

FILED March 3d, 1944
A.E. Benham, Clerk.

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF
NEVADA

In the Matter of
ROBERTS MINING AND MILLING COMPANY,) No. 561.
a corporation,)
Debtor.)

ORDER APPROVING MINING LEASE AND OPTION TO PURCHASE.

This matter coming on to be heard on January 6th and 7th, 1944, upon the petition of Majestic Mines Corporation, from which it appeared that Joe F. McCarthy, of Beowawe, Nevada, made an offer^{for}/the lease and option to purchase all of the mining property and personal property appurtenant thereto situated in Mill Canyon, Cortez Mining District, Eureka County, State of Nevada, of the Roberts Mining and Milling Company, a corporation, Debtor in the above-entitled proceedings, as well as all of the right, title and/or equity of the said Majestic Mines Corporation therein, and testimony having been taken thereon in open Court,

And the said petition and the proposed lease and option to purchase having been by this Court referred to the Temporary Trustee of Debtor corporation, William S. Boyle, for consideration and report;

And the said Trustee having reported to this Court that the said proposed lease and option should be approved by this Court after certain amendments thereto, and the said Joe F. McCarthy, by his attorney, James D. Finch, having agreed to said amendments, and said lease and option to purchase having been amended as aforesaid and duly filed herein,

And the Court having directed that a further hearing be held on said petition of the Majestic Mines Corporation on March 3rd, 1944, at 10 o'clock A.M., or as soon thereafter as the matter could be heard, upon notice thereof to be published in the Reno Evening Gazette, and proof of publication of said notice of hearing having been filed herein;

And the said further hearing on said petition having been held on the 3rd day of March, 1944, and after reading the said Mining Lease and Option dated January 12, 1944, executed by said Temporary Trustee, William S. Boyle, the said Majestic Mines Corporation, as Lessors, and the said Joe F. McCarthy, as Lessee, and also the Amendment to Mining Lease and Option, dated February 14, 1944, duly executed by said parties, and said Mining Lease and Option and Amendment to Mining Lease and Option having been duly filed herein,

Now, upon further consideration of the matter, and after hearing the said Temporary Trustee, William S. Boyle, Mr. H.R. Cooke, counsel for said Majestic Mines Corporation, Mr. James D. Finch, counsel for said Joe F. McCarthy, and Mr. Edward F. Treadwell, counsel for Lena Pratt Adams, a creditor of debtor corporation, and no objections having been made thereto, and upon all the evidence, oral and documentary, and all of the proceedings herein, and sufficient reason appearing therefor, it is hereby-

ORDERED, That the said Mining Lease and Option, dated January 12th, 1944, executed by William S. Boyle as Temporary Trustee of Roberts Mining and Milling Company, Debtor herein, as Lessor, and by Joe F. McCarthy as Lessee, as amended by the Amendment to Mining Lease and Option, dated February 14, 1944, and executed by said William S. Boyle, as Temporary Trustee of Roberts Mining and Milling Company, Debtor herein, and said Joe F. McCarthy as Lessee, of which said Lease and Option and Amendments thereto full, true and correct copies are on file in this proceeding, duly executed by said Lessors and Lessee, respectively, granting a lease and option to purchase all of the mining property and personal property described in said Mining Lease and Option, situated in Mill Canyon, Cortez Mining District, Eureka County, State of Nevada, for the term of five years, be and the same are hereby approved and confirmed.

Nothing contained in paragraph 16 of said Lease shall be deemed to prejudice the rights of any party thereto to claim title to the property in said paragraph referred to.

DONE IN OPEN COURT this 3rd day of March, A.D. 1944.

(Signed) Frank H. Norcross
DISTRICT JUDGE.

Recorded at the request of Joseph F. McCarthy May 23, A.D. 1944 At 16 minutes past 10 A.M.

Peter Merialdo---Recorder.