

Elko County
Deed BK 40pg 324

Rt. of way
cont'd

:: FILE NO. 33589 :: C

WELLINGTON T. SMITH

TO

ELKO LAMOILLE POWER
COMPANY

GRANT OF RIGHT OF WAY, ETC.

THIS INDENTURE made and executed the 23rd day of December, 1922, by and between WELLINGTON T. SMITH, also known as W. T. SMITH of the City and County of San Francisco, State of California, and formerly of the County of Elko, State of Nevada, party of the first part and ELKO LAMOILLE POWER COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Nevada and having its principal office in the City of Elko, in said County and State, the party of the second part,

W I T N E S S E T H:

That whereas, the said first party under date of September 19, 1902, by indenture of deed recorded on the 24th day of September, 1902, in Book 27 of Deeds at page 595, records of the Office of the County Recorder of said County of Elko, granted and conveyed to one Erastus Hankins the following lands situate in Elko County, Nevada, to-wit, S $\frac{1}{2}$ S $\frac{1}{2}$ W $\frac{1}{2}$, Section 19, W $\frac{1}{2}$ of Section 30, all of Section 31, T. 33 N. R. 58 E., M.D.M., but reserving in said deed a right of way across said sections for an electric light pole line and free access thereto;

And whereas, subsequently to the execution of said deed, the said grantee therein, together with his contracting purchaser, one W. R. Bellinger, granted to the second party herein the right and easement to construct, maintain and operate its electric power and transmission line across said lands and thereafter for a period of many years the said line was operated pursuant to said grant; and it has just been discovered that the record title to said right and easement never passed from the said W. T. Smith through the said Hankins & Bellinger to the second party hereto by reason of the instruments above referred to; but whereas the said first party hereto subsequently executed various deeds and conveyances purporting and intending to convey to the said second party all of the rights of way and easements embraced within or necessary to the construction, maintenance and operation of the transmission and distribution lines;

Now, therefore, in consideration of the premises and of the sum of One Dollar by the said second party to the said first party in hand paid, the receipt whereof is hereby acknowledged, the said party of the first part does by these presents grant, convey and forever quit claim unto the said party of the second part, its successors and assigns forever, a right of way and easement for the maintenance and operation of its said transmission and distribution lines with its incidental poles and wires and free access thereto for purposes of maintenance and repair across the said subdivisions of the said Sections 19, 30 and 31, T. 33 N. R. 58 E., hereinabove described; provided, however, that these presents shall not be deemed to constitute anything further than a quit claim deed and shall not be construed to purport to convey any rights or easements except the rights and easements specifically reserved to the said first party in his said deed of September 19, 1902, to the said Erastus Hankins as hereinabove described.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first hereinabove written.

Wellington T. Smith

State of Nevada, () SS. (50¢ Rev. Stamp attached and cancelled E.L.P. Co. 12/28/22)
County of Washoe.)

On this 23rd day of December, 1922, personally appeared before me, a Notary Public in and for the County and State, WELLINGTON T. SMITH, also known as W. T. SMITH, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same, free and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate last above written.

(SEAL)

Jay H. Clemons
Notary Public.

Filed for record at request of Milton B. Badt & James Dybart on the 29 day of Dec. 1922 at 11:32 o'clock A.M.

W.C. GREATHOUSE

County Recorder

By Geraldine Halfrich
Deputy.

RECEIVED