

127181

GUARDIAN'S AND EXECUTOR'S  
GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made and entered into this 27<sup>th</sup> day of March, 1989, by and between the Estate of BATTISTA TOMERA, JR., aka BATTISTA TOMERA, aka BUTCH TOMERA, deceased, by and through his duly appointed Executors, MATTHEWS AND WINES, P.C., and McMULLEN MCPHEE & CO. (hereinafter the "Estate") and GEORGE TOMERA aka TOM TOMERA, an Adult Ward, by and through his duly appointed Guardian's, THOMAS J. TOMERA and PATSY SUE TOMERA, (hereinafter "GEORGE TOMERA") First Parties and Grantors, of Elko, Nevada; and JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION, a Nevada corporation, of Pine Valley, Carlin, Nevada, Second Party and Grantee;

W I T N E S S E T H

That the said Estate, pursuant to that certain Order Authorizing Conveyance of Real and Personal Property to Complete Contracts and for Authority to Execute Mineral Lease, in the Matter of the Estate of BATTISTA TOMERA, JR., aka BATTIST TOMERA, aka BUTCH TOMERA, Case No. 3776, in the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, entered February 13, 1989, and recorded in Book 666, Page 44, as File No. 271340, Official Records of the Elko County Recorder's Office, Elko County, Nevada; and that said GEORGE TOMERA, pursuant to that certain Order Authorizing Conveyance of Real and

Elko Co. #3.25  
DOCUMENTARY TRANSFER TAX \$ 91.30  
 COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR  
 COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES  
REMAINING THEREON AT TIME OF TRANSFER  
UNDER PENALTY OF PERJURY

MATTHEWS & WINES, P.C.  
575 COURT STREET  
P. O. BOX 911  
ELKO, NEVADA 89801

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*Robert J. Wines*  
SIGNATURE OF DECLARANT OR AGENT  
DETERMINING TAX PAYER NAME

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Personal Property To Complete Contract and for Authority to Execute Mineral Lease in the Matter of the Guardianship of the Person and the Estate of GEORGE TOMERA aka TOM TOMERA, an adult Ward, Case No. 3805, in the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, entered March 20, 1989, recorded in Book 669, Page 539, as File Number 272486, Official Records of the Elko County Recorder's office, Elko County Nevada; and the First Parties, for and in further consideration of the sum of TEN DOLLARS (\$10.00), lawful, current money of the United States of America, to them in hand paid by the said Second Party, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said Second Party and to the successors and assigns of the Second Party forever, all that certain real property situate, lying and being in the County of Elko, State of Nevada, and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated hereat.

TOGETHER WITH all buildings and improvements situate thereon.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

RESERVING, HOWEVER, to Grantors an undivided one-half interest of all right, title, interest and estate in and to all coal, oil, oil shales, gas and minerals which shall include barium sulfate, uranium and fissionable materials, rare earths and also clays, sand, gravel, stone, and base materials, and geothermal resources of every kind,

nature and description and their by-products, existing upon, beneath or within the above-described lands or any portion thereof with all royalties, rents and other consideration for such right, title, interest and estate reserved and all leases and other disposal thereof, including the right to use so much of the surface thereof and the subsurface thereof as may be reasonably required to prospect for, locate, develop, mine, drill, extract, produce, process, utilize, sell, market, remove and transport the same.

FURTHER RESERVING to Grantor GEORGE TOMERA the right to reside in and use such buildings as shall be necessary for his care, comfort and well being for the duration of his life.

SUBJECT to all covenants, conditions, reservations restrictions and easements of record.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances unto the said Second Party, and to the successors and assigns of the Second Party forever.

IN WITNESS WHEREOF, the said First Parties have hereunto set their hands as of the day and year first above written.

ESTATE OF BATTISTA TOMERA, deceased

By: Richard J. Matthews  
MATTHEWS AND WINES, P.C.,  
Executor

By: Sheldon 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 )  
COUNTY OF ELKO ) SS.

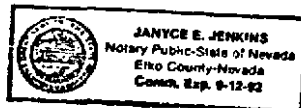
On this 26<sup>th</sup> day of March, 1989, personally  
appeared before me, a Notary Public, RICHARD J. MATTHEWS and  
THEODORE N. McPHER, known to me to be Co-Executors of the Estate  
of BATTISTA TOMERA, deceased, who acknowledged that they executed  
the foregoing instrument in their representative capacity.

Janyce E. Jenkins  
NOTARY PUBLIC

STATE OF NEVADA )  
COUNTY OF ELKO ) SS.

On this 26<sup>th</sup> day of March, 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 in their representative capacity.

Janyce E. Jenkins  
NOTARY PUBLIC



MATTHEWS & WILKES, P.C.  
575 COURT STREET  
P. O. BOX 911  
ELKO, NEVADA 89801

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EXHIBIT "A"

PARCEL 1:

A parcel of land located in Section 4, TOWNSHIP 32 NORTH, RANGE 52 EAST, M.D.B.&M., Elko County, Nevada, more particularly described as follows:

Commencing at the NW corner of said Section 4,

THENCE SOUTH  $89^{\circ}47'00''$  EAST 1095.12 feet along the north line of said Section 4 to Corner Number 1, the true point of beginning,

THENCE continuing SOUTH  $89^{\circ}47'00''$  EAST 2747.15 feet along the north line of said Section 4 to Corner Number 2, being a point on the westerly line of Nevada State Highway 278,

THENCE SOUTH  $03^{\circ}40'04''$  EAST 1706.23 feet along the said westerly line of State Highway 278 to Corner Number 3, being a point on the northwesterly line of the Western Pacific Railroad,

THENCE SOUTH  $38^{\circ}16'33''$  WEST 1206.63 feet, more or less, along the said northwesterly line of the Western Pacific Railroad to Corner Number 4, a point on the east-west quarter Section line of said Section 4,

THENCE west 63.69 feet more or less along the east-west quarter Section line of said Section 4, being the said northwesterly line of the Western Pacific Railroad to Corner Number 5,

THENCE SOUTH  $38^{\circ}16'33''$  WEST 609.35 feet more or less along the said northwesterly line of the Western Pacific Railroad to Corner Number 6,

THENCE NORTH  $60^{\circ}37'21''$  WEST 1337.86 feet to Corner Number 7,

THENCE NORTH  $67^{\circ}57'53''$  WEST 271.59 feet to Corner Number 8,

THENCE NORTH  $41^{\circ}22'16''$  WEST 1284.46 feet to Corner Number 9,

THENCE NORTH  $26^{\circ}01'02''$  EAST 135.84 feet to Corner Number 10,

THENCE NORTH  $34^{\circ}59'30''$  WEST 671.15 feet to Corner Number 11, being a point on the southeasterly line of the Southern Pacific Railroad,

THENCE from a tangent bearing NORTH  $35^{\circ}10'14''$  EAST on a curve to the right along the said southeasterly line of the Southern Pacific Railroad having a radius of 2091.83 feet through a central angle of  $27^{\circ}13'27''$  for an arc length of 993.94 feet to Corner Number 12,

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LEGAL DESCRIPTION, continued:

THENCE NORTH 62°23'41" EAST 207.05 feet along the said southeasterly line of the Southern Pacific Railroad to Corner Number 1, the true point of beginning.

PARCEL 2:

A parcel of land being portions of Sections 4, 8, 9, 16 and 17, TOWNSHIP 32 NORTH, RANGE 52 EAST, M.D.B.&M., Elko County, Nevada, more particularly described as follows:

Beginning at the SE corner of said Section 17, being Corner Number 1, the true point of beginning,

THENCE NORTH 00°05'22" EAST 1970.22 feet along the easterly line of said Section 17 to Corner Number 2, being a point on an existing fence,

THENCE NORTH 36°52'08" EAST 858.53 feet along an existing fence to Corner Number 3,

THENCE NORTH 36°34'50" EAST 2168.21 feet along an existing fence to Corner Number 4,

THENCE NORTH 36°55'34" EAST 736.76 feet along an existing fence to Corner Number 5,

THENCE NORTH 17°13'35" EAST 5499.29 feet along an existing fence to Corner Number 6,

THENCE NORTH 17°48'21" EAST 2658.50 feet along an existing fence to Corner Number 7,

THENCE NORTH 68°16'07" WEST 685.31 feet along an existing fence to a point on the easterly R/W line of Nevada State Route 278, being Corner Number 8,

THENCE from a tangent bearing SOUTH 25°28'39" WEST on a curve to the right having a radius of 1700.00 feet through a central angle of 22°10'27" for an arc length of 657.92 feet along the said easterly Highway R/W to Corner Number 9,

THENCE SOUTH 47°39'06" WEST 1396.37 feet along the said easterly Highway R/W to Corner Number 10,

THENCE NORTH 0°07'46" WEST 135.03 feet along the said easterly Highway R/W to Corner Number 11,

THENCE SOUTH 47°39'06" WEST 531.94 feet along the said easterly Highway R/W to Corner Number 12,

THENCE from a tangent bearing SOUTH 47°39'06" WEST on a curve to the left through a central angle of 22°17'10" for an arc length of 933.52 feet along the said easterly Highway R/W to Corner Number 13,

**LEGAL DESCRIPTION, continued:**

THENCE SOUTH 25°21'56" WEST 8649.59 feet along the said easterly Highway R/W to Corner Number 14,

THENCE NORTH 2°23'28" WEST 107.36 feet along the said easterly Highway R/W to Corner Number 15,

THENCE SOUTH 25°21'56" WEST +-3188.92 feet along the said easterly Highway R/W to a point on the south line of said Section 17 being Corner Number 16,

THENCE easterly +-3384.93 feet to Corner Number 1, the point of beginning.

**PARCEL 3:**

**TOWNSHIP 32 NORTH, RANGE 52 EAST, M.D.B.&M.**

**Section 20:**

That portion of W1/2 NW1/4; NW1/4 SW1/4 lying easterly of the easterly boundary line of the Western Pacific Railway Company's right-of-way.

EXCEPTING FROM Parcel 3 that portion of said land conveyed to the State of Nevada by Deed recorded October 21, 1954 in Book 66, Page 449, Deed Records, Elko County, Nevada, and November 12, 1954 in Book 24, Page 378, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING FROM all of Section 9, TOWNSHIP 32 NORTH, RANGE 52 EAST, an undivided one-half (1/2) interest in and to all of the right, title and interest of the Grantors, in and to coal, oil, gas and other minerals of every kind and nature reserved by Pete Elia and Leonie Elia, Husband and Wife, in Deed recorded October 11, 1956 in Book 70, Page 438, Deed Records, Elko County, Nevada.

FURTHER EXCEPTING FROM the SE1/4 of Section 4 and all of Section 16, TOWNSHIP 32 NORTH, RANGE 52 EAST all mineral deposits in and under said land reserved by the United States of America, in Patent recorded May 10, 1967, in Book 81, Page 677A, Official Records, Elko County, Nevada.

FURTHER EXCEPTING FROM Parcel 3 an undivided one-half (1/2) interest in and to all coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath the surface of, or within said land, reserved by Allen T. Griffen, et al, in Deed recorded April 29, 1969, in Book 109, Page 68, Official Records, Elko County, Nevada and in Book 28, Page 537, Official Records, Eureka County, Nevada.

FURTHER EXCEPTING FROM all of Section 9, TOWNSHIP 32 NORTH, RANGE 52 EAST, one-half (1/2) of all oil, gas, minerals, gravel or diatomaceous earth rights in and under said land reserved by Julian Tomera and Malfisa Tomera, Husband and Wife, in Deed recorded January 25, 1972, in Book 158, Page 671, Official

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LEGAL DESCRIPTION, continued:

Records, Elko County, Nevada.

FURTHER EXCEPTING FROM Parcel 3 all of the Grantors interest in and to all mineral interest, coal, oil, gas and other minerals of every kind and nature whatsoever including geothermal, in and under said land reserved by Melvin R. Jones and Rachael S. Jones, Husband and Wife in Deeds recorded February 22, 1982, in Book 383, Page 312, Official Records, Elko County, Nevada, and recorded March 10, 1982 in Book 101, Page 444, Official Records, Eureka County, Nevada.

FURTHER EXCEPTING FROM Parcels 1, 2 and 3 one-half (1/2) of Grantors right title, estate or interest in and to that certain mineral estate or mineral interests of any kind or nature whatsoever, including oil, gas or hydrocarbons, diatomaceous earth or geothermal resources, as conveyed to Tomera Brothers, a Nevada General Partnership in Deeds recorded October 6, 1986, in Book 538, Page 68, Official Records, Elko County, Nevada, and recorded October 20, 1986, in Book 150, Page 52, Official Records, Eureka County, Nevada.

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Matthews & Wine, PC

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FILED FOR RECORD  
AT REQUEST OF

Matthews & Wine  
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OFFICIAL RECORDS  
EUREKA COUNTY, NEVADA  
M.N. RECORDS, P.O. BOX 100  
P.O. BOX 100

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JERRY O. REYNOLDS  
ELKO CO RECORDER

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