

AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF RENTAL

163274

STATE OF NEVADA)
COUNTY OF ELKO)
SS.)

MAYNARD ALVES

being first duly sworn, deposes and says:

That he

is the present owner of that certain real property located in the County of Eureka, State of Nevada, more particularly described as follows:

Township 28 North, Range 49 East, M.D.B.&M., Section 3

Said land is described in a heat, fluid and mineral lease executed on the 5th day of April, 1964, by DAN FILIPPINI and DEAN RANCH, ROY L. PRIMEAUX AND FRANCIS PRIMEAUX, Husband and wife as Lessors, and JOSEPH I. O'NEILL, as Lessee, recorded in Book 4, File No. 39845

Page 194, in the Office of the County Recorder of said County.

That since the date of said lease there has been no well drilled upon said land, nor any heat, fluid or minerals produced therefrom, and that none of the rentals accruing under and by virtue of the terms of said lease have been paid or tendered to affiant or said Lessors, or to any bank for their credit, by the Lessee, or his agents or assigns since June 10, 1988, and further that the Lessee and his assigns had actual notice that rentals were payable to affiant under said lease. Affiant states that he has not at any time executed any extension of said original lease, and that the same has expired.

Affiant further states that by reason of the noncompliance with the terms of said lease by Lessee and his assigns, Affiant hereby declares said lease forfeited, and will not, by acceptance of rentals, or in any other manner, recognize the same as a valid or existing lease.

EXECUTED this 15th day of July, 1996.

MAYNARD ALVES

Maynard Alves

Subscribed and sworn before me this day of July, 1996

NOTARY PUBLIC
STEWART R. WILSON
Notary Public
State of Nevada
Elko County, Nevada
92-0524-6
My appointment expires February 10, 2000.

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163274
EUREKA COUNTY NEVADA
M.M. REBALATI, RECORDER
FILE NO. _____
FEES \$7.00
RECORDED AT THE REQUEST OF
96 JUL -3 PM 1:01
OFFICIAL RECORDS
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BOOK 297