

1 CASE NO. 3776

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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 1

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 10<sup>th</sup> day of July, 1989.

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

14 CERTIFICATION OF COPY

15 STATE OF NEVADA  
16 COUNTY OF ELKO  
17 I, the undersigned, being a duly qualified and acting  
18 Clerk of the County of Elko, do hereby certify that the  
19 foregoing is a true and correct copy of the original  
20 as the same appears on the records of said court affixed  
21 with the seal of said court and signed by me on this  
22 10th day of July, A.D. 1989.  
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21 RECORDED AT THE REQUEST OF  
22 BOOK 199 PAGE 301  
23 Matthews & Wins  
24 '89 JUL 12 P2:02

25 OFFICIAL RECORDS  
26 EUREKA COUNTY, NEVADA  
27 H.W. REB/LEATH RECORDER  
28 FILE NO. 128375 FEE \$700

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