

122137

FILED FOR RECORDING
AT THE REQUEST OF

First American Title

2001 APR 15 PM 2 31

LINCOLN COUNTY, NEVADA
FEE 18.00
LEGISLATIVE COUNTY

REC'D
APR 15 2001

RECORDING REQUESTED BY
First American Title Company of
Nevada
AND WHEN RECORDED MAIL TO:
Alfred L. Burgess, Trustee
845 N. LaCadena Dr.
Colton, CA. 89043

A.P.N.: 012-060-19

File No.: 152-2123583

The Undersigned Grantor(s) Declare(s):
Grantee(s) was / was not the Foreclosing Beneficiary
Consideration \$ -0-; Amount of Unpaid Debt \$ 95,290.31
Non-Exempt Amount \$; DOCUMENTARY TRANSFER TAX \$; CITY TRANSFER TAX \$
 computed on the consideration or full value of property conveyed, OR
 computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale
 unincorporated area; City of Pioche

DEED IN LIEU OF FORECLOSURE

**THIS DEED IS BEING RECORDED TO CLARIFY THAT CERTAIN DEED
RECORDED IN
BOOK 182, PAGE 418, INSTRUMENT #171710**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
James M. McGovern, an unmarried man

hereby GRANTS to **Alfred L. Burgess, Trustee of the Alfred L. Burgess
Revocable Trust Dated February 19, 1993**

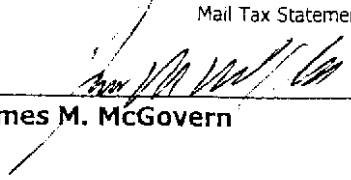
the real property in the unincorporated area of **Pioche**, County of **Lincoln**, State
of **Nevada**, described as:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT B

This Deed is an absolute conveyance, the grantor(s) have sold said real property
to the grantee(s) for a fair and adequate consideration, such consideration in
addition to that above recited, being full satisfaction of all obligations secured by
that certain Deed of Trust executed by **James M. McGovern**, as Trustor(s), to
First American Title of Nevada, as Trustee, for **Alfred L. Burgess, Trustee
of the Alfred L. Burgess Revocable Trust Dated February 19 1993**, as
Beneficiary, dated **June 22, 2001** and recorded **July 26, 2001**, as Instrument
no. **116695, Book 156, Page 597** of Official Records of **Lincoln** County,
Nevada.

Grantor(s) declare(s) that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this Deed and the attached Estoppel Affidavit, between the parties with respect to said real property.

SEE THE ESTOPPEL AFFIDAVIT ATTACHED HERETO AS EXHIBIT A
Mail Tax Statements To: **SAME AS ABOVE**



James M. McGovern

STATE OF NEVADA

}
} ss.

COUNTY OF CLARK

}

On 4-6-04, before me,
Gratchia Ovakimian personally appeared James M. McGovern,
personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity and
that his signature on the instrument is the same person who executed the
instrument.

WITNESS my hand and official seal.

*This area for official
notarial seal*

Signature



Notary Public
My Commission Expires: June 26, 2005

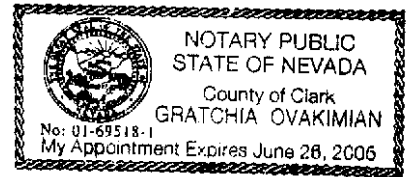


EXHIBIT A TO DEED IN LIEU OF FORECLOSURE

ESTOPPEL AFFIDAVIT

State of NEVADA)
) ss.
County of Lincoln)

Date: March 24, 2004

James M. McGovern, being first duly sworn, for himself deposes and says: That he is the identical parties who made, executed and delivered that certain Deed in Lieu of Foreclosure to Alfred L. Burgess, Trustee of the Alfred L. Burgess Revocable Trust Dated February 19, 1993, dated March 24, 004 ("Deed"), conveying the following described real property in the unincorporated area of Pioche, County of Lincoln, State of Nevada, to-wit (the "Property"):

AS DESCRIBED IN EXHIBIT B ATTACHED HERETO.

The affiant(s) now are, and at all times herein mentioned were an unmarried man;

That the Deed is intended to be and is an absolute conveyance of the title of the Property to the grantee(s) named therein, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiant(s), as grantor(s) in the Deed to convey, and by the Deed affiant(s) did convey, to the grantee(s) named therein all his/her/their right, title and interest absolutely in and to the Property; that possession of Property has been surrendered to the grantee(s);

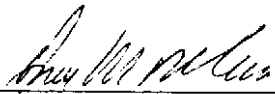
That, in the execution and delivery of the Deed, affiant(s) were not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and was not acting under coercion or duress;

That the consideration for the Deed was and is payment to affiant(s) of the sum of \$-0- ("Consideration"), by grantee(s), and the full cancellation of all debts, obligations, costs, and charges secured by that certain Deed of Trust heretofore existing on the Property executed by Alfred L. Burgess, Trustee of the Alfred L. Burgess Revocable Trust Dated February 19, 1993,, as Trustor(s), to First American Title of Nevada, as Trustee, for Alfred L. Burgess, Trustee of the Alfred L. Burgess Revocable Trust Dated February 19, 1993,, as Beneficiary, dated June 22, 2001 and recorded July 26, 2001 as Instrument No. 116695, Book 156, Page 597 of Official Records of Lincoln County, Nevada ("Deed of Trust"), and the reconveyance of the Property under the Deed of Trust; that at the time of making the Deed, affiant(s) believed and now

believe that the Consideration represents the fair value of the Property so deeded;

This Affidavit is made for the protection and benefit of the grantee(s) in the Deed, his/her/their successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the Property, and particularly for the benefit of **First American Title Company of Nevada**, which is about to insure the title to the Property in reliance thereon, and any other title company which may hereafter insure the title to the Property;

That affiant(s), and each of them, will testify, declare, depose or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts set forth herein.



James M. McGovern

SUBSCRIBED AND SWORN TO before me the undersigned, a Notary Public in and for said County and State, this 6 day of April, 2006.

WITNESS my hand and official seal.

This area for official notarial seal

Signature

My Commission Expires:

June 26, 2005

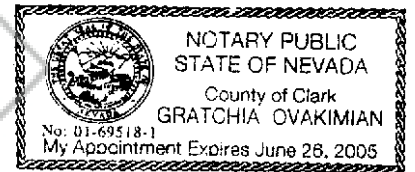
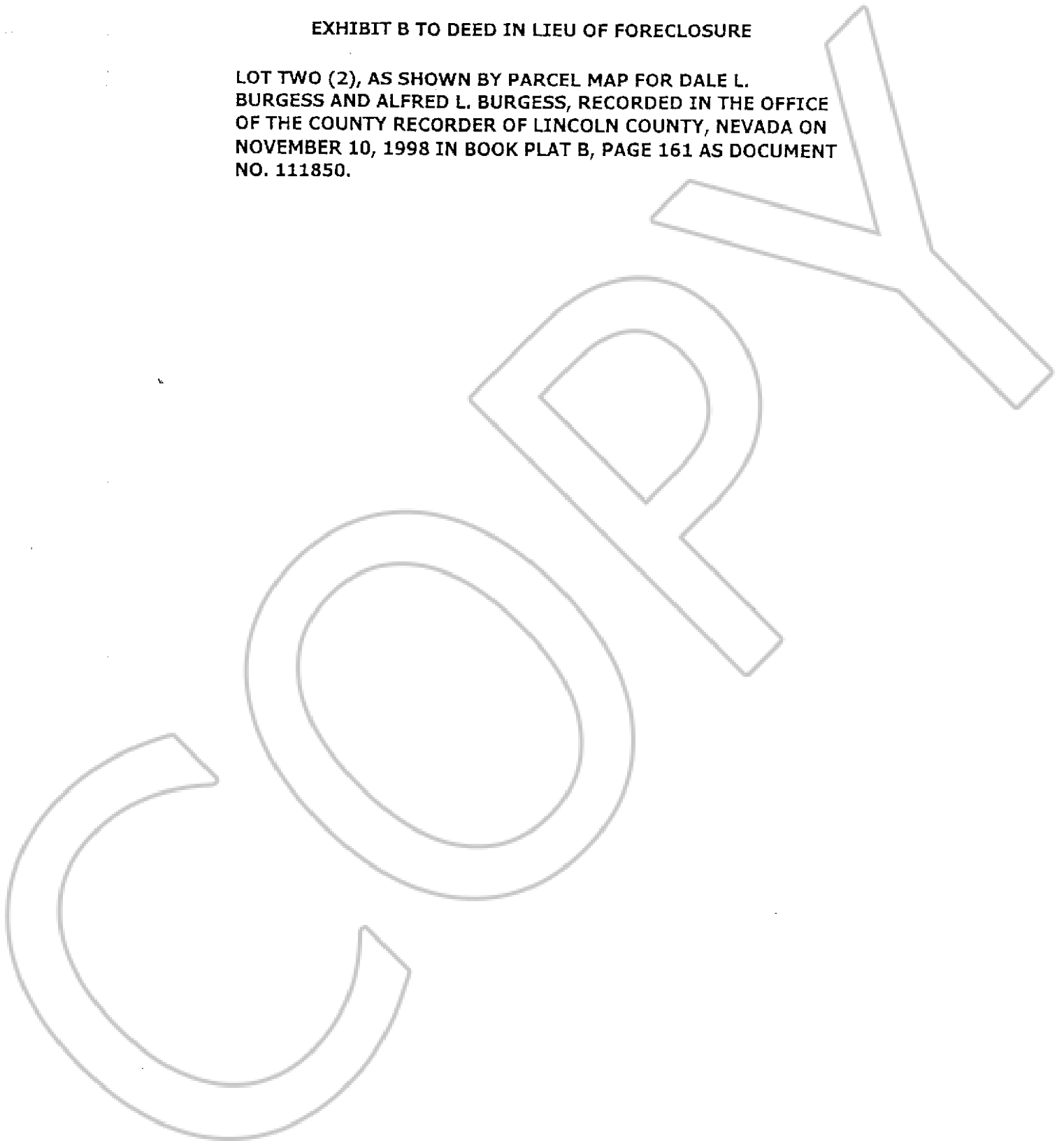


EXHIBIT B TO DEED IN LIEU OF FORECLOSURE

LOT TWO (2), AS SHOWN BY PARCEL MAP FOR DALE L. BURGESS AND ALFRED L. BURGESS, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF LINCOLN COUNTY, NEVADA ON NOVEMBER 10, 1998 IN BOOK PLAT B, PAGE 161 AS DOCUMENT NO. 111850.



**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)

- a) 012-060-19
- b) _____
- c) _____
- d) _____

2. Type of Property

- a) Vacant Land
- b) Single Fam. Res
- c) Condo/Twnhse
- d) 2-4 Plex
- e) Apt. Bldg.
- f) Comm'l/Ind'l
- g) Agricultural
- h) Mobile Home
- i) Other _____

FOR RECORDERS OPTIONAL USE ONLY	
Document/Instrument	<u>122137</u>
Book	<u>185</u> Page: <u>178</u>
Date of	<u>April 15, 2004</u>
Notes	_____

3. Total Value/Sales Price of Property: _____ \$/a

Deed in Lieu of Foreclosure Only (value of property) (\$95290.31)

Transfer Tax Value: _____ \$/a

Real Property Transfer Tax Due _____ \$/a

4. **If Exemption Claimed:**

- a. Transfer Tax Exemption, per 375.090, Section: _____
- b. Explain reason for exemption: Deed in Lieu of Foreclosure - No Monies exchanged

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: [Signature]

Capacity: Grantor

Signature: _____

Capacity: _____

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: James M. McGovern
 Address: 1428 Palm St.
 City: Henderson
 State: NV Zip: 89015

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Alfred L. Burgess, Trustee of the Alfred L. Burgess Revocable Trust
 Address: 845 N. LaCadena Dr.
 City: Colton
 State: CA Zip: 92324

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: First American Title Company of Nevada File Number: 152-2123583 MJ/MJ
 Address: 768 Aultman Street, Ely, NV 89301, P.O. Box
 City: Ely State: NV Zip: 89315

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

Reproduced by First American Title Insurance Rev10/2001

**STATE OF NEVADA
DECLARATION OF VALUE**

1. Assessor Parcel Number(s)

- a) 012-060-19
- b) _____
- c) _____
- d) _____

2. Type of Property

- a) Vacant Land
- b) Single Fam. Res
- c) Condo/Twnhse
- d) 2-4 Plex
- e) Apt. Bldg.
- f) Comm'l/Ind'l
- g) Agricultural
- h) Mobile Home
- i) Other _____

FOR RECORDERS OPTIONAL USE ONLY	
Document/Instrument	<u>122137</u>
Book <u>185</u>	Page: <u>178</u>
Date of	<u>April 15, 2004</u>
Notes	_____

3. Total Value/Sales Price of Property: _____ \$/a

Deed in Lieu of Foreclosure Only (value of property) (\$95290.31)

Transfer Tax Value: _____ \$/a

Real Property Transfer Tax Due _____ \$/a

4. **If Exemption Claimed:**

- a. Transfer Tax Exemption, per 375.090, Section: _____
- b. Explain reason for exemption: Deed in Lieu of Foreclosure - No Monies exchanged

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____ Capacity: _____

Signature: James M. McGovern Capacity: Grantor

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: James M. McGovern

Address: 1428 Palm St.

City: Henderson

State: NV Zip: 89015

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Alfred L. Burgess, Trustee of the Alfred L. Burgess Revocable Trust

Address: 845 N. LaCadena Dr.

City: Colton

State: CA Zip: 92324

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: First American Title Company of Nevada File Number: 152-2123583 MJ/MJ

Address: 768 Aultman Street, Ely, NV 89301, P.O. Box

City: Ely State: NV Zip: 89315

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

Reproduced by First American Title Insurance Rev10/2001