

REQUESTED BY
Stewart Title of Douglas County

IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 OCT 28 PM 3:36

WERNER CHRISTEN
RECORDER

\$ 170 PAID BY DEPUTY

APN# 1420-29-812-034
APN: 1420-29-812-004
ESCROW NO. 040100398
RECORDING REQUESTED BY:
STEWART TITLE COMPANY

WHEN RECORDED MAIL TO:
STEPHEN AND JANA OREAR
C/O 440 Foothill Road
Gardnerville, Nevada 89460

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

THIS AGREEMENT, made and entered into on October 27, 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, Note secured by Deed of Trust hereinabove referenced shall be modified as to the following particulars:

Maturity date of said Note is hereby extended six (6) months from the original maturity date.

Further 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 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

0628018

BK 1004 PG 13097

Lot 3, in Block A, as set forth on Final Subdivision Map,
Planned development PD 02-01 for

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: 1420-29-812-004

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:

[Signature]
KIMBALL A. POSNIEN, PRESIDENT

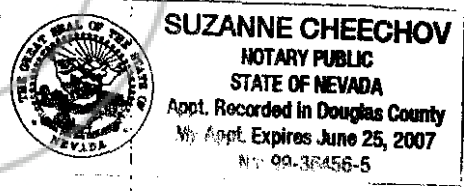
BENEFICIARY:

[Signature] Trustee
STEPHEN OREAR, TRUSTEE
[Signature]
JANA OREAR, TRUSTEE

STATE OF NV)
COUNTY OF Douglas) SS.

This instrument was acknowledged before me on
10/28/04 by Kimball A. Posnien and
Stephen Orear and Jana Orear, Trustee
WITNESS my hand and official seal.

Signature [Signature]
Notary Public



STATE OF _____)
COUNTY OF _____)

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

Signature _____
Notary Public

**EXHIBIT "A"
LEGAL DESCRIPTION**

Order No.: 040100398

The land referred to herein is situated in the State of Nevada,
County of Douglas, 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.

This document is recorded as an
ACCOMODTION ONLY and without
liability for this consideration therefore, or
as to the validity or sufficiency of said
instrument, or for the effect of such
recording on the title of the property
involved.

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EXHIBIT "B"
LEGAL DESCRIPTION

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

Lot 3, in Block A, 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. 1420-29-812-004

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
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involved.

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