

1 CASE NO. 3776

2 Dept. II

FILED

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5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

ELKO CO. DISTRICT COURT

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 Deceased.

ORDER FOR
EXCHANGE OF PROPERTY

13
14 THE PETITION OF MATTHEWS AND WINES, P.C., and McMULLEN,
15 McPHEE & COMPANY, Co-Executors of the above ESTATE, having come
16 before this Court for hearing on the 11th day of MARCH,
17 1991, upon the Petition for Exchange of Property wherein the
18 Co-Executors have petitioned this Court for its order authorizing
19 the Co-Executors to exchange ESTATE assets for the outstanding
20 one-half interest in a note receivable secured by real property;
21 the Court having fully considered the matter and being fully
22 advised in the premises:

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

25 1. On or about February 14, 1986, TOMERA BROTHERS, a
26 Nevada General Partnership consisting of BATTISTA TOMERA and
27 GEORGE TOMERA, entered into a sales agreement with JULIAN TOMERA

1 RANCHES, INC., STONE HOUSE DIVISION whereby TOMERA BROTHERS sold
2 and JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION purchased
3 certain real property then owned by TOMERA BROTHERS.

4 2. That said sale required the unpaid purchase price to be
5 paid in ten (10) equal annual installments, with interest on the
6 unpaid balance.

7 3. The TOMERA BROTHERS partnership was dissolved by Court
8 Order entered August 14, 1989, wherein all interests in real
9 property maintained in the name of TOMERA BROTHERS were
10 distributed in equal shares to the ESTATE OF BATTISTA TOMERA and
11 to GEORGE TOMERA.

12 4. That JULIAN TOMERA RANCHES, INC., STONE HOUSE DIVISION
13 has timely made all installment payments which are due pursuant
14 to the Note and Deed of Trust. All payments are current. Five
15 (5) annual installments remain due and owing.

16 5. That this note receivable is a residuary asset of this
17 ESTATE, and pursuant to the terms of the Will, the one-half
18 interest in this Note would be further fragmented by distribution
19 to the three residuary devisees, one of whom is likewise an
20 ESTATE.

21 6. The owner of the remaining one-half interest in the
22 note receivable is GEORGE TOMERA, Decedent's brother, who is
23 currently subject to a Guardianship. On June 11, 1990, this
24 Court, after due consideration, entered its order authorizing
25 GEORGE TOMERA to purchase Decedent's one-half interest, thus
26 permitting full and final distribution of this ESTATE without
27 fragmenting the note receivable to the residuary devisees.

1 7. This Court's order permitting the Estate to exchange
2 its interest in this note receivable for cash will permit full,
3 final and complete distribution of the ESTATE.

4 8. Such an exchange would be advantageous to the ESTATE
5 because it would permit the residuary devisees to realize their
6 entire inheritance now, rather than requiring that they wait
7 another five (5) years to realize it.

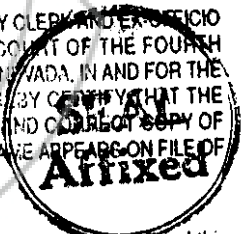
8 9. That the exchange will not cause any disadvantage to
9 the ESTATE, since GEORGE TOMERA will not receive any discount.

10 IT IS HEREBY ORDERED that the Co-Executors exchange, by
11 assignment, deed or transfer, the ESTATE'S entire right, title,
12 interest and estate, in and to the note receivable and the deed
13 of trust securing payment thereof, to GEORGE TOMERA, upon payment
14 by GEORGE TOMERA on the date of exchange, of the cash value of the
15 note receivable.

16 The Co-Executors are authorized to execute any and all
17 documents necessary to transfer the interest, and to pay the
18 ESTATE's share of any costs and expenses. A copy of this Order
19 shall be recorded in any and all counties necessary to effect
20 the exchange.

21 DATED this 11 day of March, 1991.
22 CERTIFICATION OF COPY

23 STATE OF NEVADA)
24 COUNTY OF ELKO)SS
25 I, KAREN VASQUEZ, COUNTY CLERK AND EX OFFICIO
26 CLERK OF THE DISTRICT COURT OF THE FOURTH
27 DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE
28 COUNTY OF ELKO, DO HEREBY CERTIFY THAT THE
ANNEXED IS A FULL, TRUE AND CORRECT COPY OF
THE INSTRUMENT AS THE SAME APPEARS ON FILE OF
RECORD IN MY OFFICE.



/s/ Jack B. Ames
DISTRICT JUDGE

Witness my hand and the seal of said court Affixed this
11 day of March A.D., 1991
KAREN VASQUEZ • County Clerk
By Karen Vasquez Deputy Clerk 3

COPY

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OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Matthews & Wines
'91 MAR 27 A11 59

EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEE \$ *8.00*

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