

1 CASE NO. 3776

2 Dept. II

FILED

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 25th
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
27

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.

26 ///

1 DATED this 25th day of November, 1991.

2
3 /s/ Jack B. Ames
4 DISTRICT JUDGE

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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.

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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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

Thos. W. Phee
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 \$8.00

138507

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