

File No. 35658

Case No. 2675

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF EUREKA

LEROY R. STIEBER
Plaintiff

vs.

FRANK L. ASTA, et al
Defendants.

NOTICE OF PENDENCY OF ACTION

TO ALL WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that action has been commenced in the above entitled court by the above named plaintiff against the above named defendats, which suit is now pending; that the object of said suit is to set over to plaintiff and quiet title to certain lands in the State of Nevada in which defendants claim an interest, said property being particularly described on Exhibit "A" attached hereto, commencing with line 1, page 6, through line 11, page 7 of said exhibit.

Dated: This 16th day of October, 1961.

SPRINGER, McKISSICK & HUG
220 South Virginia Street
Reno, Nevada

By Charles E. Springer
Attorneys for Plaintiff

EXHIBIT "A"

In Pine Valley, Eureka County, Nevada, in Township 30 North, Range 51 East; Township 31 North, Range 52 East; and Section 4, $W\frac{1}{2}NW\frac{1}{4}$ and Section 5, $E\frac{1}{2}NE\frac{1}{4}$ of Township 29 North, Range 52 East; and more particularly described lands and oil and gas leases thereto;

(1) Oil and gas mining lease dated September 25, 1958, by and between WILLIAM R. and ELLA M. RAND, husband and wife, as Lessor, and FRANK L. ASTA and LEROY R. STIEBER, as Lessees, and the addendum thereto dated September 26, 1958, entitled Exhibit "A to the following sections of the County of EUREKA, STATE OF NEVADA:

Sec. 16 $SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$; Sec. 21 $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$; Sec. 20, All;

Sec. 18 $W\frac{1}{2}$; Sec. 29, $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$; Sec. 28, $S\frac{1}{2}S\frac{1}{2}$;

Sec. 30, All, all in township 30 N., Range 52 East.

Sec. 24, All; Sec. 26, All; all in Township 30 North, Range 51 East, containing 3,640 acres, more or less.

(2) Oil and gas mining lease dated October 1, 1958, by and between MARY RAND BAILEY, PALISADE, NEVADA, as Lessor, and FRANK L. ASTA and LEROY R. STIEBER, as Lessees, to the following sections of the County of EUREKA, STATE OF NEVADA:

Sec. 32, $SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$.

Sec. 33, $W\frac{1}{2}W\frac{1}{2}$, All in Township 30 North, Range 52 E., M.D.B. & M.

Sec. 4, $W\frac{1}{2}NW\frac{1}{4}$

Sec. 5, $E\frac{1}{2}NE\frac{1}{4}$, All in Township 29 North, Range 52 East, M.D.B. & M., containing 540 acres, more or less.

(3) Oil and gas mining lease dated January 1, 1959, by and between JOHN and ANNIE TOMERA, husband and wife, as Lessor, and FRANK L. ASTA and LEROY R. STIEBER, as Lessees, to the following sections of the County of EUREKA, STATE OF NEVADA:

Sec. 20, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$

Sec. 29, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$

Sec. 32, $NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, All in Township 31 North, Range 52 East, containing 1,120 acres more or less.

(4) Oil and gas mining lease dated January 1, 1959, by and between BATTISTA TOMERA, BALSAMINA TOMERA, GEORGE TOMERA, JULIAN TOMERA and Malfisa TOMERA, as Lessors, and FRANK L. ASTA and LEROY R. STIEBER, as Lessees, to the following sections of the County of Eureka, STATE OF NEVADA:

Sec. 32, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$; T. 31 N., R. 52 East.

Sec. 6, All; Sec. 8, All; Sec. 17, All;

Sec. 18, $E\frac{1}{2}$; Sec. 16, $W\frac{1}{2}NW\frac{1}{4}$; Sec. 5, $SE\frac{1}{4}$, all in T. 30 N., Range 52 E.

Sec. 2, All; Sec. 12, All; Sec. 14, $W\frac{1}{2}$, $NE\frac{1}{4}$; $N\frac{1}{2}SE\frac{1}{4}$; All in T. 30 N., R. 51 E., containing 4,760 acres, more or less.

III.

That paragraph Sixth of said "Novation and Amendment" of March 19, 1959, provided that both parties shall execute any and all instrument necessary to carrying the intentions of the parties thereinbefore stated and shall assist one another in any and all matters required by the other; that pursuant thereto, on said March 19, 1959, defendant executed and delivered to plaintiff a special irrevocable power of attorney, a copy of which is attached hereto as Exhibit "C", and by reference thereto is made a part hereof, giving plaintiff the power to Manage and control the oil and gas leases hereinbefore described for a period of seven years from the date thereof.

IV.

That, despite the fact that said special power of attorney provided that it shall continue without being revoked for a period of seven years from the date thereof, defendant executed a document dated October 13, 1959, a copy of which is attached hereto as Exhibit "D", and by reference thereto is made a part hereof, purportedly revoking and cancelling said special power of attorney; that said purported revocation of the special power of attorney has prevented plaintiff from managing, controlling or otherwise conducting the necessary activities in regard to said oil and gas leases; that, unless defendant is ordered to deliver up said purported revocation

Recorded at the request of Charles E. Springer October 26, AD 1961 At 45 minutes past 10 A.M.

Willis A. DePaoli- Recorder.