

Declaration of Trust

WHEREAS, WE, HOMER A. BARNES and HAZEL J. BARNES, of the City/Town of CARSON CITY, County of CARSON, State of NEVADA are the holders of a 1752 KIMBERLY DRIVE real estate sales contract on certain real property located at (and known as) 1752 KIMBERLY DRIVE in the City/Town of KLAMATH FALLS, State of OREGON, which property is described more fully in such 1752 KIMBERLY DRIVE real estate sales contract as "that certain piece or parcel of land with any buildings thereon standing, located in said KLAMATH COUNTY, being

A Parcel of Property located in Lot 5, Block 12 of the 4th Addition to WINEMA GARDENS, Klamath County, OREGON, more particularly described as follows;

Beginning at a point on the West Line of said Lot 5, said point being South, a distance of 70.40 feet from the Northwest corner of said Lot 5; thence, North, along the West line of said Lot 5, a distance of 50.68 feet, to a point being South, a distance of 19.72 feet from the Northwest corner of said Lot 5; thence N 84° 05' 42" East, a distance of 112.37 feet, to a point on the East line of said Lot 5, said point being S 05° 06' 18" E, a distance 9.76 feet from the Northeast corner of said Lot 5; thence S 05° 06' 18" E, along the East line of said Lot 5, a distance of 60.92 feet; thence West, along a line 70.40 feet when measured at right angles and parallel to the North line of said Lot 5, a distance of 117.37 feet, to a point of beginning.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that we do hereby acknowledge and declare that we hold and will hold said mortgage, first trust deed or real estate sales contract and all our right, title and interest in and to said mortgage, first trust deed or real estate sales contract IN TRUST

1. For the use and benefit of:

(Name) ALAN RAY BARNES (Our Son), of (Address) 1528 1/2 "F" Street SPARKS NEVADA 89431 Number Street City State Zip

If because of our physical or mental incapacity certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during our lifetime, such Successor Trustee shall be fully authorized to pay to us or disburse on our behalf such sums from income or principal as appear necessary or desirable for our comfort or welfare. Upon the death of the survivor of us, unless the beneficiary shall predecease us or unless we all shall die as a result of a common accident, our Successor Trustee is hereby directed forthwith to transfer the trust property and all right, title and interest in and to said property unto the beneficiary absolutely and thereby terminate this trust; provided, however, that if the beneficiary hereunder shall not have attained the age of 21 years, the Successor Trustee shall hold the trust assets in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the specific trust property herein described if he believes it in the best interest of the beneficiary so to do, or he may sell or otherwise dispose of such specific trust property, investing and reinvesting the proceeds as he may

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317 Sparks St. Carson City, Nev. 89402
 Registered: Homer A. Barnes
 EVELYN BARNES
 County Clerk
 on Page 4309
 10:00 AM
 and this recorded in Vol. 990
 10:00 AM
 10:00 AM
 10:00 AM

deem appropriate. Prior to the date upon which the beneficiary attains the age of 21 years, the Successor Trustee may apply or expend any or all of the income or principal directly for the maintenance, education and support of the beneficiary without the intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such beneficiary or to the person with whom the beneficiary is living without any liability upon the Successor Trustee to see to the application thereof. If such beneficiary survives us but dies before attaining the age of 21 years, at his or her death the Successor Trustee shall transfer, pay over and deliver the trust property to such beneficiary's personal representative, absolutely.

2. The beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the total taxable estate of the survivor of us by reason of the death of such survivor.

3. All interests of the beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or a present or former spouse of such beneficiary in any proceedings at law or in equity.

4. We reserve unto ourselves the power and right to collect any interest or payments constituting amortization which may accrue from the trust property and to pay them to ourselves as individuals. We shall be exclusively entitled to all such income accruing from the trust property during our lifetime, and no beneficiary named herein shall have any claim upon any such income distributed to us.

5. We reserve unto ourselves the power and right at any time during our lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of the beneficiary and without giving notice to the beneficiary. The transfer of the trust property by us to another person shall constitute a revocation of this trust.

6. The death during our lifetime, or in a common accident or disaster with us, of the beneficiary designated hereunder shall revoke such designation, and in the former event, we reserve the right to designate a new beneficiary. Should we for any reason fail to designate such new beneficiary, this trust shall terminate upon the death of the survivor of us and the trust property shall revert to the estate of such survivor.

7. In the event of the physical or mental incapacity or death of one of us, the survivor shall continue as sole Trustee. In the event of the physical or mental incapacity or death of the survivor of us, or if we both shall die in a common accident or disaster, we hereby nominate and appoint as Successor Trustee whosoever shall at that time be beneficiary hereunder, unless such beneficiary shall not have attained the age of 21 years or is otherwise legally incapacitated, in which event we hereby nominate and appoint

(Name) _____, of _____

(Address) _____
 Number _____ Street _____ City _____ State _____ Zip _____

to be Successor Trustee.

8. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustee.

9. We as Trustees and our Successor Trustee shall serve without bond.

10. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of NEVADA

IN WITNESS WHEREOF, we have hereunto set our hands and seals this twenty three day of February, 19 90

(First Settlor sign here) Homer A. Barnes L.S.

(Second Settlor sign here) Hazel J. Barnes L.S.

I, the undersigned legal spouse of one of the above Settlers, hereby waive all community property rights which I may have in the hereinabove-described trust property and give my assent to the provisions of the trust and to the inclusion in it of the said property.

(Spouse sign here) Hazel J. Barnes L.S.

Witness: (1) Jesse Eden

Witness: (2) Beverly Proff


STATE OF Nevada

COUNTY OF Carson City City or Town Carson City

On the 23 day of February, 19 90, personally appeared

Homer A. Barnes and Hazel Julia Barnes

known to me to be the individuals who executed the foregoing instrument, and acknowledged the same to be their free act and deed, before me.

(Notary Seal)  Aleta M. Murphy Notary Public

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Homer A. Barnes the 7th day of March A.D., 19 90 at 12:13 o'clock P. M., and duly recorded in Vol. M90 of Deeds on Page 4309

FEE \$33.00

Return: Homer A. Barnes

917 Loyola St., Carson City, Nv. 89705

Evelyn Biehn - County Clerk
 By Doulene Mullenbarger