

1 CASE NO. 3805

2 Dept. I

FILED

3 '91 NOV 25 P2:52

4 ELKO CO. DISTRICT COURT

5 CLERK \_\_\_\_\_ SHERIFF *WJ*

6 **138506**

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

9 IN RE THE MATTER OF THE GUARDIANSHIP  
10 OF THE ESTATE AND THE PERSON OF  
11 GEORGE TOMERA, A.K.A.  
12 TOM TOMERA,

13 An Adult.

ORDER FOR AUTHORIZATION  
TO SURRENDER AND CANCEL  
LEASE AND FOR REFUND OF  
MONEY RECEIVED

13 The hearing on the Petition to Surrender and Cancel Lease and  
14 for Refund of Money Received, filed by THOMAS J. TOMERA and PATSY  
15 SUE TOMERA, Guardians of the Person and Estate of GEORGE TOMERA,  
16 having come on regularly for hearing before this Court on the 25<sup>th</sup>  
17 day of November, 1991, the Court after examining the  
18 Petition for Authorization to Surrender and Cancel Lease and for  
19 Refund of Money Received, and hearing the evidence, finds:

20 1. Petitioners are the duly appointed and qualified  
21 Guardians of the above named Ward.

22 2. That pursuant to this Court's July 10, 1989 Order, and on  
23 July 12, 1989, Petitioners executed that certain Oil and Gas Lease,  
24 attached to the Petition for Authority to Execute Mining Lease and  
25 Oil and Gas Lease, filed June 21, 1989. The legal description of  
26 the property subject to cancellation is attached as Exhibit "A" and  
27  
28

1 incorporated herein by reference.

2 4. That the Ward received an initial advance royalty of  
3 \$2,142.34 on the date of execution, and three annual advance  
4 royalty payments of \$535.60 each for 1989, 1990 and 1991.

5 5. The Ward's Guardians have been advised that the Ward  
6 executed a Ratification of a Five year lease to another Lessee on  
7 October 16, 1987, relating to the property described in the above  
8 referenced Lease, and have determined that the Ward should refund  
9 all monies paid by Lessee to the Estate, pursuant to the July 12,  
10 1989 Lease, and to surrender and cancel the Lease.

11 6. The Ward received the total sum of \$3,749.14 from the  
12 Lessee pursuant to this Lease, which should be returned to Loma  
13 Energy Corporation, its successors or assigns, and the Lease  
14 surrendered and canceled.

15 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that  
16 Petitioners refund to LOMA ENERGY CORPORATION, its successors or  
17 assigns, the sum of \$3,749.14 and Petitioners surrender and cancel  
18 the Lease, dated July 12, 1989. A copy of this Order shall be  
19 recorded in Eureka County, Nevada to cancel this lease.

20 DATED this 25th day of November, 1991.

21  
22 CERTIFICATION OF COPY

23 STATE OF NEVADA)  
COUNTY OF ELKO ) SS  
I, KAREN VASQUEZ, COUNTY CLERK AND EX-OFFICIO  
24 CLERK OF THE DISTRICT COURT OF THE FOURTH  
DISTRICT OF THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF ELKO, DO HEREBY CERTIFY THAT THE  
25 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

26  
27 Witness my hand and the seal of said court affixed this

28 25th day of November A.D., 19 91

KAREN VASQUEZ - County Clerk

By Wm Smith Deputy Clerk

EXHIBIT "A"

DESCRIPTION OF LANDS IN EUREKA COUNTY NEVADA

Township 30 North, Range 52 East M.D.M.

Section 6: Lots 1(40.17), 2(40.12), 3(40.07), 4(33.79), 5(39.92),  
6(34.07), 7(34.22),  $S\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$

Section 8:  $W\frac{1}{2}$ ,  $SE\frac{1}{4}$

Section 16:  $W\frac{1}{2}NW\frac{1}{4}$

Section 17: All

Section 18:  $E\frac{1}{2}$

Signed for identification:

Thomas J. Tomera  
Thomas J. Tomera, as Guardian of the  
Person and Estate of George Tomera

Patsy Sue Tomera  
Patsy Sue Tomera, as Guardian of the  
Person and Estate of George Tomera

Richard J. Matthews  
Matthews and Wines, P. C., Executor of  
Estate of Battista Tomera, deceased

Shed McPhee  
McMullen McPhee & Co., Executor of  
Estate of Battista Tomera, deceased

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OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
Matthews & Wines  
91 DEC -5 P324

EUREKA COUNTY, NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. FEE \$ 7.00

138506

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