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1 CODE 3275
2 G. Barton Mov
3 State Bar #19
4 Walther, Key, Lupin, Oats,
5 Cox & LeGoy
6 3500 Lakeside Court, #200
7 Reno, Nevada 89509
8 (775) 827-2000
9 Attorneys For the Petitioner

FILED
2003 APR 21 PM 10:19
FORWARD TO COURT
G. Velarde

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE

13 IN THE MATR OF THE ESTATE OF

14 WILFRID G. AUSTIN,
15 aka W. AUSTIN,

Case No. PR 215942

Dept. No. PR

16 Deceased.
17 _____/

18 **ORDER TERMINATING TRUST AND APPROVING FINAL DISTRIBUTION OF**
19 **TRUST ASSETS**

20 The vend Petition of Gregory G. Austin and Susan Genevish, the duly appointed
21 and acting successor Co-Trustees of the trust created under the Will of Wilfrid G. Austin,
22 also known as G. Austin, deceased, came on regularly for hearing this day. No written
23 objections to the Petition were filed, and no person appeared at the hearing to object to the
24 Petition. The Court finds as follows:

25 1. Proper notice of the hearing on the Petition has been given to all interested
26 persons in accordance with Nevada law.

1. Gregory G. Austin and Susan Genevish were duly appointed by this Court
as substitute Trustees by an Order Appointing Substitute Co-Trustees entered on July

1 19, 1990. Since that time, they have been and continue to act as Co-Trustees of the W.
2 G. Austin Trust.

3 3. Suzanne T. Welts, the widow of W. G. Austin and the mother of Gregory G.
4 Austin and Susan Genevish was the sole income beneficiary of the W. G. Austin Trust.
5 Suzanne T. Welts died on February 2, 2002. Upon her death, under the terms of the trust
6 created under a Will of W. G. Austin, the trust is to terminate and all assets of the trust
7 are to be distributed equally between Gregory G. Austin and Susan Genevish.
8

9 4. Gregory G. Austin and Susan Genevish, as the sole beneficiaries of the trust,
10 have waived the requirement of any accounting that may be due from them as Co-Trustees
11 of the trust.

12 All other allegations of the Petition having been found to be true and correct, the
13 Court now enters the following Orders:

14 A. Gregory G. Austin and Susan Genevish are not required to file any
15 accounting of the trust.
16

17 B. The W. G. Austin Trust is terminated and Gregory G. Austin and Susan
18 Genevish are authorized, directed, and empowered to distribute to themselves, free of
19 trust, all remaining assets of the trust equally or on a nonpro-rata basis, as they shall
20 determine by agreement between them.
21

22 C. Among the assets to be so distributed pursuant to paragraph B. above are
23 the following real estate and mining claims, as further described in Exhibit "A" attached
24 hereto and incorporated herein by this reference:

25 An undivided one-half (1/2) interest in eight (8) unpatented
26 mining claims located in the Slumbering Hills, Awakening Mining District,
Humboldt County, Nevada - known as Austin Jumbo Mine, described as

1 follows:

2 Junbo
3 BLM Serial No. NMC-119231

4 Junp No. 1
5 BLM Serial No. NMC-119235

6 Junbo No. 1
7 BLM Serial No. NMC-119232

8 Junbo No. 3
9 BLM Serial No. NMC-119234

10 E Tom No. 1
11 BLM Serial No. NMC-119237

12 E Tom
13 BLM Serial No. NMC-119236

14 Junbo Fraction
15 BLM Serial No. NMC-119238

16 Junbo No. 2
17 BLM Serial No. NMC-119233

18 2 An undivided one-half (1/2) fee simple interest in one hundred
19 sixty (1) acres located in Jungo, Humboldt County, Nevada, assessor's
20 parcel mber 005-401-07;

21 3 One (1) unpatented Desert Millsite claim located in the NE 1/4
22 of the SE 1/4 of Section 29, Township 38 North, Range 32 East, Humboldt
23 County Nevada;

24 4 Seven (7) unpatented mining claims - Juniper No. 1 through
25 Juniper No. 7 located in Eureka County, Nevada.

26 5 An undivided one-half (1/2) interest in a mining lease, as
amended by the First Amendment to Mining Lease Agreement dated
October 3, 1988, recorded in Book 266, Page 364, Document No. 299238,
recorded on December 7, 1988 in official records of the Humboldt County
Record with Pinson Mining Company, a Nevada general partnership, as
Lessee and Jackson Mountain Mining Company as Lessor, together with an
undivided one-half (1/2) interest in those certain unpatented mining claims
generally located in Townships 37 and 38 North, Range 42 East, M.D.B.&M.,

1 Unknown Mining District, Humboldt County, Nevada, more particularly
2 described as follows:

3 Dee #1A-18A
4 BLM Serial No. NMC-319892-319909

5 Dee Fractions #1-2
6 BLM Serial No. NMC-282121-282122

7 Dee #21-56
8 BLM Serial No. NMC-282123-282158

9 An undivided one-half (1/2) interest in that certain commercial
10 lease dated September 8, 1995, between Southern Pacific Transportation
11 Company, a Delaware corporation, as "Lessor," and Saga Exploration, a
12 corporation, as "Lessee," recorded as Document No. 716243 of official
13 records of Washoe County, Nevada. A fifty percent (50%) interest of Saga
14 Exploration Co.'s interest in said lease was assigned to the W. G. Austin
15 Trust on or about September 25, 1996, together with the fifty percent (50%)
16 interest in all improvements located on 2329, 2335A&B, 2339, 2345, 2365,
17 2369, and 2375 Dickerson Road, Reno, Washoe County, Nevada,
18 Assessor's Parcel No. 006-290-36.

19 An undivided one-half (1/2) interest in a railroad spur track and
20 loading ramp located at Colado Junction, near Lovelock, Pershing County,
21 Nevada.

22 Two thousand, five hundred (2,500) shares of Nevada Barth
23 Corporation, a Nevada corporation, representing fifty percent (50%) of the
24 outstanding capital stock of such corporation.

25 The following mining claims located in Humboldt County,
26 Nevada:

 n King
 BLM Serial No. 119214

 n King 2-11
 BLM Serial Nos. 119215-119224

 n King 13
 BLM Serial No. 119225

 n King 15
 BLM Serial No. 119226

1 to Mike
2 BLM Serial No. 119227

3 D. All other assets not now known or which might hereafter be discovered and
4 either owned W. G. Austin or otherwise owned by the W. G. Austin Trust shall be
5 distributed equally to Gregory G. Austin and Susan Genevish or their respective
6 successors assigns.

7 Dated to 24 day of April, 2003.

8
9 Peter I. Breen
10 District Judge

11 Respectfully submitted,

12 *G. Barton Mow*
13 G. Barton Mow, Esq.
14

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16 J:\COREL\WPDATA\m\Austin\Order.Terminating.Trust.wpd
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Real Estate

Undivided one-half interest in nine (9) unpatented mining claims situated in the Slumbering Hills, Awakeni Mining District, Humboldt County, Nevada, described as follows: (Kenneth L. D. Austin co-tenant)

Jumbo located February 5, 1935, certificate record in Book W of locations at Page 460.

Camp No. 1, located May 24, 1935, certificate record in Book W of Locations at Page 509.

Jumbo No. 1, located February 20, 1935, recorded in Book W of Locations at Page 477

Jumbo No. 2, located February 19, 1935, recorded in Book W of Locations at Page 477.

Jumbo No. 3, located February 21, 1935, recorded in Book W of Locations at Page 478.

Big To located July 24, 1963, recorded in Book 11 of Locations at Page 588.

Big To No. 1, located July 23, 1963, recorded in Book 11 of Locations at Page 588.

Jumbo tension, located July 15, 1963, recorded in Book 11 of Locations at Page 587.

Jumbo action, located August 16, 1963, recorded in Book 11 of Locations at Page 587

Undivided one-half interest in certain real estate located Junco, Humboldt County, Nevada, described as follows:
S $\frac{1}{2}$ of $\frac{1}{4}$; S $\frac{1}{2}$ of SW $\frac{1}{4}$; Section 10, Township 35 North, Range 32 East, together with old living cabins located thereon; co-tenant - Kenneth L. D. Austin

One unpatented desert millsite claim situated in the NE $\frac{1}{4}$ of E $\frac{1}{4}$ of Section 29, Township 38 North, Range 32 East Humboldt County, Nevada

Fourteen (14) unpatented mining claims, Great Basin No. 1 through Great Basin No. 10 and Fierro No. 1 through Fierro No. 4, all located in Buena Vista Hills, Pershi County, Nevada

Seven (7) patented mining claims, Juniper No. 1 through Juniper No. 7, all located in an unknown mining district, Eureka County, Nevada

EXHIBIT "A"

CERTIFIED COPY

The document to which this ~~certificate~~ is attached is a full, true and correct copy of the original on file and of record in office.

DATE: APR 25 2003

RONALD A. LONGTIN, JR., Clerk of Second Judicial District Court, in and for County of Washoe, State of Nevada.

By J. Davis Deputy

BOOK 361 PAGE 014
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
Walther, Key, Maupin Oats
2003 MAY -1 PM 1:23

EUREKA COUNTY NEVADA
M.N. REBALEATI, RECORDER
FILED. FEES 20⁰⁰

181716

BOOK 361 PAGE 020