

and by it to be done and performed, OPTIONEE may, at its own election, defend before any court of competent jurisdiction or any administrative body, the title to the claim or claims, the title to which is being contested. In the event that OPTIONEE does so elect to defend OPTIONORS' title, all customary costs, including but not limited to attorney's fees, shall be deducted from the total purchase price.

In the event that OPTIONEE elects not to defend any contest of title, OPTIONORS may do so at their own expense.

It is agreed that if OPTIONORS' title to any of the unpatented Mining Claims covered by this agreement should be held or found to be invalid or ineffective by an agent of the United States of America on the grounds that the work which OPTIONORS have caused to be performed and recorded in the past was inadequate or improper for the purpose of preserving title to the Mining Claims, OPTIONORS shall not be liable to OPTIONEE for any damages by reason thereof; however, OPTIONORS expressly warrant that the said work which they have caused to be performed and recorded on the said Mining Claims is of the kind now generally accepted as adequate and proper.

6. Beginning with the annual assessment year ending September 1st, 19 and thereafter during any assessment year in which OPTIONEE shall retain its option hereunder beyond June 1 of any year, OPTIONEE shall cause to be performed the annual assessment work required to maintain in good standing all of the Mining Claims and shall prepare and record for and on behalf of OPTIONORS an affidavit of labor performed and improvements made, provided, however, that if OPTIONEE shall have terminated this option as herein provided as to any of the Mining Claims on or before June 1 of any year, then all further obligation of OPTIONEE to perform additional assessment work as to any claims which have been excluded from this option by said termination shall thereupon be at an end. It is mutually understood and agreed between the parties hereto that the assessment work called for above, shall be the type of work selected by OPTIONEE in its discretion,