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LINCOLN COUNTY RECORDER  
FEE 18.00 DEPT 118  
LESLIE BOUCHER

EASEMENT ABANDONMENT

LAW OFFICES  
GARY D. FAIRMAN  
A PROFESSIONAL CORPORATION  
482 FIFTH STREET, P.O. BOX 8  
ELY, NEVADA 89301  
(775) 268-1422

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EASEMENT ABANDONMENT

THIS EASEMENT ABANDONMENT, made and entered into this 13<sup>th</sup> day of JANUARY, 2003, by and between RAMON H. SCHMUTZ, Trustee of the RAMON HARMON SCHMUTZ 1991 NEVADA TRUST, hereinafter referred to as "SCHMUTZ", and MICHAEL D. DAVIS and KAYLA D. DAVIS, father and daughter, hereinafter referred to as "DAVIS".

R E C I T A L S:

WHEREAS, SCHMUTZ currently enjoys an easement on the real property described on Exhibit "A" attached hereto and made a part hereof, located in Lincoln County, State of Nevada; and

WHEREAS, pursuant to that certain Agreement dated the 5th day of July, 2002, wherein DAVIS and SCHMUTZ are parties thereto, SCHMUTZ hereby agreed to abandon said easement as described on Exhibit "A" attached hereto and made a part hereof;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

ARTICLE I.

ABANDONMENT OF EASEMENT

SECTION 1.01. Abandonment. SCHMUTZ hereby abandons that certain easement heretofore created in that certain document entitled "EASEMENT" recorded in Book 132, Page 505, and recorded in Book 132, Page 560-561, Lincoln County Records, State of Nevada, on February 25, 1998, and which abandonment is more particularly described on the map attached here as Exhibit "A" attached hereto and made a part hereof for all purposes.

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ARTICLE II.

MISCELLANEOUS

SECTION 2.01. Entire Agreement. It is hereby expressly understood and agreed by the parties that there are no representations, covenants, or agreements between the parties, except as herein specifically set forth.

SECTION 2.02. Binding Effect. This Agreement shall inure to the benefit of and be binding on the successors heirs, executors, administrators, assigns, devisees, and legatees of the parties.

SECTION 2.03. Venue. At the option of either party, venue regarding any litigation shall be established in Lincoln County, Nevada.

SECTION 2.04. Applicable Law. This Agreement and the rights, obligations and remedies of the respective parties hereunder, shall be governed by the laws of the State of Nevada.

SECTION 2.05. Captions. The captions used to describe each article or section are by way of convenience for the parties only and are in no way to be construed to alter or change this Agreement.

SECTION 2.06. Recordation. This Easement Abandonment shall be recorded.

SECTION 2.07. Condition to Abandonment. This Easement Abandonment is expressly conditioned upon the execution of the SCHMUTZ/DAVIS Easement Agreement and its recordation.

.....

IN WITNESS WHEREOF, the parties have hereunto caused the foregoing to be execute the day and year first above written.

*Ramon H. Schmutz*  
RAMON H. SCHMUTZ  
Trustee of the RAMON HARMON SCHMUTZ  
1991 NEVADA TRUST

*Michael D. Davis*  
MICHAEL D. DAVIS

*Kayla D. Davis*  
KAYLA D. DAVIS

STATE OF NEVADA, )  
County of WHITE PINE ) ss.

On JAN 20, 2003, personally appeared before me, a Notary Public, RAMON H. SCHMUTZ, Trustee of the RAMON HARMON SCHUMUTZ 1991 NEVADA TRUST, who acknowledged that he executed the above instrument.

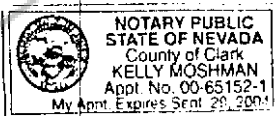
*Marie E. Kalleres*  
NOTARY PUBLIC



STATE OF NEVADA, )  
County of Clark ) ss.

On November 12, 2002, personally appeared before me, a Notary Public, MICHAEL D. DAVIS and KAYLA D. DAVIS, who acknowledged that they executed the above instrument.

*Kelly Moshman*  
NOTARY PUBLIC



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