

REQUESTED BY  
**Stewart Title of Douglas County**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2004 MAY 27 AM 10:55

WERNER CHRISTEN  
RECORDER

\$17<sup>00</sup> PAID *KJ* DEPUTY

1320-32-212-003  
1420-29-812-034  
APN:  
ESCROW NO. 0401001473  
RECORDING REQUESTED BY:  
STEWART TITLE COMPANY

WHEN RECORDED MAIL TO:  
STEPHEN AND JANA OREAR, TRUSTEES  
C/O 440 Foothill Road  
Gardnerville, NV 89410

**MODIFICATION OF DEED OF TRUST  
FOR SUBSTITUTION OF COLLATERAL PROPERTY**

THIS AGREEMENT, made and entered into on May 25, 2004, by and between Kim Posnien Construction and Development Company, a Nevada Corporation, Trustor, and Stephen Orear and Jana Orear, as Trustees of that Declaration of Trust dated May 7, 1993, Beneficiary;

**WITNESSETH THAT:**

WHEREAS, Trustor has heretofore executed and delivered for valuable consideration, a Deed of Trust and a Promissory Note in the original sum of \$250,000.00, in favor of Beneficiary named herein, and dated September 24, 2003, and

WHEREAS, said Deed of Trust was recored on October 15, 2003, in Book 1003, Page 7528-7533 as Document No. 0593652.

NOW THEREFORE, in consideration of the mutual benefit of the parties hereof, said Deed of Trust hereinabove referenced shall be modified as to the following particulars:

**THE ORIGINAL PROPERTY DESCRIPTION:**

Lot 3, in Block A, as set forth on Final Subdivision Map LDA 02-059 for MACKLAND UNIT 3, filed for record in the Office of the County Recorder of Douglas County, State of Nevada, on October 13, 2003, in Book 1003, at Page 5813, as Document No. 593255.

APN: 1320-32-212-003

**NEW DESCRIPTION OF PROPERTY NOW BEING ENCUMBERED:**

Lot 32, in Block C, as set forth on Final Subdivision Map Planned Development PD 02-01 for NORTH FORK TRAILS, filed in the Office of the County Recorder of Douglas County on

October 20, 2003, in Book 1003, Page 9460, as Document No. 594029.

APN: 1420-29-812-034

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hydrocarbons as deeded to STOCK PETROLEUM CO., INC. in Document recorded March 13, 1980 in Book 380, Page 1315, as Document No. 42677, Official Records of Douglas County, Nevada.

THIS AGREEMENT is a modification only, and not a novation; and except as provided herein, all of the original terms and conditions set forth in Deed of Trust shall remain in full force and effect, and shall further be binding upon and inure to the heirs, successors and assigns forever to the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TRUSTOR:

BENEFICIARY:

KIM POSNIEN CONSTRUCTION AND DEVELOPMENT COMPANY, a Nevada Corporation

Stephen Orear  
STEPHEN OREAR, TRUSTEE

BY: Kim Posnien  
KIMBALL A. POSNIEN, PRESIDENT

STATE OF NV )  
COUNTY OF Douglas ) SS.

This instrument was acknowledged before me on May 25 2004 by Kimball A. Posnien and Stephen Orear.  
WITNESS my hand and official seal.

Signature Suzanne Cheechov  
Notary Public



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_.  
WITNESS my hand and official seal.

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

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**EXHIBIT "A"**

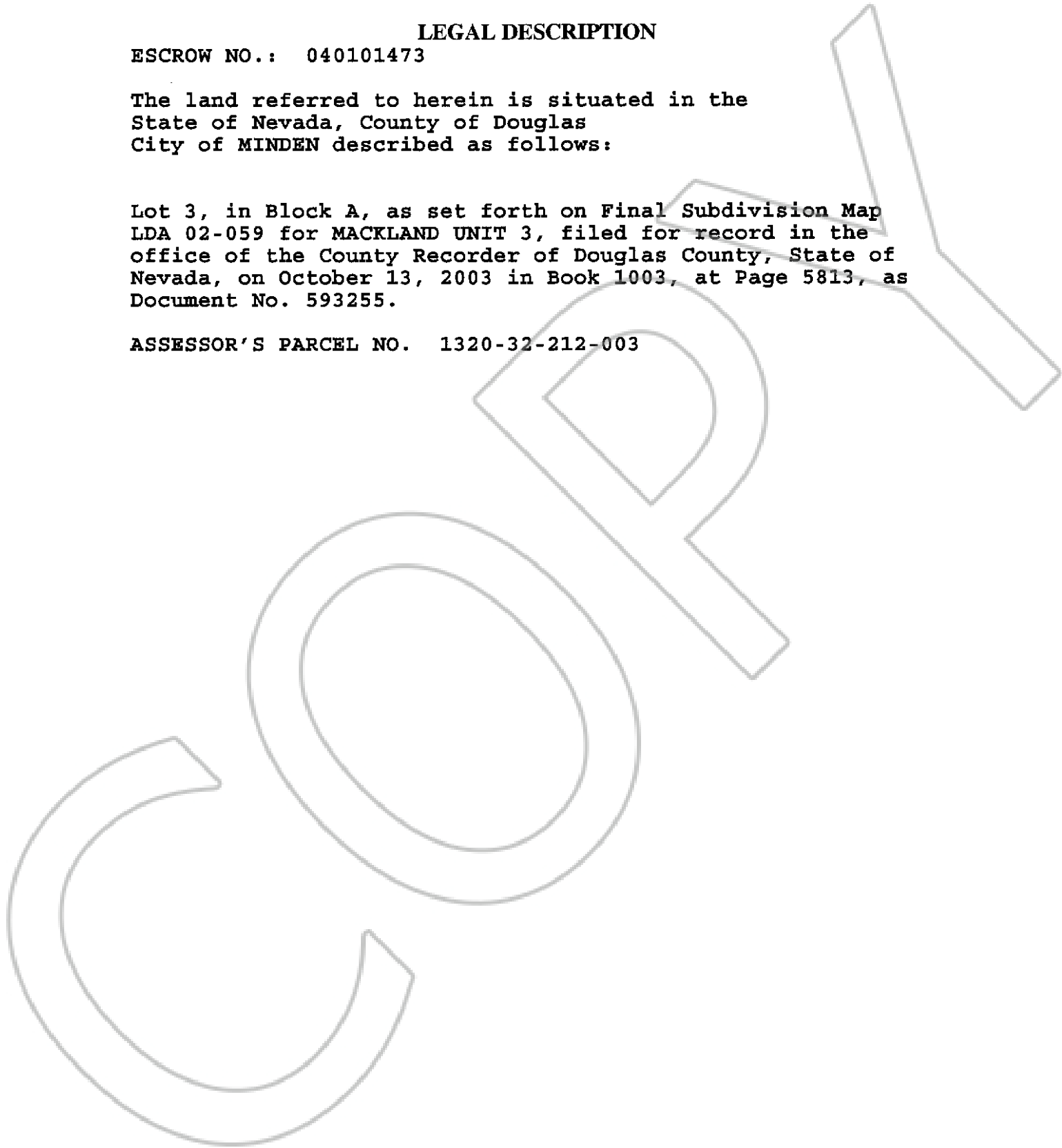
**LEGAL DESCRIPTION**

ESCROW NO.: 040101473

The land referred to herein is situated in the  
State of Nevada, County of Douglas  
City of MINDEN described as follows:

Lot 3, in Block A, as set forth on Final Subdivision Map  
LDA 02-059 for MACKLAND UNIT 3, filed for record in the  
office of the County Recorder of Douglas County, State of  
Nevada, on October 13, 2003 in Book 1003, at Page 5813, as  
Document No. 593255.

ASSESSOR'S PARCEL NO. 1320-32-212-003



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## LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada,  
County of, described as follows:

Lot 32, in Block C, as set forth on Final Subdivision Map,  
Planned Development PD 02-01 for NORTH FORK TRAILS, filed  
in the office of the county Recorder of Douglas County on  
October 20, 2003, in Book 1003, Page 9460, as Document No.  
594029.

ASSESSOR'S PARCEL NO. 1420-29-812-034

EXCEPTING THEREFROM all minerals, oil, gas and other  
hydrocarbons as deeded to STOCK PETROLEUM CO., INC. in  
Document recorded March 13, 1980 in Book 380, Page 1315, as  
Document No. 42677, Official Records of Douglas County,  
Nevada.

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