

FILED

1 CASE NO. 3805

2 DEPT. 1

'89 JUL 10 A9:28

3 CLERK KAREN VASQUEZ

4 DEPUTY *Hammond*

5 128374

6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 IN RE THE MATTER OF THE GUARDIANSHIP
10 OF THE ESTATE AND THE PERSON OF
11 GEORGE TOMERA, A.K.A.
12 TOM TOMERA,

13 An Adult.

ORDER AUTHORIZING
EXECUTION OF
MINING AND OIL AND
GAS LEASES; ORDER RE:
ADVICE AND INSTRUCTIONS

14 The Petition of THOMAS J. TOMERA and PATSY SUE TOMERA,
15 Guardians of the Person and Estate of GEORGE TOMERA, filed in
16 this Court on June 21, 1989, praying for authority to execute
17 that certain Mining Lease with RIO ALGOM EXPLORATION, INC., and
18 three (3) Oil and Gas Leases with LOMA ENERGY CORP., and
19 requesting this Court's advice and instructions regarding certain
20 charitable contributions and expenditures; the hearing having been
21 set for Monday, July 10, 1989, at the hour of 9:00 A.M. of said
22 day, at the Elko County Courthouse, Elko County, Nevada; the
23 matter having come on regularly for hearing at said time and
24 place, and it appearing that due notice of said hearing has been
25 given as required by law, as more fully appears from the Affidavit
26 of mailing on file herein, together with certified mail receipts,
27 which are hereby referred to and made a part hereof; the Court

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1 having heard testimony in support of the Petition, the Court finds
2 as follows:

3 A. RIO ALGOM EXPLORATION, INC., has presented to the
4 Guardians a Mineral or Mining Lease on terms and conditions which
5 are beneficial to the Guardianship, providing rental and royalty
6 income to the Guardianship. The property subject to the Lease is
7 located in Elko County, Nevada and concerns Sections 5, 7, 17, and
8 21 of Township 31 North, Range 53 East, M.D.B.&M. The terms of
9 the Lease are advantageous to the Guardianship; the primary term
10 of the Lease is a period of fifteen years, and for so long
11 thereafter as minerals shall be produced on the property, but not
12 longer than thirty years. The proposed Lease provides for a
13 graduated advance minimum royalty payable through the term of the
14 Lease unless production royalties are paid; the Lease is
15 terminated by non-payment of the advance royalty; the Guardians
16 should be authorized to execute this Lease.

17 B. LOMA ENERGY CORP., has presented the Guardians with
18 three Oil and Gas Leases on terms and conditions which are
19 beneficial to the Guardianship's estate providing rental and
20 royalty income. The property subject to the Oil and Gas Lease is
21 located in both Eureka and Elko Counties; the terms of each Lease
22 are advantageous to the Guardianship; the primary term of each
23 Lease is five years and for as long thereafter as oil and gas are
24 produced; the Guardians should be authorized to execute all three
25 Oil and Gas Leases.

26 C. The Guardians have petitioned this Court concerning
27 certain charitable contributions and expenditures. Petitioners

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1 believe that certain charitable contributions will be in the
2 Ward's best interest, and request advice and instructions
3 authorizing the donation of (a) \$5,000.00 to the Baptist Church in
4 Carlin, for a sprinkler system and other exterior improvements;
5 (b) \$25,000.00 to the Catholic Church for the purpose of erecting
6 a community center building; (c) for purchase of a portable stage
7 for Carlin High School; and (d) to allow the Guardians to
8 contribute up to \$10,000.00 to other charities during 1989. The
9 Guardians have further asked this Court for authority to employ a
10 ranch hand for \$1,000.00 per month to care for the Ward's
11 livestock, and for authority to pay the Guardians a reasonable
12 monthly fee for the care of the person of the Ward and for care
13 and management of his estate in the sum of \$2,000.00 per month,
14 commencing from March 2, 1989.

15 D. The Court hereby finds all proposed leases, activities
16 and payments to be reasonable and appropriate under the
17 circumstances.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

19 1. The Guardians are authorized to enter into a Mineral or
20 Mining Lease in favor of RIO ALGOM EXPLORATION, INC., on the
21 terms and conditions described and for a period of fifteen years
22 or, as long thereafter as minerals shall be produced, but not
23 exceeding thirty years.

24 2. The Guardians are authorized to enter into three Oil
25 and Gas Leases in favor of LOMA ENERGY CORP., on the terms and
26 conditions described and for a period of five years or as long
27 thereafter as oil and gas shall be produced.

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1 3. The Guardians are instructed to make the following
2 charitable contributions.

3 (a) To Carlin Baptist Church, the sum of \$5,000.00;

4 (b) to Carlin Catholic Church, the sum of \$25,000.00; and

5 (c) to Carlin High School, the sum necessary to purchase a
6 portable stage.

7 4. The Guardians are authorized to make such additional
8 charitable contributions during 1989, in a total sum not to
9 exceed \$10,000.00 as the Guardians shall deem necessary and
10 appropriate.

11 5. The Guardians are instructed to employ a ranch hand at
12 \$1,000.00 per month to feed and care for the Ward's livestock and
13 to pay the Guardians \$2,000.00 per month from March 2, 1989, for
14 the care of the Ward and care and management of the Ward's estate.

15 6. The Guardians are instructed to record a certified copy
16 of this Order in the Official Records of Elko County, Nevada and
17 in Official Records of Eureka County, Nevada.

18 DATED this 10th day of July, 1989.

19 /s/ Jos. O. McDaniel
20 DISTRICT JUDGE
21

22 RECORDED AT THE REQUEST OF

23 BOOK 199 PAGE 297

Matthew's & Wines

24 '89 JUL 12 P2:02

25 OFFICIAL RECORDS

26 EUREKA COUNTY, NEVADA

FILE NO. 128371

FEE \$ 8.00

27 CERTIFICATION OF COPY

STATE OF NEVADA

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