line of Nevada State Highway right of way NO. 55 FAS Route 633 (Project S-633(1)) to the five acre parcel described in the above paragraphs; said center line is more fully described as follows: Beginning at Highway Engineer's Statiom 421 + 67.07 on the centerline of said Nevada State Highway Right of Way; thence along the center line of said Road and Utility Easement South 66°14' East, a distance of 283.35 feet to a point on a tangent curve; thence continuing along said easement center line being a curve to the right with a radius of 1,000.00 feet, through an angle of 4°49' and an arc distance of 84.07 feet to a point of tangency; thence continuing along said center line South 61°24' East, a

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distance of 227.15 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 100.00 feet, through an arc angle of 50°28'30" an arc distance of 88.10 feet to a point of tangency; thence continuing along said center line South 10°55'30" East, a distance of 38.44 feet to a point on a tangent curve; thence continuing along said center line being a curve to the right with a radius of 50.00 feet, through an angle of 72°45'30" and an arc distance of 63.49 feet to a point of tangency; thence continuing along said, easement center line South 61°49' West a distance of 150.17 feet. TOWNSHIP 4 SOUTH, RANGE 66 EAST, M.D.B.&M. Section 26: East Half (E4) of the Southeast Quarter (SE%) Section 35: The East Half (E12) of the Northeast Quarter (NE%); the Southwest Quarter (SW%) of the Northeast Quarter (NE%); and the Northwest Quarter (NW%) of the Southeast Quarter (SE%) Section 36: The Northwest Quarter (NW%) of the Northwest Quarter (NW%) Also excepting the interest in the 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, Lincoln County, Nevada records. Excepting from all 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. Assessor's Parcel #: 13-140-05 and 13-140-07 PARCEL 3: The Southwest

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Quarter (SW%) of the Northeast Quarter (NE%), the Southeast Quarter (SE%) of the Northwest quarter (NW%), the East Half (E12) of the Southwest quarter (SW4) of Section 7, Township 4 South, Range 67 East, M.D.B.&M. EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land heretofore conveyed to the incorporated City of Caliente by Deed recorded in Book "L-1" of Real Estate Deeds, page 345, Lincoln County, Nevada records. FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Nevada, Department of Transportation by Corrected Sales Deed, Document No. 55665, Book 12, page 441, recorded January 6, 1975, Lincoln County, Nevada. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said 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 1 of U.S.A., by Deed recorded in Book "L-1" of Real Estate Deeds at page 346, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said 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, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land conveyed to the United States of America by Deed recorded July 26, 1963, in Book "M-1" of Real Estate Deeds at page 163 Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, that portion of said land conveyed to Ronal Young, et ux, by Deed recorded September

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3, 1969, in Book "N-1" of Real Estate Deeds at page 440 Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, those portions of said land conveyed to the Board of Co. Commissioners by Deed recorded May 27, 1936, in Book "E-1" of Real Estate Deeds at page 90 and recorded May 27, 1936, in Book *E-1" of Real Estate Deeds at page 91, Lincoln County, Nevada records. FURTHER EXCEPTING FROM Section 7, Township 4 South, Range 67 East, all that portion of said land conveyed to the State of Nevada, by deed recorded June 16, 1967, in Book N-1, of Real Estate Deeds, page. 208 Lincoln County, Nevada records. Excepting from all 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.

Assessor's Parcel Nos. 03-111-01, 03-121-01 & 03-151-02,

and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff's title to the above described real property, the tenements, hereditaments, appurtenances, water and water rights, ditches and ditch rights appurtenant thereto is hereby forever quieted against any and all claims or demands of any person claiming under the defendants named herein to any

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estate, right, title, lien or interest in the described real property, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants and any person claiming under said defendants are permanently enjoined and restrained from asserting any claim or interest in or to the above-described real property or any part thereof, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following documents affecting title to the real property described above be declared null and void and of no further force and effect as to the title of the real property:

1. A Deed of Trust recorded on the 11th day of March,
1981, in Book 43, Page 111 of Lincoln County Official Records
wherein MARTIN A. JOHNSON, WILLARD S. JOHNSON, C. FRANK DAMON,
GORDON DAMON, LAURENCE C. THOMPSON, MARNELL T. THOMPSON,
JACQUELYN A. KILBRIDE, EMILY S. CONDON, GERALD E. STRONG,
PATRICIA A. SHERMAN, WILLIAM M. SHERMAN, JENNIFER H. SHERMAN,
DOUGLAS C. SHERMAN, MARGARET A. SHERMAN, ORLANDO EPP, JAMES E.
LANDRUM, J. ALLEN LANDRUM, BRANDON B. JOHNSON, HUNTER W.
JOHNSON, MARK A. JOHNSON, MILISSA D. JOHNSON, RUTH L.
THOMPSON, C. DEXTER LUFKIN and MARILYN LUFKIN by Mark A. Wood,
their attorney in fact and GORDON DAMON, Trustee of the Muriel
C. Damon Trust, are Trustors and ZIONS FIRST NATIONAL BANK is

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Beneficiary. The beneficial interest under this Deed of Trust was assigned by assignment recorded December 15, 1984 in the office of the Lincoln County Recorder in Book 62, Page 646, Official Records:

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2. A Deed of Trust recorded the 8th day of May, 1981 under File No. 72274, Official Records of Lincoln County, wherein, MARTIN A. JOHNSON, WILLARD S. JOHNSON, C. FRANK DAMON, GORDON DAMON, LAURENCE C. THOMPSON, MARNELL T. THOMPSON, JACQUELYN A. KILBRIDE, EMILY S. CONDON, GERALD E. STRONG, PATRICIA A. SHERMAN, WILLIAM M. SHERMAN, JENNIFER H. SHERMAN, DOUGLAS C. SHERMAN, MARGARET A. SHERMAN, ORLANDO EPP, JAMES E. LANDRUM, J. ALLEN LANDRUM, BRANDON B. JOHNSON, HUNTER W. JOHNSON, MARK A. JOHNSON, MILISSA D. JOHNSON, RUTH L. THOMPSON, C. DEXTER LUFKIN and MARILYN LUFKIN by Mark A. Wood, their attorney in fact and GORDON DAMON, trustee of the Muriel C. Damon Trust, are Trustors and ZIONS FIRST NATIONAL BANK is Beneficiary. The Deed of Trust was assigned by assignment recorded November 15, 1984 under File NO. 81526 to JEFFREY F. CARTER, ENERGY AND DEVELOPMENT COMPANY. The Deed of Trust was re-recorded on two (2) occasions under File No. 72309 and 72368 in the Lincoln County Official Records.

A Deed of Trust recorded May 8, 1981 under File NO.
 72274 Official Records of Lincoln County, Nevada wherein

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MARTIN A. JOHNSON, WILALRD S. JOHNSON, C. FRANK DAMON, GORDON DAMON, LAURENCE C.T HOMPSON, MARNELL T. THOMPSON, JACQUELYN A. KILERIDE, EMILY S. CONDON, GERALD E. STRONG, PATRICIA A. SHEFMAN, WILLIAM M. SHEFMAN, JENNIFER H. SHEFMAN, DOUGLAS C. SHEFMAN, MARGARET A. SHEFMAN, ORLANDO EPP, JAMES E. LANDRUM, J. ALLEN LANDRUM, BRANDON B. JOHNSON, HUNTER W. JOHNSON, MARK A. JOHNSON, MILISSA A. JOHNSON, RUTH L. THOMPSON, C. DEXTER LUFKIN and MARILYN LUFKIN by Mark A. Wood, their attorney in fact and GORDON DAMON, Trustee of the Muriel C. Damon Trust, are Trustors and ZIONS FIRST NATIONAL BANK is Beneficiary. The beneficial interest in said Deed of Trust was assigned by assignment recorded November 15, 1984 in the office of the Lincoln County Recorder in Book 62, page 661, 663 Official Records. The Deed of Trust was re-recorded on two (2) occasions under File No. 72310 and 72369.

4. A Deed of Trust was recorded on the 15th day of
December, 1981 under File No. 72274 Official Records of
Lincoln County, Nevada wherein MEADOW VALLEY PROPERTIES, a
General Partnership, MARTIN L. JOHNSON, WILLARD D. JOHNSON,
JOHNSON BROTHERS PARTNERSHIP, C. FRANK DAMON and GORDON DAMON,
Trustees of The Muriel C. Damon Trust, Laurence C. THOMPSON,
MARNELL TERRY THOMPSON, JACQUELINE A KILBRIDE, EMILY S.
CONDON, GERALD E. STRONG, PARTICIA A. SHERMAN, WILLIAM M.

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SHERMAN, JENNIFER SHERMAN, DOUGLAS C. SHERMAN and MARGARET A.

SHERMAN as partners in the SHERMAN FAMILY GENERAL PARTNERSHIP,

ORLANDO EPP, JAMES E. LANDRUM, J. ALLEN LANDRUM, BRANDON B.

JOHNSON, HUNTER W. JOHNSON, MARK A. JOHNSON and MELISSA D.

JOHNSON, as partners in the JOHNSON FAMILY PARNTERSHIP, RUTH

L. THOMPSON, C. DEXTER LUFKIN and MARILYN LUFKIN, are Trustors

and F.M. A. LEASING CO., a Utah Corporation is Beneficiary.

The beneficial interest in this Deed of Trust was assigned by

assignment recorded November 15, 1984 in Book 62, pages 661,

663, Official Records in the office of the Lincoln County

Recorder.

DATED: This 22 day of August, 2003.

DISTRICT JUNGE

This document to which this certificate is attached is a full, true and correct copy of the original, on file and record in the County Clerks Office, Pioche Novada.

Deputy Clark