

1 CASE NO. 3776

FILED

2 Dept. II

3 '91 NOV 25 P2:52

4 138507

ELKO CO. DISTRICT COURT

5 CLERK \_\_\_\_\_ WS

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,

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

Deceased.

13 The hearing on the Petition to Surrender and Cancel Lease and  
14 for Refund of Money Received, filed by MATTHEWS AND WINES, P.C. and  
15 McMULLEN MCPHEE & COMPANY, Co-Executors of the ESTATE OF BATTISTA  
16 TOMERA JR., A.K.A. BATTISTA TOMERA, A.K.A. BUTCH TOMERA, deceased,  
17 having come on regularly for hearing before this Court on the 25<sup>th</sup>  
18 day of November, 1991, the Court after examining the  
19 Petition for Authorization to Surrender and Cancel Lease and for  
20 Refund of Money Received, and hearing the evidence, finds:

- 21 1. BATTISTA TOMERA JR., aka BUTCH TOMERA, died testate on
- 22 September 6, 1988.
- 23 2. That on November 15, 1988, this Court entered its Order
- 24 appointing Co-Executors and Directing Issuance of Letters
- 25 Testamentary; the Court waived the requirement of a bond as
- 26 requested by the Last Will and Testament, and ordered a full

1 administration of the Estate.

2 3. That pursuant to this Court's July 10, 1989 Order, and on  
3 July 12, 1989, Petitioners executed that certain Oil and Gas Lease,  
4 attached to the Petition for Authority to Execute Mining Lease and  
5 Oil and Gas Lease, filed June 21, 1989. The legal description of  
6 the property subject to cancellation is attached as Exhibit "A" and  
7 incorporated herein by reference.

8 4. That the Estate received an initial advance royalty of  
9 \$2,142.34 on the date of execution, and three annual advance  
10 royalty payments of \$535.60 each for 1989, 1990 and 1991.

11 5. The Estate's representatives have been advised that the  
12 Decedent executed a Ratification of a Five year lease to another  
13 Lessee on October 16, 1987, relating to the property described in  
14 the above referenced Lease, and have determined that the Estate  
15 should refund all monies paid by Lessee to the Estate, pursuant to  
16 the July 12, 1989 Lease, and to surrender and cancel the Lease.

17 6. The Estate received the total sum of \$3,749.14 from the  
18 Lessee pursuant to this Lease, which should be returned to Loma  
19 Energy Corporation, its successors or assigns, and the Lease  
20 surrendered and canceled.

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

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DATED this 25th day of November, 1991.

~~/s/ Jack B. Ames~~  
DISTRICT JUDGE

COPY

CERTIFICATION OF COPY

(STATE OF NEVADA)  
COUNTY OF ELKO JSS  
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  
COUNTY OF ELKO, 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.

Witness my hand and the seal of said court affixed this

25th day of November A.D., 1991

KAREN VASQUEZ • County Clerk

By Win Smith Deputy Clerk

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BOOK 228 PAGE 202

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

BOOK 228 PAGE 200  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF

Matthews & Wines  
91 DEC -5 P324

EUREKA COUNTY, NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. FEE \$800

138507

BOOK 228 PAGE 203