

DOC # 799880  
03/29/2012 03:52PM Deputy: AR  
**OFFICIAL RECORD**  
Requested By:  
Western Title Company  
Douglas County - NV  
Karen Ellison - Recorder  
Page: 1 of 4 Fee: \$17.00  
BK-312 PG-7533 RPTT: 0.00



**APN#: 1420-07-502-002**  
**Recording Requested By:**  
Western Title Company, Inc.  
**Escrow No.: 047678-PAH**

**When Recorded Mail To:**  
NEVADA STATE BANK  
1 W LIBERTY ST 2ND FL  
RENO, NEVADA 89501  
ATTN RITA IROZ

**Mail Tax Statements to: (deeds only)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.  
(Per NRS 239B.030)

**Signature**



**P HANSON**

**ESCROW OFFICER**

**THIRD MODIFICATION TO DEED OF TRUST  
( ROSS/STAPLES PROPERTY)**

This page added to provide additional information required by NRS 111.312  
(additional recording fee applies)



APN: 1420-07-502-002

WHEN RECORDED, RETURN TO:

Nevada State Bank  
1 W. Liberty St., 2nd Floor  
Reno, Nevada 89501  
Attn: Rita Iroz

THIRD MODIFICATION TO DEED OF TRUST  
(Ross/Staples Property)

THIS THIRD MODIFICATION TO DEED OF TRUST is made as of 3-29-, 2012, by DGD Development Limited Partnership, a Nevada limited partnership, whose address is 3579 Highway 50 East, Carson City, Nevada 89701 ("Grantor"), and Nevada State Bank, whose address is 1 W. Liberty St., 2nd Floor, Reno, Nevada 89501 ("Lender").

Factual Background

A. Grantor executed that certain Deed of Trust dated as of March 24, 2003, in favor of Lender, which was recorded on March 27, 2003, with the Recorder of Douglas County, Nevada, as Document No. 571524, as modified by a First Modification to Deed of Trust which was recorded on February 6, 2009, with the Recorder of Douglas County, Nevada, as Document No. 737284 and a Second Modification to Deed of Trust, which was recorded on March 10, 2010, as Document No. 760007 (the "2010 Amendment" and collectively, the "Deed of Trust").

B. The 2010 Amendment, among other things, amended the Deed of Trust to cause it to secure obligations under the Affiliate Note (as defined in the 2010 Amendment) and to cause a default under the Affiliate Note to constitute a default under the Deed of Trust.

C. Because Lender is selling the Affiliate Note (defined in the 2010 Amendment), pursuant to a Note Purchase Agreement of even date herewith, by and between Lender and Horse Creek, LLC, Grantor and Lender wish to reverse certain effects of the 2010 Amendment.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 4 of the 2010 Amendment is hereby amended such that "Indebtedness" shall no longer include amounts due under the Affiliate Note and Sections 5 through 7 of the 2010 Amendment are hereby deleted in their entirety such that, among other things, the Deed of Trust no longer secures the Affiliate Note and a default under the Affiliate Note or any instrument or document executed in connection with or securing the Affiliate Note will not constitute an "Event of Default" under the Deed of Trust.



2. Grantor hereby affirms and ratifies all obligations under the Deed of Trust, as amended through the date hereof. Save as except as amended hereby, the Deed of Trust remains unmodified and in full force and effect.

DGD Development General Partnership,  
a Nevada general partnership

By: SSS Investments, LLC, a general partner

By: \_\_\_\_\_  
John C. Serpa, Jr. Manager

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, by John C. Serpa, Jr., as Manager of SSS Investments, LLC, general partner of DGD Development General Partnership.

\_\_\_\_\_  
NOTARY PUBLIC

Nevada State Bank

By: \_\_\_\_\_

Name: Robert P. Thomas

Title: Vice President

STATE OF Nevada

COUNTY OF Washoe

This instrument was acknowledged before me on March 28, 2012, by Robert P. Thomas, as V.P. of Nevada State Bank.



Tanya M. Velasco  
NOTARY PUBLIC



2. Grantor hereby affirms and ratifies all obligations under the Deed of Trust, as amended through the date hereof. Save as except as amended hereby, the Deed of Trust remains unmodified and in full force and effect.

DGD Development General Partnership,  
a Nevada general partnership

By: SSS Investments, LLC, a general partner

By: [Signature]  
John C. Serpa, Jr. Manager

STATE OF NEVADA

COUNTY OF DOUGLAS

This instrument was acknowledged before me on 03/28/2012, by John C. Serpa, Jr., as Manager of SSS Investments, LLC, general partner of DGD Development General Partnership.

[Signature]

NOTARY PUBLIC

Nevada State Bank

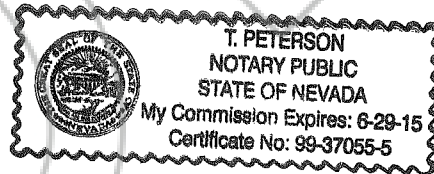
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_



This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Nevada State Bank.

\_\_\_\_\_  
NOTARY PUBLIC