ر الا REQUESTED BY

Stewart Title of Douglas County

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 AUG 12 PM 1: 38

WERNER CHRISTEN RECORDER

16. PAID GU DEPUTY

This instrument prepared by, and after recording return to:

Joseph S. Rupkey, Esq. Foley & Lardner LLP 777 E. Wisconsin Avenue Milwaukee, Wisconsin 53202-5306 040701088

Above Space Reserved for Recording Information

## **AFFIDAVIT OF TERMINATION OF LEASE**

STATE OF NEVADA		)	
COUNTY OF	MASHNE	)	SS
COOMITOR.	0.1.0.100	<i>)</i>	

The undersigned affiant, Joan Simek ("Affiant"), Manager of Sierra Nevada Golf Ranch LLC, a Nevada limited liability company, the sole member of Tombstone Golf Club of Nevada LLC, a Nevada limited liability company ("Tombstone"), being first duly sworn, for purposes of public recording and desiring to give notice of the rights, title and interest in and to the Termination Agreement (as hereinafter defined), does hereby depose and state as follows:

- 1. Tombstone, as landlord, and American Golf Corporation, a California corporation ("American Golf"), as tenant, entered into that certain Lease Agreement dated January 3, 1997, as amended to date (the "Lease"), relating to the lease of those certain premises commonly known as Sierra Nevada Golf Ranch located in the County of Douglas, State of Nevada, all as more particularly described in **EXHIBIT A** attached hereto and incorporated herein (the "**Premises**"), a memorandum of which Lease was recorded in the Official Records of Douglas County, Nevada on February 14, 1997, in Book 297, Page 2026, as Document No. 406744.
- 2. Subsequent to the execution of the Lease, Tombstone and American Golf entered into that certain Lease Termination Agreement dated April 2, 2002 (the "Termination Agreement"), which terminated the Lease, and each and all of Tombstone's and American Golf's respective rights and obligations arising thereunder, including, without limitation, American Golf's right of first offer to purchase the Premises, effective as of April 2, 2002, upon the terms and conditions more particularly set forth therein.
- 3. American Golf no longer holds any leasehold or other interest in the Premises or occupies all or any portion of the Premises.

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4. This Affidavit is made for the sole purpose of giving public notice of the Termination Agreement and the resulting termination of the Lease and for no other purpose. This Affidavit is made without fraud, duress or undue influence on the part of any person, whomsoever, as the free will and accord of Affiant.

IN WITNESS WHEREOF, Affiant has executed and delivered this Affidavit of Termination of Lease as of the 10th day of August, 2004.

## **AFFIANT:**

TOMBSTONE GOLF CLUB OF NEVADA LLC,

a Nevada limited liability company

By: SIERRA NEVADA GOLF RANCH LLC, a Nevada limited liability company, its sole member

> Name: Joan Simek Title: Manager

STATE OF NEVADA ) ss. COUNTY OF WASHOE

This instrument was acknowledged before me on August 1012 2004, by Joan Simek as Manager of Sierra Nevada Golf Ranch LLC, a Nevada limited liability company, as Sole Member of Tombstone Golf Club of Nevada LLC, a Nevada limited liability company.

Notary Public - State of Nevada COUNTY OF WASHOE CAROLYN S. RYON My Appointment Expires April 14, 2006

My Commission Expires: 4/14/06

#### **EXHIBIT A**

# Legal Description of the Premises

## **PARCELS 13, 14, AND 22**

All that real property located within portions of Sections 26 and 27, Township 14 North, Range 19 East, Mount Diablo Meridian, Douglas County, Nevada, described as follows:

Adjusted Parcel 13 of the Record of Survey to Support a Boundary Line Adjustment for Little Mondeaux Limousin Corporation recorded June 30, 2003 in the office of Recorder, Douglas County, Nevada as Document No. 581895;

Adjusted Parcels 14 and 22 of the Record of Survey to Support a Boundary Line Adjustment for Ronald L. Simek, Little Mondeaux Limousin Corporation, and The Pivot Limited Partnership recorded December 31, 1996 in the office of Recorder, Douglas County, Nevada as Document No. 403935.

