

12782

AFFIDAVIT OF NONDEVELOPMENT
AND NONPAYMENT OF RENTAL

THOMAS J. TOMERA, President of JULIAN TOMERA RANCHES, INC.,
STONE HOUSE DIVISION; THOMAS J. TOMERA and PATSY SUE TOMERA,
Guardians of the Estate of GEORGE TOMERA aka TOM TOMERA; MATTHEWS
AND WINES, P.C. and McMULLEN MCPHEE & CO., Executors of the
Estate of BATTISTA TOMERA, JR., aka BATTISTA TOMERA, aka BUTCH
TOMERA, being first duly sworn, deposes and says:

That GEORGE TOMERA an adult Ward, the Estate of BATTISTA
TOMERA, JR., deceased, and JULIAN TOMERA RANCHES, INC., STONE
HOUSE DIVISION are owners of that certain real property located
in the County of Eureka, State of Nevada, more particularly
described as follows:

All property described in that certain Oil and Gas
Lease, recorded in Book 22, at Page 513 as File Number
46213, Official Records, Eureka County, State of
Nevada, as supplemented by the Notice recorded in Book
24, at Page 245, as File Number 47002, Official
Records, Eureka County, State of Nevada.

Said land is described in an Oil and Gas Mining Lease executed
on November, 1967, by BALSAMINA TOMERA, BATTISTA TOMERA, JR., and
GEORGE TOMERA, as Lessors, and DELIA ALSTON, as Lessee, recorded
in Book 22, Page 513, in the Office of the County Recorder of
said County of Eureka, State of Nevada.

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That since that date of said Lease there has been no well drilled upon said land, nor any oil or gas produced therefrom, and that none of the rentals accruing under and by virtue of the terms of said lease have been paid or tendered to Affiant or said Lessors, or to any bank for their credit, by Lessee, or his agents or assigns since 1986, and further that the Lessee and his assigns had actual notice that rentals were payable to Affiant under said Lease. Affiants state that they have not at any time executed any extension of said original Lease, and that the same has expired.

Affiants further state that by reason of the noncompliance with the terms of said Lease by Lessee and his assigns, Affiants hereby declare said Lease forfeited, and will not, by acceptance of rentals, or in any other manner, recognize the same as a valid or existing Lease.

EXECUTED this 17 day of April, 1989.

JULIAN TOMERA RANCHES, INC.,
STONE HOUSE DIVISION

By: Thomas J. Tomera Pres
THOMAS J. TOMERA, president

ESTATE OF BATTISTA TOMERA, deceased

By: Robert J. Wines
MATTHEWS AND WINES, P.C.
Executor

By: John McPhee
MCMULLEN MCPHEE & CO., Executor

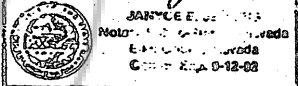
GEORGE TOMERA

By: Thomas J. Tomera
THOMAS J. TOMERA, as Guardian
of the Person and Estate of
GEORGE TOMERA

By: Patsy Sue Tomera
PATSY SUE TOMERA, as Guardian
of the Person and Estate of
GEORGE TOMERA

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On this 17th day of April, 1989, personally
appeared before me, a Notary Public, THOMAS J. TOMERA, president
for JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION, known to
me to be said person, who acknowledged that he executed the
foregoing instrument.

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Janyce E. Jenkins
NOTARY PUBLIC


DCM 198 MAR 260

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On this 18th day of April, 1989, personally
appeared before me, a Notary Public, ROBERT J. WINES and
THEODORE N. McPHEE, known to me to be Co-Executors of the Estate
of BATTISTA TOMERA, deceased, who acknowledged that they executed
the foregoing instrument.

Janyce E. Jenkins
NOTARY PUBLIC
JANYCE E. JENKINS
Notary Public-State of Nevada
Elko County-Nevada
Comm. Exp. 0-18-08

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

On this 17th day of April, 1989, personally
appeared before me, a Notary Public, THOMAS J. TOMERA and PATSY
SUE TOMERA, known to me to be the Guardians of the Person and
Estate of GEORGE TOMERA, who acknowledged that they executed
the foregoing instrument.

Janyce E. Jenkins
NOTARY PUBLIC
JANYCE E. JENKINS
Notary Public-State of Nevada
Elko County-Nevada
Comm. Exp. 9-18-12

RECORDED AT THE REQUEST OF

BOOK 196 PAGE 258
Richard J. Matthews
89 APR 19 PM 4:47

OFFICIAL RECORDS
ELKO COUNTY, NEVADA
FILE NO. 127182

127182

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