

1 CASE NO. 3776

2 Dept. 1

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89 JUL 10 A9:26

CLERK AREN VASQUEZ
DEPUTY *Shannon*

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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 THE MATTER OF THE ESTATE OF

10 BATTISTA TOMERA JR., A.K.A. BATTISTA
11 TOMERA, A.K.A. BUTCH TOMERA,

ORDER AUTHORIZING
EXECUTION OF MINING
LEASE AND OIL AND
GAS LEASES

12 Deceased.
13 /

14 The Petition of MATTHEWS AND WINES, P.C., and McMULLEN MCPHEE
15 AND CO., Co-Executors of the above Estate filed in this Court on
16 June 21, 1989, praying for authority to execute that certain
17 Mining Lease with RIO ALGOM EXPLORATION, INC., and three (3) Oil
18 and Gas Leases with LOMA ENERGY CORP.,; the hearing having been
19 set for Monday, July 10, 1989, at the hour of 9:00 A.M. of said
20 day, at the Elko County Courthouse, Elko County, Nevada; the
21 matter having come on regularly for hearing at said time and
22 place, and it appearing that due notice of said hearing has been
23 given as required by law, as more fully appears from the Affidavit
24 of mailing on file herein, together with certified mail receipts,
25 which are hereby referred to and made a part hereof; the Court
26 having heard testimony in support of the Petition, the Court finds
27 as follows:
28

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BOOK 1 99 PAGE 301

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

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

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

25 1. The Co-Executors are authorized and instructed to enter
26 into a Mineral or Mining Lease in favor of RIO ALGOM EXPLORATION,
27 INC., on the terms and conditions described and for a period of
28

1 fifteen years or, as long thereafter as minerals shall be
2 produced, but not exceeding thirty years.

3 2. The Co-Executors are authorized and instructed to enter
4 into three Oil and Gas Leases in favor of LOMA ENERGY CORP., on
5 the terms and conditions described and for a period of five years
6 or as long thereafter as oil and gas shall be produced.

7 3. The Co-Executors are instructed to record a certified
8 copy of this Order in the Official Records of Elko County, Nevada
9 and in Official Records of Eureka County, Nevada.

10 DATED this 10th day of July, 1989.

11 /s/ Jos. O. McDaniel
12 DISTRICT JUDGE

13 CERTIFICATION OF COPY

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