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1 CASE NO. 3776 :  
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CLERK KAREN VASQUEZ  
DEPUTY *M. Lyndale*

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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,  
12

ORDER OF DISSOLUTION  
OF PARTNERSHIP

Deceased.

13 The Petition of MATTHEWS AND WINES, P.C., and McMULLEN  
14 McPHEE & CO., Co-Executors of the above Estate filed in this  
15 Court on July 26, 1989, praying for this Court's Order for  
16 dissolution of a partnership and for distribution of the remaining  
17 assets of the partnership to the partners; the hearing having been  
18 set for Monday, August 14, 1989, at the hour of 9:30 o'clock A.M.,  
19 at the Elko County Courthouse, Elko County, Nevada; the matter  
20 having come on regularly for hearing at said time and place and it  
21 appearing that due notice of said hearing has been given as  
22 required by law, as more fully appears from the Affidavit of  
23 Mailing on file herein, together with certified mail receipts,  
24 which are hereby referred to and made a part hereof; the Court  
25 having heard testimony in support of the Petition, the Court  
26 finds as follows:  
27

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1 1. During Decedent's lifetime, Decedent and his brother,  
2 GEORGE TOMERA, conducted a ranching operation pursuant to an oral  
3 partnership, under the name of TOMERA BROTHERS.

4 2. The partnership owned certain assets, including real  
5 property, livestock, equipment, bank accounts and investment  
6 accounts.

7 3. The partnership automatically dissolved on September 6,  
8 1988, the date of Decedent's death.

9 4. That all partnership assets have been distributed to  
10 the partners according to the partnership agreement, with the  
11 exception of two items of property.

12 5. That GEORGE TOMERA, the surviving partner is entitled  
13 to receive, as his sole and separate property, all right, title,  
14 interest and estate in the asset described as MFS LIFETIME  
15 MANAGED MUNICIPAL BOND TRUST, account number 71-7171-015-513.

16 6. That each partner is entitled to share equally in all  
17 real property and mineral estate, mining and mineral leases and  
18 oil gas leases currently of record in Elko and Eureka Counties.

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

20 1. GEORGE TOMERA shall receive all principal, income and  
21 proceeds of the MFS LIFETIME MANAGED MUNICIPAL BOND TRUST,  
22 account number 71-7171-015-513, and the ESTATE OF BATTISTA TOMERA  
23 has no right, title, estate, interest or claim in and to the  
24 assets or proceeds of the fund.

25 2. Any and all interest in and to the mineral estate,  
26 together with all mineral or mining leases, oil and gas leases,  
27 and real property currently maintained in the name of TOMERA  
28

1 BROTHERS in that certain property described in Exhibit "A",  
2 together with any and all other real property, mineral estate,  
3 oil and gas leases, mining or mineral leases, not specifically  
4 described herein of record in the name of TOMERA BROTHERS is  
5 hereby distributed in equal shares to the ESTATE OF BATTISTA  
6 TOMERA and to GEORGE TOMERA.

7 3. Certified copies of this Order shall be recorded in the  
8 County Recorder's Office of Elko and Eureka County to divest  
9 TOMERA BROTHERS of its interest as described herein.

10 DATED this 14th day of Aug. 1989.

11 CERTIFICATION OF COPY

12 STATE OF NEVADA  
13 COUNTY OF ELKO

14 I, KAREN VASQUEZ, County Clerk of the County of Elko, do hereby certify that the  
15 above described property is the same as the property described in the  
16 same as the property described in the same as the property described in the

17 Witness my hand and the seal of said Court affixed  
18 the 14th day of Aug. AD. 1989.

19 KAREN VASQUEZ County Clerk  
20 P. J. Vasquez Deputy Clerk

21 /s/ Jos. O. McDaniel  
22 DISTRICT JUDGE

EXHIBIT "A"

PARCEL ONE:

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 1: All  
Section 5: All  
Section 8: All  
Section 9: All  
Section 11: All  
Section 13: All  
Section 16: W1/2 NW1/4  
Section 23: N1/2; SE1/4  
Section 25: All  
Section 27: SE1/4 W1/2

TOWNSHIP 30 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 7: All (fractional)  
Section 9: SW1/4  
Section 17: All  
Section 19: All (fractional)  
Section 21: All  
Section 27: W1/2 NW1/4; SE1/4 NW1/4; SW1/4; W1/2 SE1/4;  
SE1/4 SE1/4; and all other lands lying  
westerly of the ridge which runs through said  
Section 27.  
Section 29: All

TOWNSHIP 31 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 1: That portion lying easterly and northerly of  
the center line of Nevada State Highway 51,  
as the same is now constructed.

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 2: Lots 1, 2, 3 and 4; S1/2 N1/2; S1/2  
Section 3: E1/2 NE1/4  
Section 5: N1/2 NE1/4; N1/2 NW1/4  
Section 6: That portion of the SE1/4 SW1/4 lying  
northerly of the center line of Nevada State  
Highway 51 as the same is now constructed.  
Section 7: That portion lying easterly and northerly of  
the center line of Nevada State Highway 51  
as the same is now constructed.

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1 Section 11: All

2 Those portions of Sections 1 and 12, Township 31 North,  
3 Range 52 East, lying westerly of a fence line more  
particularly described as follows:

4 Beginning at the NE Corner of Section 1, T. 31 N., R. 52  
5 E.; thence South  $9^{\circ}30'$  West, 925.00 feet; thence South  
6  $34^{\circ}30'$  West, 3,565.00 feet; thence South  $16^{\circ}00'$  West,  
7 5,105.00 feet; thence South 395.00 feet to a point 1,300  
8 feet East of the Southwest corner to Section 12, T. 31 N.,  
9 R. 52 E.

10 Section 13: All that portion of SE1/4 and SW1/4 NE1/4  
11 lying South of a fence line more particularly  
12 described as follows:

13 Commencing at the SE Corner of Section 13;  
14 thence North along the East line of said  
15 Section 1,520 feet to Corner No. 1, the Point  
16 of Beginning. Thence North  $57^{\circ}30'$  West,  
17 a distance of 330 feet along a fence to  
18 Corner No. 2; thence North  $67^{\circ}00'$  West, a  
19 distance of 2,500 feet along a fence to  
20 Corner No. 3, a point on the West boundary of  
21 E1/2 of Section 13.

22 Section 13: All that portion of the NE1/4 and N1/2 SE1/4  
23 lying North of a fence line described as  
24 follows:

25 Commencing at the SE Corner of Section 13;  
26 thence North along the East line of said  
27 Section a distance of 1,520 feet to Corner  
28 No. 1, the Point of Beginning;

Thence North  $57^{\circ}30'$  West, a distance of 330  
feet along a fence to Corner No. 2;

thence North  $67^{\circ}00'$  West, a distance of  
2,500 feet more or less, along a fence to  
Corner No. 3, a point on the West boundary  
of E1/2 of Section 13, Township 31 North,  
Range 52 East, M.D.B.&M.

Section 17: That portion of the W1/2 lying easterly and  
northerly of the center line of Nevada State  
Highway 51 as the same is constructed.

Section 18: That portion of the E1/2 NE1/4 and NE1/4  
SE1/4 lying easterly and northerly of the  
center line of Nevada State Highway 51 as  
the same is now constructed.

1 TOWNSHIP 31 NORTH, RANGE 53 EAST, M.D.B.&M.

2 Section 1: All  
 3 Section 3: All  
 4 Section 5: All  
 5 Section 7: All  
 6 Section 9: All  
 7 Section 11: All  
 8 Section 12: SW1/4 SW1/4  
 9 Section 13: All  
 10 Section 14: NE1/4 NE1/4; SW1/4 NE1/4; N1/2 NW1/4; SE1/4  
 11 NE1/4; NW1/4 SW1/4  
 12 Section 15: All  
 13 Section 17: All  
 14 Section 21: All, EXCEPTING from Section 21, a parcel

deeded to WESTERN UNION TELEGRAPH CO., a corporation, by Deed recorded in Book 37, of Official Records at Page 217, Elko County, Nevada records, described as follows:

Beginning at the West one-quarter Corner of said Section 21, said Corner being an 18" x 5" chiseled limestone in a rock mound, thence South 80°37'03" East, 972.12 feet to the true point of beginning; thence North 87°48'42" East, 208.71 feet; thence South 2°11'18" East 208.71 feet to a point, which bears North 60°51'28" West, 4,530.07 feet more or less from the Southeast Corner of said Section 21, said Corner being a notched stone; thence South 87°48'42" West, 208.71 feet; thence North 2°11'18" West, 208.71 feet to the true point of beginning.

17 Section 23: All

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

19 Section 1: W1/2  
 20 Section 4: W1/2 NE1/4; W1/2; Lot 1; SE 1/4 NE1/4; SE1/4  
 21 Section 5: SW1/4 SE1/4; SE1/4 SW1/4; SE1/4 SE1/4  
 22 Section 8: W1/2 SE1/4; NE1/4 SW1/4; SE1/4 SE1/4; W1/2  
 23 NE 1/4; E1/2 NW1/4; E1/2 NE1/4; NE1/4 SE1/4  
 24 Section 9: All  
 25 Section 10: SW1/4 NE1/4  
 26 Section 11: All  
 27 Section 13: All  
 28 Section 14: SW1/4 NW1/4; NE1/4 SW1/4; E1/2; N1/2 NW1/4;  
 SE1/4 NW1/4; W1/2 SW1/4; SE 1/4 SW1/4  
 Section 15: All  
 Section 16: All  
 Section 17: All that portion lying easterly of the easterly boundary line of the Western Pacific Railway Company's right-of-way.

1 Section 20: E1/2; SW1/4 SW1/4; E1/2 SW1/4  
 2 Section 21: All  
 2 Section 23: All  
 3 Section 24: SW1/4 SW1/4  
 3 Section 26: All  
 3 Section 28: All  
 4 Section 29: All  
 4 Section 31: N1/2  
 5 Section 33: N1/2  
 5 Section 35: All

TOWNSHIP 32 NORTH, RANGE 54 EAST, M.D.B.&M.

7  
 8 Section 23: All  
 8 Section 25: All  
 9 Section 27: All  
 9 Section 29: All  
 9 Section 31: All  
 10 Section 33: All  
 10 Section 35: All

TOWNSHIP 32 NORTH, RANGE 55 EAST, M.D.B.&M.

12  
 12 Section 19: All  
 13 Section 31: All

TOWNSHIP 33 NORTH, RANGE 52 EAST, M.D.B.&M.

15 Section 33: A parcel of land located in the S1/2 SW1/4,  
 16 more particularly described as follows:  
 17 Commencing at the SW Corner of said Section  
 17 33, thence South 89°47'00" East, 1,094.97  
 18 feet along the southerly line of said Section  
 18 33 to Corner No. 1, the true point of  
 19 beginning, being on the southeasterly  
 19 right-of-way of the Southern Pacific Railroad;  
 20 thence North 62°23'41" East, 1,561.10 feet  
 21 along said Southern Pacific right-of-way to  
 21 Corner No. 2;  
 22 thence from a tangent bearing North 62°23'41"  
 23 East, on a curve to the left, with a radius  
 23 of 2,952.49 feet through a central angle of  
 24 9°58'23", for an arc length of 513.92 feet  
 24 along the said southeasterly right-of-way of  
 25 the Southern Pacific Railroad to Corner No.  
 25 3, being a point in the existing Humboldt  
 26 River;  
 26 thence South 14°22'44" West, 1,038.27 feet  
 27 along the existing Humboldt River to Corner  
 28

No. 4, being on the said southerly line of said Section 33;

thence North  $89^{\circ}47'00''$  West, 1,558.00 feet along the southerly line of said Section 33 to Corner No. 1, the point of beginning.

PARCEL TWO:

A parcel of land located in Section 4, T. 32 N., R. 52 E., M.D.B. & M., Elko County, Nevada, more particularly described as follows:

Commencing at the NW corner of said Section 4, thence S  $89^{\circ}47'00''$  E 1,095.12 feet along the north line of said Section 4 to Corner No. 1, the true point of beginning,

thence continuing S  $89^{\circ}47'00''$  E 2,747.15 feet along the north line of said Section 4 to Corner No. 2, being a point on the westerly line of Nevada State Highway 278,

thence S.  $3^{\circ}40'04''$  E 1,706.23 feet along the said westerly line of State Highway 278 to Corner No. 3, being a point on the northwesterly line of the Western Pacific Railroad,

thence S  $38^{\circ}16'33''$  W 1,206.63 feet, more or less, along the said northwesterly line of the Western Pacific Railroad to Corner No. 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 No. 5,

thence S  $38^{\circ}16'33''$  W 609.35 feet more or less along the said northwesterly line of the Western Pacific Railroad to Corner No. 6,

thence N  $60^{\circ}37'21''$  W 1,337.86 feet to Corner No. 7,

thence N  $67^{\circ}57'53''$  W 271.59 feet to Corner No. 8,

thence N  $41^{\circ}22'16''$  W 1,284.46 feet to Corner No. 9,

thence N  $26^{\circ}01'02''$  E 135.84 feet to Corner No. 10,

thence N  $34^{\circ}59'30''$  W 671.15 feet to Corner No. 11, being a point on the southeasterly line of the Southern Pacific Railroad,



1 thence from a tangent bearing N 35°10'14" E on a curve  
2 to the right along the said southeasterly line of the  
3 Southern Pacific Railroad having a radius of 2,091.83  
feet through a central angle of 27°13'27" for an arc  
length of 993.94 feet to Corner No. 12,

4 thence N 62°23'41" E 207.05 feet along the said  
5 southeasterly line of the Southern Pacific Railroad to  
6 Corner No. 1, the true point of beginning containing  
191.02 acres more or less.

7 PARCEL THREE:

8 A parcel of land being portions of Sections 4, 8, 9, 16, and  
9 17, T 32 N, R 52 E, M.D.B. & M., Elko County, Nevada, more  
particularly described as follows:

10 Beginning at the SE corner of said Section 17, being  
11 Corner No. 1, the true point of beginning,

12 thence N 0°05'22" E 1,970.22 feet along the easterly  
13 line of said Section 17 to Corner No. 2, being a point  
on an existing fence,

14 thence N 36°52'08" E 858.53 feet along an existing  
15 fence to Corner No. 3,

16 thence N 36°34'50" E 2,168.21 feet along an existing  
17 fence to Corner No. 4,

18 thence N 36°55'34" E 736.76 feet along an existing  
19 fence to Corner No. 5,

20 thence N 17°13'35" E 5,499.29 feet along an existing  
21 fence to Corner No. 6,

22 thence N 17°48'21" E 2,658.50 feet along an existing  
23 fence to Corner No. 7,

24 thence N 68°16'07" W 685.31 feet along an existing  
25 fence to a point on the easterly R/W line of Nevada  
State Route 278, being Corner No. 8,

26 thence from a tangent bearing S 25°28'39" W on a curve  
27 to the right having a radius of 1,700.00 feet through a  
28 central angle of 22°10'27" for an arc length of 657.92  
feet along the said easterly Highway R/W to Corner No.  
9,

thence S 47°39'06" W 1,396.37 feet along the said  
easterly Highway R/W to Corner No. 10,

9  
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1 thence N 0°07'46" W 135.03 feet along the said easterly  
2 Highway R/W to Corner No. 11,

3 thence S 47°39'06" W 531.94 feet along the said easterly  
4 Highway R/W to Corner No. 12,

5 thence from a tangent bearing S 47°39'06" W on a curve  
6 to the left through a central angle of 22°17'10" for  
7 an arc length of 933.52 feet along the said easterly  
8 Highway R/W to Corner No. 13,

9 thence S 25°21'56" W 8,649.59 feet along the said  
10 easterly Highway R/W to Corner No. 14,

11 thence N 2°23'28" W 107.36 feet along the said easterly  
12 Highway R/W to Corner No. 15,

13 thence S 25°21'56" W +3,188.92 feet along the said  
14 easterly Highway R/W to a point on the south line of  
15 said Section 17 being Corner No. 16,

16 thence easterly +3,384.93 feet to Corner No. 1, the  
17 point of beginning containing 765.58 acres more or  
18 less.

19 PARCEL FOUR:

20 All that certain real property situate in the County of  
21 Eureka, State of Nevada, more particularly described as  
22 follows:

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

24 Section 20: That portion of W1/2 NW1/4; NW1/4 SW1/4 lying  
25 easterly of the easterly boundary line of the  
26 Western Pacific Railway Company's  
27 right-of-way.

28 RECORDED AT THE REQUEST OF

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Matthews & Wines, P.C.  
89 AUG 15 P2:11

OFFICIAL RECORDS  
EUREKA COUNTY, CALIFORNIA  
M.N. & BALLANTINE, CLERK  
FILE NO. 1460

1:28935

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