

1 CASE NO. 3805

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ELKO CO. DISTRICT COURT
CLERK WS

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4 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
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9 IN RE MATTER OF THE GUARDIANSHIP
10 OF THE ESTATE AND THE PERSON OF
11 GEORGE TOMERA, A.K.A. TOM TOMERA,

ORDER FOR EXCHANGE
OF PROPERTY

12 An Adult.

13 THE PETITION OF THOMAS J. TOMERA and PATSY SUE TOMERA,
14 Guardians of the Person and Estate of the above named Ward,
15 having come before this Court for hearing on the 11th day of
16 June, 1990, at the hour of 9:30 A.M., upon the Petition for
17 Exchange of Property wherein the Guardians have petitioned this
18 Court for its Order authorizing the Guardians to exchange
19 Guardianship assets for the outstanding one-half interest in a
20 note receivable secure by real property; the Court having fully
21 considered the matter and being fully advised in the premises:

22 THE COURT DOES HEREBY SPECIFICALLY FIND THE FACTS TO BE AS
23 FOLLOWS:

24 1. That Petitioners are the duly appointed Guardians,
25 and have the authority to invest the Ward's money and to exchange
26 interests in the Ward's real and personal property.

27 2. That on or about February 14, 1986, TOMERA BROTHERS, a
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1 Nevada General Partnership consisting of BATTISTA TOMERA and
2 GEORGE TOMERA entered into a sales agreement with JULIAN TOMERA
3 RANCHES, INC., STONE HOUSE DIVISION whereby TOMERA BROTHERS sold
4 and JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION purchased
5 certain real property then owned by TOMERA BROTHERS.

6 3. That said sale required the unpaid balance of the
7 purchase price to be paid in ten (10) equal annual installments,
8 with interest on the unpaid balance at the rate of nine (9%)
9 percent per annum.

10 4. That BATTISTA TOMERA died on September 6, 1988; the
11 partnership was dissolved by Court Order entered August 14, 1989,
12 wherein all interests in real property maintained in the name of
13 TOMERA BROTHERS were distributed in equal shares to the ESTATE OF
14 BATTISTA TOMERA and to GEORGE TOMERA.

15 5. That JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION
16 has timely made all installment payments which are due pursuant
17 to the Note and Deed of Trust. All payments are current. Six
18 (6) annual installments remain due and owing.

19 6. That GEORGE TOMERA currently has substantial cash
20 assets, which are invested in time deposits which pay interest in
21 varying amounts, none in excess of 8.25%; GEORGE TOMERA also
22 currently holds an undivided one-half interest in the Note
23 secured by real property, above referenced.

24 7. That Petitioners believe that the value of the real
25 property substantially exceeds the unpaid balance of the Note
26 receivable, and is therefore a safe and secure investment.

27 8. That Petitioners believe that the Ward should purchase
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1 the one-half interest in the Note receivable currently payable to
2 the ESTATE OF BATTISTA TOMERA from the Estate. This purchase
3 would allow the Guardians to invest Guardianship monies at a
4 higher return, providing a greater income to the Ward; any such
5 purchase should be completed prior to distribution of the Estate.

6 IT IS HEREBY ORDERED that the Guardians shall purchase the
7 outstanding undivided one-half interest in a Note receivable
8 wherein JULIAN TOMERA RANCHES, INC., STONEHOUSE DIVISION is maker
9 and TOMERA BROTHERS is payee, secured by real property from the
10 ESTATE OF BATTISTA TOMERA, for the book value of the asset on the
11 date of purchase.

12 The Guardians are authorized to execute any and all documents
13 necessary to transfer the interest, and to pay the Guardianships
14 share of any costs and expenses. A copy of this Order shall be
15 recorded in any and all counties necessary to effect the exchange.

16 DATED this 11th day of June, 1990.

17
18 /s/ Jos. O. McDaniel

19 DISTRICT JUDGE

20 CERTIFICATION OF COPY

21 STATE OF NEVADA)
COUNTY OF ELKO JSS
22 I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO
CLERK OF THE DISTRICT COURT OF THE FOURTH
DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE
23 COUNTY OF ELKO, DO HEREBY CERTIFY THAT THE
ANNEXED IS A FULL, TRUE AND CORRECT COPY OF
THE INSTRUMENT AT THE SAME APPEARS ON FILE OF
RECORD IN MY OFFICE.

24 **SEAL**
Affixed
25 Witness my hand and the seal of said court affixed this

26 11th day of June A.D., 1990

27 KAREN VASQUEZ - County Clerk

By Wm Smith Deputy Clerk

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BOOK 221 PAGE 433
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Matthews & Wines
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EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. 136356 FEE \$7.00

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