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

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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

9 IN THE MATTER OF THE ESTATE OF
10 BATTISTA TOMERA JR., A.K.A. BATTISTA
11 TOMERA, A.K.A. BUTCH TOMERA,

ORDER OF DISSOLUTION
OF PARTNERSHIP

12 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:

28 1
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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
12 CERTIFICATION OF COPY
13 STATE OF NEVADA
14 COUNTY OF ELKO

14 I, KAREN VASQUEZ, County Clerk of the County of Elko, Nevada,
15 do hereby certify that the above described copy is a true and correct
16 copy of the original as the same appears on file in my office.

16 Witness my hand and the seal of said court affixed
17 the 14th day of Aug. AD. 19 89.

17 KAREN VASQUEZ County Clerk
18 P. [Signature] Deputy Clerk

12 /s/ Jos. O. McDaniel
13 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
4 particularly described as follows:

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

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

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

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

26 Commencing at the SE Corner of Section 13;
27 thence North along the East line of said
28 Section a distance of 1,520 feet to Corner
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
NE1/4; NW1/4 SW1/4

11 Section 15: All

12 Section 17: All

13 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:

14 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
NE 1/4; E1/2 NW1/4; E1/2 NE1/4; NE1/4 SE1/4

23 Section 9: All

24 Section 10: SW1/4 NE1/4

25 Section 11: All

26 Section 13: All

27 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

28 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
3 Section 23: All
4 Section 24: SW1/4 SW1/4
5 Section 26: All
6 Section 28: All
7 Section 29: All
8 Section 31: N1/2
9 Section 33: N1/2
10 Section 35: All

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

12 Section 23: All
13 Section 25: All
14 Section 27: All
15 Section 29: All
16 Section 31: All
17 Section 33: All
18 Section 35: All

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

20 Section 19: All
21 Section 31: All

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

23 Section 33: A parcel of land located in the S1/2 SW1/4,
24 more particularly described as follows:

25 Commencing at the SW Corner of said Section
26 33, thence South $89^{\circ}47'00''$ East, 1,094.97
27 feet along the southerly line of said Section
28 33 to Corner No. 1, the true point of
beginning, being on the southeasterly
right-of-way of the Southern Pacific Railroad;

29 thence North $62^{\circ}23'41''$ East, 1,561.10 feet
30 along said Southern Pacific right-of-way to
31 Corner No. 2;

32 thence from a tangent bearing North $62^{\circ}23'41''$
33 East, on a curve to the left, with a radius
34 of 2,952.49 feet through a central angle of
35 $9^{\circ}58'23''$, for an arc length of 513.92 feet
36 along the said southeasterly right-of-way of
37 the Southern Pacific Railroad to Corner No.
38 3, being a point in the existing Humboldt
River;

thence South $14^{\circ}22'44''$ West, 1,038.27 feet
along the existing Humboldt River to Corner

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

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

5 PARCEL TWO:

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

8 Commencing at the NW corner of said Section 4, thence
9 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,

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

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

15 thence S $38^{\circ}16'33''$ W 1,206.63 feet, more or less, along
the said northwesterly line of the Western Pacific
16 Railroad to Corner No. 4, a point on the east-west
quarter Section line of said Section 4,

17 thence West 63.69 feet more or less along the east-west
18 quarter Section line of said Section 4, being the said
northwesterly line of the Western Pacific Railroad to
19 Corner No. 5,

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

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

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

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

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

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

28

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,

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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 & Wiers, P.C.

89 AUG 15 P2:11

OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
M. S. HALL, RECORDER

FILE NO. 1460

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