

82701

NO.
FILED

DEC 28 1981

JOAN SHANGLE,
CLERK

CASE NO. 879

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

IN THE MATTER OF THE ESTATE OF
LAURENCE H. DAY,
Deceased.

ORDER APPROVING FIRST AND
FINAL ACCOUNT, APPROVING
ATTORNEY FEES, AND
DECREE OF DISTRIBUTION

The Substitute Executor of the Estate of LAURENCE H. DAY, Deceased, having on the 10th day of December, 1981, rendered and filed herein a full account of the administration of said estate, which account was for final settlement, and having with said account made application for approval of attorney fees, and having further filed a Petition for Final Distribution in said estate; said account, application and petition having come on regularly to be heard on the 28th day of December, 1981, at 11:00 o'clock, a.m.; and proof having been made to the satisfaction of the court that notice of the settlement of said account, and of the hearing of the application and the petition have been given in the manner and for the time required by law, as more fully appears by the Affidavit of Mailing and the Affidavit of Publication on file herein; and the court hereby finds:

1. That due and legal notice of hearing of said account, application and petition has been given to all persons interested in said estate.

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1.

1 2. That said account is in all respects true and
2 correct; that said Substitute Executor had receipts in the
3 sum of \$3,000.00, which sum was advanced by GORDON G.
4 WATERFAIR who was appointed the Personal Representative of
5 the Estate of the deceased by the Superior Court of the
6 State of Arizona, in and for the County of Pima, the
7 domicillary estate; that the Substitute Executor made no
8 disbursements of said sum, and that the remaining balance of
9 money in the hands of the Substitute Executor at the time of
10 filing said account was in the sum of \$3,000.00.

11 3. That due and legal notice to creditors of said
12 estate has been given in the manner and for the time
13 required by law, and that the time for the filing of
14 creditors claims has expired.

15 4. That no creditors claims have been filed
16 against said estate.

17 5. That on the 19th day of September, 1981, said
18 LAURENCE H. DAY died in the City of Tucson, County of Pima,
19 State of Arizona; that at the time of his death was a
20 resident of the County of Pima, State of Arizona; that he
21 was over the age of twenty-one years; that he left estate in
22 the County of Elko, State of Nevada, consisting of
23 real property.

24 6. That the deceased died testate, and that the
25 pertinent provisions of his will are as follows:

26 "FOURTH: I direct that all the rest of my estate
27 be divided into four (4) equal shares and each share shall
28 be distributed as follows:

29 A. One (1) equal share shall be distributed to
30 my brother, ROBERT A. DAY, JR., currently residing at
31 Los Angeles, California, or if he be deceased, then
32 this devise shall lapse.

 B. One (1) equal share shall be distributed to
my brother, HOWARD M. DAY, currently residing at Los

1 Angeles, California, or if he be deceased, then this
2 devise shall lapse.

3 C. One (1) equal share shall be distributed to
4 my brother, THEODORE J. DAY, currently residing at
5 Reno, Nevada, or if he be deceased, then this devise
6 shall lapse.

7 D. One (1) equal share shall be distributed to
8 my sister, TAMMIS M. DAY, currently residing at San
9 Francisco, California, or if she be deceased, then this
10 devise shall lapse.

11 Any of these shares not otherwise effectively
12 disposed of by the provisions of this Article shall be added
13 pro rata to the other share or shares that are effectively
14 disposed of."

15 7. That after due and proper proceedings had in
16 this behalf, the above-entitled court, on the 9th day of
17 October, 1981, by its order, duly made and entered, appointed
18 ROBERT O. VAUGHAN, the Substitute Executor of the estate of
19 the deceased, and directed that upon qualification that
20 Letters Testamentary be issued and thereupon became, and now
21 is, and ever since said date has been duly appointed,
22 qualified and acting Substitute Executor of said estate.

23 8. That the Substitute Executor caused to be made
24 and returned to the court a true inventory and appraisement
25 of all of the assets of the estate of deceased; that the
26 total value of said estate was in the amount of \$51,496.20.

27 9. That a Federal Estate Tax return, if
28 necessary shall be prepared and timely filed, and paid in
29 the administration of the domicillary estate in the State of
30 Arizona.

31 10. That the final tax return for the decedent
32 and any fiduciary income tax returns for income received
during the administration of the estate, shall be prepared,
timely filed and paid in the administration of the
domicillary estate in the State of Arizona.

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3.

1 11. That the whole of said property in the estate
2 was the sole and separate property of the deceased.

3 12. That the property within the jurisdiction of
4 this court, now under the care, management and control of
5 the Substitute Executor, subject to distribution is as
6 described on Exhibit "A" attached hereto and made a part
7 hereof.

8 13. That the names, relationships, ages and
9 residences of the heirs at law of the deceased, so far as
10 known to Petitioner, are:

11	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
12	NATALIE W. DAY	Adult	Wife	3861 N. Cactus Blvd. Tucson, AZ 85716

13 14. That the names, relationships, ages and residences
14 of the devisees and legatees of the deceased, so far as
15 known to Petitioner are:

16	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
17	THEODORE J. DAY	Adult	Brother	3215 Wilma Drive Sparks, NV 89431
18	HOWARD M. DAY	Adult	Brother	8526 N. 84th Street Scottsdale, AZ 85258
19	ROBERT A. DAY, JR.	Adult	Brother	800 W. 6th, 14th Floor Los Angeles, CA 90017
20	TAMMIS M. DAY	Adult	Sister	220 North Van Ness Los Angeles, CA 90004

21
22
23 15. That the Substitute Executor has performed
24 services for the estate and waives any fee for the services
25 rendered.

26 16. That VAUGHAN, HULL, & COPENHAVER, LTD,
27 Attorneys at Law, Elko, Nevada, have performed services for
28 said estate by acting as attorneys for the Substitute
29 Executor, for which said attorneys are entitled to a
30 reasonable fee. That the Substitute Executor and said
31 attorneys have agreed that a reasonable fee for said
32 services would be in the sum of \$3,000.00 less costs

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1 advanced and final closing costs, and the court finds said
2 sum to be reasonable.

3 17. That VAUGHAN, HULL, & COPENHAVER, LTD.,
4 Attorneys LTD., Attorneys at Law, Elko, Nevada, in serving
5 as attorneys for the Substitute Executor of this estate,
6 during the administration of said estate, have advanced
7 certain costs in the sum of \$419.40 and are entitled to
8 reimbursement of the same.

9 18. That the necessary costs of closing of said
10 estate are estimated to be less than \$25.00.

11 19. That all claims and debts against said
12 decedent and against the said estate shall be paid in the
13 administration of the domicillary estate in the State of
14 Arizona; that expenses and charges of administration have
15 been advanced and said expenses and charges can be paid in
16 full; that expenses of last illness and funeral expenses
17 shall be paid in the administration of the domicillary
18 estate; and that said ancillary estate in the State of
19 Nevada is ready for distribution and is now in a condition
20 to be closed.

21 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
22 DECREED:

23 1. That due and legal notice of the hearing of
24 said First and Final Account, Application for Approval of
25 Attorney Fees and Petition for Distribution has been given
26 to or waived by all persons interested in said estate or
27 entitled to notice thereof.

28 2. That Notice to Creditors has been given for
29 the time and in the manner as provided by law, and the time
30 for the presentation of creditors claims has expired.

31 3. That the First and Final Account of the
32 / / /

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1 Substitute Executor as rendered is hereby settled, allowed,
2 approved, ratified and confirmed as rendered.

3 4. That the Substitute Executor is ordered to pay
4 from the funds of to VAUGHAN, HULL, & COPENHAVER, LTD., the
5 sum of \$3,000.00 to reimburse said attorneys for costs advanced
6 and closing costs together with payment of attorney fees.

7 5. That the property of this estate was the sole
8 and separate property of the deceased.

9 6. That subject to payment of the sums hereinbefore
10 set out, the property of the deceased as hereafter set out in
11 Exhibit "A", together with any and all property of any name,
12 nature, kind, character or description, not hereinabove described
13 or inventoried and appraised in this said estate, or which may be
14 incorrectly described herein, which does not cause the total
15 assets of the estate to exceed \$60,000.00, which is within the
16 jurisdiction of the court, and which owned by the deceased
17 at the date of his death, is hereby distributed as follows:

18 To THEODORE J. DAY - an undivided one-fourth interest;
19 To HOWARD M. DAY - an undivided one-fourth interest;
20 To ROBERT A. DAY, JR. - an undivided one-fourth interest; and
21 To TAMMIS M. DAY - an undivided one-fourth interest.

22 8. That the said Substitute Executor be dismissed
23 and discharged as of the date that has been filed herein,
24 evidence or receipts showing:

- 25 A. Payments as herein ordered;
26 B. Distribution in accordance herewith; and
27 C. The recording of a certified copy of this
28 Decree of Distribution with the Eureka County
29 Recorder.

30 DONE IN OPEN COURT THE 28th day of December, 1981.

31 *Blair D. Miller H. Wright*
32 DISTRICT JUDGE

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EXHIBIT "A"

1. An undivided one-fifth interest in and to all geothermal resources and by-products as now defined either in Nevada Revised Statutes, Section 361.027 or 30 United States Code, Section 1001 and an undivided one-fifth interest of a one-sixth landowners royalty in perpetuity in and to the oil, gas and minerals underlying the surface of the following described lands located within Eureka County, Nevada:

TOWNSHIP 31 NORTH, RANGE 49 EAST, MDB&M

- Section 1: All
- Section 3: South half and the Northeast quarter.
- Section 4: Southwest quarter of the Northwest quarter; Northwest quarter of the Southwest quarter.
- Section 5: All, except that portion contained within the Town of Beowawe as shown on the Plat filed in the office of the County Recorder of Eureka County, Nevada, as Document No. 2166 on June 15, 1908.
- Section 9: All
- Section 10: South half of the North half; North half of the South half.
- Section 11: All
- Section 12: North half of the South half; North half.

EXCEPTING from Sections 5, 9, 10, 11 and 12 all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

TOWNSHIP 31 NORTH, RANGE 50 EAST, MDB&M

- Section 3: All, EXCEPTING THEREFROM all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railroad Company).
- Section 5: All
- Section 7: All that portion of Lot 3 (Northwest quarter of the Southwest quarter) lying Northerly of a line parallel with and 200.00 feet distant northerly of the center line of Central Pacific Railway Company's railroad: Northeast

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quarter; East half of the Northwest quarter; Lots 1 and 2 (West half of the Northwest quarter) Northeast quarter of the Southwest quarter and North half of the Southeast quarter.

EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 8: North half of the Southwest quarter, EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 9: That portion of the North half lying Northerly of a line parallel with and 100 feet distant Northerly of the center line of the Western Pacific Company's railroad as now constructed. That portion of the North half and the Southeast quarter Southeasterly of a strip of land 100 feet wide containing 23.18 acres conveyed to Western Pacific Railway Company by Deed dated November 27, 1908, and Northwesterly of a line parallel with and 200.00 feet distant Northwesterly of center line of C.P.R.R. Co.'s railroad as now constructed.

Section 10: Northwest quarter of the Northeast quarter, EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 11: That portion of the Northeast quarter lying Northeasterly of the Northeasterly boundary of that parcel conveyed to the Western Pacific Railway Company by Deed dated November 27, 1908.

EXCEPTING FROM Sections 7 and 9 all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

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Exhibit "A" Page 2

FURTHER EXCEPTING from Lot 3 of Section 7, and those portions of Sections 9 and 11 described above, all petroleum, oil, natural gas and products derived therefrom, within or underlying said land or that may be produced therefrom as reserved by Southern Pacific Land Company in Deed recorded October 27, 1948 in Book 23 of Deeds at page 501, Eureka County, Nevada, records.

TOWNSHIP 31 NORTH, RANGE 52 EAST, MDB&M

Section 6: Lot 7 (Southwest quarter of the Southwest quarter).

TOWNSHIP 32 NORTH, RANGE 48 EAST, MDB&M

Section 1: East half lying Easterly of a line parallel with and 200.00 feet distant Easterly of the center line of the Central Pacific Railway Company's railroad right-of-way. EXCEPTING THEREFROM all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 12: East half of the East half, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 13: Southeast quarter of the Northwest quarter; East half of the Northeast quarter; Southwest quarter of the Northeast quarter; East half of the Southwest quarter; Southeast quarter.

Section 23: East half of the Southeast quarter.

Section 24: East half; Southwest quarter; East half of the Northwest quarter.

Section 25: All

Section 26: Southeast quarter; East half of the Southwest quarter; South half of the Northeast quarter; Northeast quarter of the Northeast quarter.

Section 27: South half of the Southeast quarter; Northeast quarter of the Southeast quarter. BOOK 100 PAGE 26

- Section 34: East half of the East half.
Section 35: All
Section 36: North half; Southwest quarter;
West half of the Southeast
quarter.

EXCEPTING therefrom the Southeast quarter of the Northwest quarter of Section 13, the Northeast quarter of the Southeast quarter of Section 23, and the Northeast quarter of the Southeast quarter and the South half of the Southeast quarter of Section 27 all petroleum, oil, natural gas and products derived therefrom, within or underlying said land or that may be produced therefrom as reserved by Southern Pacific Land company in Deed recorded November 12, 1948, in Book 23 of Deeds at page 506, Eureka County, Nevada, records.

TOWNSHIP 32 NORTH, RANGE 49 EAST, MDB&M

- Section 5: All, excepting therefrom that portion lying Northeasterly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded September 24, 1963 in Book 27 of Deeds, at Page 25, Eureka County, Nevada records.
- Section 6: Lot 5 (Southwest quarter of the Northwest quarter); Lots 6 and 7 (West half of the Southwest quarter); Southeast quarter of the Southwest quarter; Southwest quarter of the Southeast quarter.
- Section 7: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 8: Northwest quarter of the Northwest quarter; South half of the Northwest quarter; Southwest quarter; Southwest quarter of the Northeast quarter; West half of the Southeast quarter; Southeast quarter of the Southeast quarter.
- Section 9: All, except that portion lying Northerly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded September 24, 1963, in Book 27

of Deeds at page 25, Eureka County, Nevada records.

- Section 11: All, except that portion lying Northerly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded August 10, 1964 in Book 5 of Official Records, at Page 38, Eureka County, Nevada.
- Section 15: All
- Section 17: All
- Section 18: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 19: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 20: All
- Section 21: All
- Section 23: North half and the Southwest quarter.
- Section 25: Northeast quarter; South half.
- Section 27: North half; Southwest quarter.
- Section 28: West half; Northeast quarter; West half of the Southeast quarter; Northeast quarter of the Southeast quarter.
- Section 29: All
- Section 30: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 31: North half and the East half of the Southeast quarter, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

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Exhibit "A" Page 5

Section 32: North half; Southwest quarter;
Southwest quarter of the
Southeast quarter and the
North half of the Southeast
quarter, excepting all those
portions lying within the
rights-of-way of the Southern
Pacific Railroad Company (or
Central Pacific Railway Company)
and Western Pacific Railroad
Company.

Section 33: West half and the Northeast
quarter.

Section 35: South half and the Northeast
quarter.

TOWNSHIP 32 NORTH, RANGE 50 EAST, MDB&M

Section 7: All, except that portion lying
North of U.S. Highway 40.

Section 13: All

Section 15: All, except that portion lying
Northeasterly of U.S. Highway
40.

Section 17: All, except that portion lying
Northeasterly of U.S. Highway
40.

Section 19: All
Section 21: All
Section 23: All
Section 25: All
Section 27: All
Section 29: All
Section 31: All
Section 33: All
Section 35: All

EXCEPTING from Section 7, 15, and 17 those
parcels conveyed to the State of Nevada by
Deed recorded August 10, 1964, in Book 5 of
Official Records at Page 38, Eureka County,
Nevada.

FURTHER EXCEPTING from Section 13, that
parcel conveyed to the State of Nevada by
Deed recorded September 10, 1965, in Book 5
of Official Records, at Page 38, Eureka
County, Nevada.

TOWNSHIP 33 NORTH, RANGE 48 EAST, MDB&M

Section 36: Southeast quarter; West half
of the Northeast quarter; East
half of the Northwest quarter;
Northeast quarter of the
Southwest quarter. EXCEPTING
all those portions lying
within the rights-of-way of

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the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

FURTHER EXCEPTING therefrom, those parcels conveyed to the State of Nevada by Deeds recorded September 24, 1963, in Book 27 of Deeds, at Pages 22 and 25, Eureka County, Nevada records.

TOWNSHIP 33 NORTH, RANGE 49 EAST, MDB&M

Section 31: All, EXCEPTING therefrom that portion lying Northeasterly of U.S. Highway 40. FURTHER EXCEPTING therefrom, those parcels conveyed to the State of Nevada by Deeds recorded September 14, 1963, in Book 27 of Deeds, at pages 23, 25, and 31.

All those parcels lying within the townsite of Beowawe as shown on the plat filed in the office of the County Recorder of Eureka County, Nevada on June 15, 1908, described as follows:

Block 1: Lots 1 thru 12, inclusive.

Block 2: Lots 1 thru 12, inclusive.

Block 3: Lots 1 thru 12, inclusive.

Block 4: Lots 1, 2, 3, 10, 11 and 12.

Block 5: Lots 1 thru 6, inclusive.

Block 6: Lots 1 thru 6, inclusive.

Block 7: Lots 1 thru 6, inclusive.

Block 8: Lots 1, 2, 3, 7 thru 18, inclusive.

Block 9: Lots 7 thru 12, inclusive, and Lots 15 thru 18, inclusive.

Block 10: Lots 5, 6 and 18.

Block 11: Lots 1 thru 6, inclusive, Lots 8, 9, 10, 16, 17 and 18.

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Block 12: Lots 1 thru 15,
inclusive.

Block 13: Lots 1 thru 18,
inclusive.

Block 14: Lots 1 thru 18,
inclusive.

Block 15: Lots 1 thru 18,
inclusive.

Block 16: Lots 1 thru 12,
inclusive.

Block 17: Lots 6 thru 12,
inclusive.

Block 18: Lots 1 thru 6,
inclusive, except
the Northwestern 13
feet of Lot 6.

Block 19: Lots 1 thru 18,
inclusive.

Block 20: Lots 1, 2, 9, 10,
11, 12, 13, 14, and
18. Lots 3, 4, 5,
6, 7, 8, 15, 16, 17,
EXCEPTING therefrom
that parcel conveyed
by R.H. Hadley et
ux. to Roman Catholic
Bishop of Reno by
Deed recorded April 2,
1958, in Book 25 of
Deeds at Page 214,
Eureka County,
Nevada, records.

Block 21: Lots 4 thru 18,
inclusive.

Block 22: Lots 13, 14, 15, 16,
17 and 18.

Block 23: Lots 1 thru 18,
inclusive.

Block 24: Lots 1 thru 18,
inclusive.

Block 25: Lots 1 thru 12,
inclusive.

Block 26: Lots 1 thru 12,
inclusive.

Block 27: Lots 1 thru 12,
inclusive.

Block 28: Lots 1 thru 12,
inclusive.

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Exhibit "A" Page 8

Block 29: Lots 1 thru 12,
inclusive.

EXCEPTING from Townsite of Beowawe a plot of ground upon which the jail building of the County of Eureka, State of Nevada is situate, together with 30 feet in each direction from the outer wall thereof 30 feet and surrounding said jail as conveyed to County of Eureka by Deed recorded June 6, 1904, in Book 14 of Deeds at Page 583, Eureka County, Nevada records.

FURTHER EXCEPTING therefrom those portions of Lots 1, 2 and 18, Block 20; Lots 9 thru 18, Block 21; Lots 13 and 14, Block 22; Lots 1 and 12, Block 29; Lots 1 thru 12, Block 28; Lots 1 thru 12, Block 27; and Lots 7 and 8, Block 26, conveyed to Eureka County School District by Deed recorded November 14, 1967, in Book 21 of Official Records, at page 87, Eureka County, Nevada and described as follows:

Commencing at the Northwest corner of this parcel which point bears North 63°28'16" East a distance of 7098.59 feet from the Southwest corner of Section 6, Township 31 North, Range 49 East, MDB&M; thence North 49°12' East a distance of 609.75 feet to the intersection of the West right-of-way boundary of Nevada State Route 21; thence along the West right-of-way boundary of said highway on a 1,250.00 foot radius, curving to the right, through a central angle of 48°17'12" an arc distance of 1,053.45 feet to end of said curve; thence South 12°53'41" West a distance of 966.99 feet to the point of beginning.

EXCEPTING from the foregoing described lands the following four parcels of land, together with the buildings and improvements thereon, which parcels are more particularly described as follows, to-wit:

Parcel #1:

A parcel of land located in Sections 32 and 33, T 32 N, R 49 E, MDB&M, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1, a point in said Section 32, which bears S 37°15'50" W, 9642.52 feet from the NE corner of Section 28, T 32 N, R 49 E, MDM (and which said Point of Beginning also bears S 59°00' E 151.35 feet from Corner #1 of Parcel #2 hereinafter described), thence N 47°34' E 669.25 feet to Corner #2; thence N 19°49' E 259.50 feet to Corner #3; thence N 40°15' W 799.25 feet to Corner #4; thence S 49°45' W 893.64 feet to Corner #5; thence S 40°15' E 954.22 feet to Corner #1, the Point of Beginning, containing 16.947 acres, more or less.

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Exhibit "A" Page 9

Parcel #2:

A parcel of land located in Section 32, T 32 N, R 49 E, MDM, in Eureka County, Nevada, being more particularly described as follows:

Beginning At Corner #1, a point in said Section 32, which bears S 36°54'51" W, 9500.63 feet from the NE corner of Section 28, T 32 N, R 49 E, MDM (and which said Point of Beginning also bears N 59°00' E 151.35 feet from Corner #1 of Parcel #1 hereinbefore described), thence S 47°35' W 203.20 feet to Corner #2; thence S 40°21' W 852.30 feet to Corner #3, a point in the northerly right-of-way line of Nevada State Highway No. 21; thence N 77°39'41" E along said right-of-way 926.31 feet to Corner #4; thence N 19°02' W 622.70 feet to Corner #1, the Point of Beginning, containing 6.826 acres, more or less.

Parcel #3:

A parcel of land located in Section 32, T 32 N, R 49 E, MDB&M, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1, a point in said Section 32, which bears S 36°50'49" W 9447.77 feet from the NE corner of Section 28, T 32 N, R 49 E, MDB&M (and which said Point of Beginning also bears N 47°35' E 55.00 feet from the most northerly corner of Parcel #2, hereinbefore described), thence N 51°48'36" E 260.00 feet to Corner #2; thence S 38°11'24" E 150.00 feet to Corner #3; thence S 51°48'36" W 312.11 feet to Corner #4; thence N 19°02'00" W 158.79 feet to Corner #1, the Point of Beginning, containing 0.985 acres, more or less.

Parcel #4:

A parcel of land located in Sections 32 and 33, T 32 N, R 49 E, MDM, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1 from which the NE corner of Section 28, T 32 N, R 49 E, MDM, bears N 33°45'35" E 9388.84 feet; thence N 53°17'10" E 851.00 feet to Corner #2; thence S 36°42'50" E 292.92 feet to Corner #3, which lies on the northerly right-of-way of Nevada State Highway No. 21; thence from a tangent bearing S 44°29'06" W on a curve to the right with a radius of 2425.00 feet through an angle of 21°49'16", a distance of 923.57 feet along the northerly right-of-way of said Highway 21 to Corner #4, which bears N 71°05'30" E 402.50 feet from Corner #4 of Parcel #2 hereinbefore described; thence N 22°20'42" W 267.50 feet to Corner #1, the Point of Beginning, containing 6.233 acres, more or less.

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Exhibit "A" Page 10

Together with the right to enter and make use of the above-described lands as may be reasonably necessary or convenient for the purposes of exploring for, developing, producing, treating, transporting and marketing such geothermal resources and by-products (including the right to erect and maintain one or more plants for the generation of electrical energy utilizing geothermal resources produced from said lands and from other lands in the vicinity of said lands).

Together with the right to take and use water in any geothermal operations pursuant to any water rights appertaining to said lands, and as well as the right of access to and the use of surface and ground water resources in said lands and the right to apply for and obtain appropriate water rights under Nevada law for use in such operations.

Together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof.

2. An undivided one-fifth interest in and to that certain Geothermal Lease dated July 7, 1978 executed by Day Cattle Co., as Lessor, and Chevron U.S.A., Inc., an Anadarko Production Company as Lessee, said Lease recorded October 26, 1978 in Book 66 of Official Records at Page 525 in the office of the County Recorder of Eureka County, Nevada.

3. An undivided one-fifth interest in and to that certain option of exclusive right to lease and let real property for the purpose of exploring and for drilling and producing geothermal energy and all related resources, executed by Day Cattle Co. in favor of the Dow Chemical Company, dated August 6, 1976 and recorded November 30, 1976 in Book 57 of Official Records at Page 523 in the office of the County Recorder of Eureka County, Nevada.

4. An undivided one-fifth interest in and to that certain Lease and Agreement, geothermal steam, dated November 11, 1974, executed by Day Cattle Co. and Willametta K. Day as Lessors and Magma Energy, Inc. as Lessee, recorded September 2, 1975 in Book 52 of Official Records at Page 160 and modified by document recorded September 9, 1976 in Book 56 of Official Records at Page 427, in the office of the County Recorder of Eureka County, Nevada.

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VAUGHAN, HULL & COPENHAVER, LTD.
ATTORNEYS AND COUNSELORS
530 IDAHO STREET
ELKO, NEVADA 89801

Exhibit "A" Page 11

STATE OF NEVADA, }
COUNTY OF EUREKA. }

I, Grand Shangle County Clerk and ex-officio Clerk of the Third Judicial District Court of the State of Nevada, Eureka County, do hereby certify that the annexed is a full, true and correct copy of Order and Decree of Distribution as appears State of L.H. Day vs 879 as of record and on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand officially and affixed the Seal of said Court, at my office in the town of Eureka, this 29th day of December, A. D. 1921

Grand Shangle County Clerk,
And ex-officio Clerk of the District Court, Eureka County.

By _____, Deputy.

RECORDED AT REQUEST OF
Robert O. Vaughan
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OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
WILLIS A. DEPAOLI - RECORDER
FILE NO. 82701
FEE \$ 21.00

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