

33070

NO.             
**FILED**

APR 12 1984

JOAN SHANGLE,  
CLERK

Case No. 3086

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

CARLIN GOLD MINING COMPANY, a  
Delaware corporation; and ELKO LAND  
AND LIVESTOCK COMPANY, a Nevada  
corporation,

DECLARATORY JUDGMENT

Plaintiffs,

vs.

STATE OF NEVADA,

Defendant. /

The Plaintiffs herein, having filed their Complaint, as amended, for Declaratory Judgment against the Defendant; and the matter being at issue upon said Complaint, as amended, and the Answer of the Defendant on file herein; and the action coming on duly and regularly to be heard on the 12<sup>th</sup> day of April, 1984, before the Court, without a jury; and the Plaintiffs appearing by and through their attorney, John C. Miller, of the firm of Hoy & Miller, Chartered; and the Defendant failing to appear by either agent or attorney, or at all; and the Plaintiffs having introduced evidence by affidavit in support of their Complaint, as amended; and the Defendant having failed to offer any evidence in defense; and Findings of Fact and Conclusions of Law having been signed and filed herein; and said Court being fully advised as to the law and the facts in the premises;

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

That the Defendant, STATE OF NEVADA, has no right, title

1 or interest to any minerals, including oil, gas, coal and oil  
2 shales (except a royalty of FIVE PERCENT (5%) of the net proceeds  
3 of all oil, gas, coal or oil shales, as provided in N.R.S.  
4 321.300, Chapter 172, Nev. Stats. 1921) on or within the real  
5 property described in Exhibit A attached hereto, as the purported  
6 reservations in the patents were invalid, except as to the  
7 aforementioned royalty.

8 DONE IN OPEN COURT on the 12<sup>th</sup> day of April,  
9 1984, and this Declaratory Judgment signed on this 12<sup>th</sup> day of  
10 April, 1984.

11  
12 /s/ Marilyn H. Hoyt  
13 DISTRICT JUDGE

STATE OF NEVADA, }  
COUNTY OF EUREKA. } ss

I, Jan 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 Declaratory Judgment #3086 as appears  
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 12<sup>th</sup> day of April, A. D. 1984



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

By \_\_\_\_\_, Deputy.

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31  
32

HOY & MILLER  
CHARTERED  
340 SOUTH CENTER  
SUITE 350  
RENO, NEVADA 89501  
BLOOM BUILDING  
SUITE 201  
EUREKA, NEVADA 89501

EXHIBIT A  
 Patents dated after March 22, 1921  
 (Eureka County)

Parcel Description

<u>T-N</u>	<u>R-E</u>	<u>Section</u>	<u>Current Mineral Owner</u>	<u>Mineral Interest</u>	<u>Patent Date</u>	<u>Patent No.</u>	<u>Patentee</u>	<u>Recording Date</u>	<u>Book</u>	<u>Page</u>
33	50	34: SW $\frac{1}{2}$ NW $\frac{1}{2}$ ; NW $\frac{1}{2}$ SW $\frac{1}{2}$	Elko Land and Livestock Company Carlin Gold Mining Company	37 $\frac{1}{2}$ % 62 $\frac{1}{2}$ %	08/29/45	12006	Helen Perkins Witter	09/12/45	22	555
34	51	6: W $\frac{1}{2}$ NE $\frac{1}{2}$	Elko Land and Livestock Company Carlin Gold Mining Company	37 $\frac{1}{2}$ % 62 $\frac{1}{2}$ %	08/29/45	12007	Helen Perkins Witter	09/12/45	22	556

RECORDED AT REQUEST OF  
 Hoy & Miller, Chfs.  
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84 APR 19 AIO: 15

OFFICIAL RECORDS  
 EUREKA COUNTY, NEVADA  
 H.H. REBALENTI, RECORDER  
 FILE NO. 93870  
 FEE \$ 7.00

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