

# STEWART TITLE

1650 North Lucerne ~ Minden, Nevada 89423  
Phone: (775) 782-2208 ~ Fax: (775) 782-4601

Escrow No: 1526LH  
APN 19-140-044

## MODIFICATION AGREEMENT

THIS AGREEMENT, made this 11th day of October, 2000, by and between Five Creek Limited Liability Company, a Nevada Limited Liability Company, First Party (Beneficiary) and Robert J. Miller and Kathleen Miller, Co-Trustees of the Robert and Kathleen Miller Trust dated April 29, 1997, Second Party (Trustor)

### WITNESSETH:

WHEREAS, the Second Party is the owner of that certain real property described in the Deed of Trust dated November 2, 1998 executed by ROBERT J. MILLER AND KATHLEEN MILLER, Co-Trustees of the ROBERT AND KATHLEEN MILLER TRUST DATED APRIL 29, 1997, as Trustor to STEWART TITLE OF DOUGLAS COUNTY, a Nevada Corporation, as Trustee, and FIVE CREEK LIMITED LIABILITY COMPANY, a Nevada Limited Liability Company, as Beneficiary; which Deed of Trust was recorded on November 6, 1998 in Book 1198, Page 1671, as Document No. 453548, Official Records of Douglas County; which Deed of Trust was given as security for a Note dated November 2, 1998 in the sum of \$145,000.00, executed by ROBERT J. MILLER AND KATHLEEN MILLER, Co-Trustees of the ROBERT AND KATHLEEN MILLER TRUST DATED APRIL 29, 1997, in favor of FIVE CREEK LIMITED LIABILITY COMPANY, a Nevada Limited Liability Company.

AND WHEREAS, the Second Party is desirous of modifying the terms of said Note and the First Party is willing to modify the terms of the said Note;

NOW THEREFORE, in consideration of the promises and agreements hereafter contained to be performed by the Second Party, the Parties do hereby agree as follows:

THE DUE DATE IS HEREBY EXTENDED TO ON OR BEFORE JANUARY 21, 2001

Said modification of the terms of payment shall in no manner or respect alter any of the other terms, covenants and conditions of said Promissory Note or the Deed of Trust securing it.

The Second party hereby represents and warrants that there are no other liens or encumbrances of any nature whatsoever on or against the real property mentioned in said Deed of Trust, except as follows: NONE

Continued on next page

THIS INSTRUMENT IS BEING RECORDED AS AN ACCOMMODATION ONLY. NO LIABILITY, EXPENSE OR FINE, IS ASSUMED AS TO THE VALIDITY OR SUFFICIENCY NOR AS TO THE STATE, IF ANY, UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN.

STEWART TITLE OF DOUGLAS COUNTY

0502186  
BK 1000PG5211

ESCROW NO.: 1526LH

FIRST PARTY

SECOND PARTY

FIVE CREEK LIMITED LIABILITY COMPANY

THE ROBERT AND KATHLEEN MILLER TRUST DATED APRIL 29, 1997

BY: COLE S. SMITH, OPERATING MANAGER

BY: Robert J. Miller, Co-Trustee  
ROBERT J. MILLER, CO-TRUSTEE

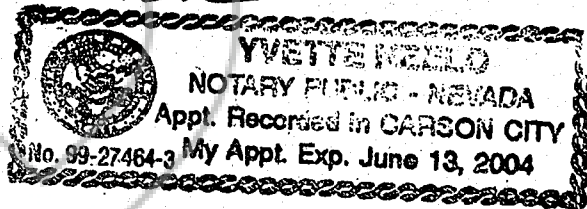
BY: Kathleen Miller, Co-Trustee  
KATHLEEN MILLER, CO-TRUSTEE

STATE OF Nevada )  
COUNTY OF Washoe ) ss.

This instrument was acknowledged before me

on Oct. 24, 2000 by Robert J. Miller and Kathleen Miller

Yvette Field  
Notary Public



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

This instrument was acknowledged before me

on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

WHEN RECORDED, RETURN TO:

\*  
\*  
\*

0502186

BK1000PG5212

FIRST PARTY

FIVE CREEK LIMITED LIABILITY COMPANY

BY: Cole S. Smith  
COLE S. SMITH, OPERATING MANAGER

SECOND PARTY

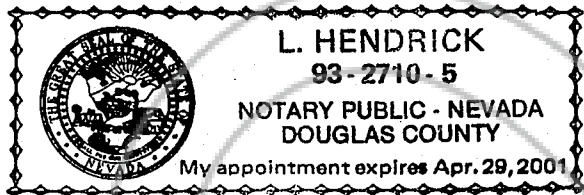
THE ROBERT AND KATHLEEN MILLER TRUST DATED APRIL 29, 1997

BY: \_\_\_\_\_  
ROBERT J. MILLER, CO-TRUSTEE

BY: \_\_\_\_\_  
KATHLEEN MILLER, CO-TRUSTEE

STATE OF Nevada )  
 ) SS.  
COUNTY OF Douglas )

This instrument was acknowledged before me on October 13, 2000,  
~~199~~, by Cole S. Smith



L. Hendrick  
Notary Public

\_\_\_\_\_  
Notary Public

WHEN RECORDED, RETURN TO:  
\*  
\*  
\*

REQUESTED BY  
STEWART TITLE OF DOUGLAS COUNTY  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 OCT 26 PM 3:46

0502186  
BK 1000PG5213

LINDA SLATER  
RECORDER  
\$ 9.00 PAID Sh DEPUTY