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Recording Requested by
& Return to:

Vaughan & Hull, Ltd.
530 Idaho Street
Elko, NV 89801

BOOK *414* PAGE *008-017*
OFFICIAL RECORDS
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EUREKA COUNTY, NEVADA
M.N. REBALEATI, RECORDER
FILE NO. FEES *47⁰⁰*

198687

ORDER AND DECREE SETTING ASIDE ESTATE WITHOUT ADMINISTRATION

COOPY

MAY 20 2005

1 CASE NO. BY Eureka County Clerk Deputy

2 DEPT NO.

3 Recording Requested by
& Return to:
4 Vaughan & Hull, Ltd.
5 530 Idaho Street
6 Elko, NV 89801

7 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR THE COUNTY OF EUREKA**

9 _____
10 **IN THE MATTER OF THE ESTATES OF**
11 **JOHN V. DAMELE AND**
12 **ROBERTA M. DAMELE, DECEASED**
13 **Deceased.**

ORDER AND DECREE SETTING
ASIDE ESTATE WITHOUT
ADMINISTRATION

14 The verified PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION
15 pursuant to N.R.S. 146.070 filed herein on April 26, 2005, having come on regularly to be heard on the
16 20th of May at the hour 9 o'clock A .M., the Court finds that:

- 17 1. The Notice of this Hearing has been given for the period of time and in the manner
- 18 required by law.
- 19 2. The allegations of the Petition are true and correct.
- 20 3. That JOHN VERNON DAMELE also known as JOHN V. DAMELE died on
- 21 or about the 25th day of November, 1990 in the County of Eureka, State of Nevada and was at the time
- 22 of death over the age of majority and a resident of the County of Eureka, State of Nevada..
- 23 4. That ROBERTA MERIALDO DAMELE also known as ROBERTA M.
- 24 DAMELE the widow of JOHN V. DAMELE died on or about July 13, 2004 in the County of
- 25 Thornton, State of Colorado and was at the time of death over the age of majority and a resident of the
- 26 County of Eureka, State of Nevada.
- 27 5. That decedent, JOHN V. DAMELE, left a Last Will and Testament bearing the
- 28 date of December 4, 1995, the original of which was filed with Joan Shangle, County Clerk of the

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1 County of Eureka, State of Nevada on May 28, 1991; that your Petitioner alleges that said Will
2 constitutes the Last Will and Testament of said decedent.

3 6. That decedent, **ROBERT M. DAMELE**, left a Last Will and Testament bearing
4 the date of December 1, 1999, the original of which was filed with Francis Gail, County Clerk of the
5 County of Eureka, State of Nevada; on October 26, 2004 that your Petitioner alleges that said Will
6 constitutes the Last Will and Testament of said decedent.

7 7. That the names, ages, relationships and addresses of the heirs of said **JOHN V.**
8 **DAMELE**, so far as known to Petitioner, are:

| <u>NAME & ADDRESS</u> | <u>AGE</u> | <u>RELATIONSHIP</u> |
|---|------------|---------------------|
| Roberta M.. Damele | Deceased | Wife |
| Arlene D. Smith P.O. Box 815 Eureka, NV 89316 | Adult | Daughter |
| Stephanie D. Sittner 482 Melody Dr. North Glenn, CO 80260 | Adult | Daughter |

16 8. That the names, ages, relationships and addresses of the heirs of said **ROBERTA**
17 **M. DAMELE** so far as know to Petitioner, are:

| <u>NAME & ADDRESS</u> | <u>AGE</u> | <u>RELATIONSHIP</u> |
|--|------------|---------------------|
| Arlene D. Smith P.O. Box 815 Eureka, NV 89316 | Adult | Daughter |
| Stephanie D. Sittner 482 Melody Dr. Northglenn, CO 80260 | Adult | Daughter |

23 9. That the names, ages, relationships and addresses of the heirs of said **JOHN V.**
24 **DAMELE**, are:

| <u>NAME & ADDRESS</u> | <u>AGE</u> | <u>RELATIONSHIP</u> |
|---------------------------|------------|---------------------|
| Roberta M.. Damele | Deceased | Wife |

27 |||
28 |||

Contingent heirs and devisees upon the death of ROBERTA M. DAMELE:

| <u>NAME & ADDRESS</u> | <u>AGE</u> | <u>RELATIONSHIP</u> |
|--|------------|---------------------|
| Arlene D. Smith P.O. Box 815 Eureka, NV 89316 | Adult | Daughter |
| Stephanie D. Sittner 482 Melody Dr. Northglenn, CO 80260 | Adult | Daughter |

10. That the names, ages and addresses of the devisees and legatees of said deceased,

ROBERT M. DAMELE, are:

| <u>NAME & ADDRESS</u> | <u>AGE</u> | <u>RELATIONSHIP</u> |
|--|------------|---------------------|
| Arlene D. Smith P.O. Box 815 Eureka, NV 89316 | Adult | Daughter |
| Stephanie D. Sittner 482 Melody Dr. Northglenn, CO 80260 | Adult | Daughter |

11. That pursuant to said Last Wills and Testaments, **STEPHANIE DAMELE SITTNER** and **ARLENE DAMELE SMITH** are the devisees and legatees of the Estate of **JOHN V. DAMELE** and the Estate of **ROBERTA M. DAMELE**.

12. That the following is a specific description of all of the decedent's **JOHN V. DAMELE**'s property and an estimate of the value thereof.

The community interest of **JOHN V. DAMELE** in and to an undivided one-third (1/3) interest of an undivided one-half (1/2) interest in and all minerals, oil or gas owned as reserved by Charles Damele, Leo J. Damele and the **JOHN V. DAMELE** doing business under the name of Stephen Damele and Sons, Leo J. Damele, et ux, Charles Damele, et ux in deed recorded January 20, 1972 in Book 41 of Deeds at Page 318, in the Office of the County Recorder of Eureka County, Nevada for that real property described in Exhibit "A" attached hereto and made a part hereof.

13. That the following is a specific description of all the decedent, **ROBERTA M. DAMELE**'s property and an estimate of the value thereof:

A A one-sixth (1/6th) interest in an to the oil, gas and mineral rights described in Paragraph 12 above after distribution of the interest of **JOHN V. DAMELE** to his surviving wife.

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B. An undivided one-half (1/2) interest in and to all that certain property situated in the County of Eureka, Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 53 and Lots 7, 8, 9, 10, 11, 12 and 23 of Block 54 in the Townsite of Eureka, as the same are delineated upon the Official Plat of the survey of said Townsite, approved by the U.S. General Land Office on November 19, 1937, and on file in the Office of the County Recorder, Eureka, Nevada.

TOGETHER with any and all improvements and buildings thereon situate.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

C. All those unpatented mining claims located in Eureka County, Nevada described as follows:

| Claim Name | Certification of Location | | NMC Number |
|------------|---------------------------|------|------------|
| | Book | Page | |
| Patty #29 | 287 | 319 | 720787 |
| Patty #30 | 287 | 320 | 720788 |
| Patty #31 | 287 | 321 | 720789 |
| Patty #32 | 287 | 322 | 720790 |
| Patty #33 | 287 | 323 | 720791 |
| Patty #47 | 287 | 337 | 720805 |
| Patty #48 | 287 | 338 | 720806 |
| Patty #49 | 287 | 339 | 720807 |
| Patty #50 | 287 | 340 | 720808 |
| Patty #51 | 287 | 341 | 720809 |
| Patty #52 | 287 | 342 | 720810 |
| Patty #53 | 287 | 343 | 720811 |
| Patty #54 | 287 | 344 | 720812 |
| Patty #55 | 287 | 345 | 720813 |

13. The total gross value of the Estate of the Decedents in the State of Nevada less encumbrances does not exceed \$75,000.00.

14. So far as known to Petitioner, the debts of the last illness and funeral expenses of Decedents have been paid and Decedents left no unpaid debts in Nevada.

15. That VAUGHAN & HULL, LTD., Attorneys at Law, Elko, Nevada, have performed services and advanced costs for said Estate acting as attorney's for the Petitioner and that Petitioner and said attorneys have agreed that a reasonable fee for said services would be the sum of \$750.00 plus costs and that Petitioner has arranged for payment of said fees and costs.

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1 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

2 1. Due and legal notice of the hearing of said **PETITION TO SET ASIDE ESTATE**
3 **WITHOUT ADMINISTRATION** pursuant to NRS 146.070 has been given to or waived by all persons
4 interested in said Estate or who are entitled to notice thereof for the time and in the manner required by
5 law.

6 2. The property hereinbefore specifically described as an asset of the Estate of **JOHN**
7 **V. DAMELE** was the community property of the Deceased and **ROBERTA M. DAMELE** at the time
8 of the death of the deceased and that an undivided one-half (1/2) interest of the same vested in
9 **ROBERTA M. DAMELE**, the surviving wife, absolutely, on the date of the death of said **JOHN V.**
10 **DAMELE**.

11 3. The property hereinbefore specifically described as the assets of the Estate of
12 **ROBERTA M. DAMELE** was the separate property of the deceased.

13 4. The fee of \$750.00 plus costs advanced for services rendered by **VAUGHAN &**
14 **HULL, LTD.**, Attorneys at Law, as agreed by between Petitioner and said attorneys, is approved as
15 reasonable, and ordered paid.

16 5. In accordance with NRS 146.070, all right, title and interest of **JOHN V. DAMELE**
17 Deceased, in the above-described property be and hereby is set aside to **ARLENE D. SMITH** and
18 **STEPHANIE D. SITTNER** , share and share alike the surviving children, for their support.

19 6 . In accordance with NRS 146.070, the interest of **JOHN V. DAMELE** and
20 **ROBERTA M. DAMELE** , Deceased, in and to any and all other property, real or personal, of any
21 name, nature, kind, character or description not hereinabove described, or which may be incorrectly
22 described herein, which is within the jurisdiction of this Court, and does not cause the gross value of the
23 Estate less encumbrances to exceed \$75,000.00, is assigned and set aside to **ARLENE D. SMITH** and
24 **STEPHANIE D. SITTNER** , the surviving children for their support.

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7. A certified copy of this Order be recorded in the office of the County Recorder of Eureka County, Nevada.

Done in open Court this 20 day of MAY, 2005.



DISTRICT JUDGE

COPIED

SEVENTH JUDICIAL DISTRICT COURT
IN AND FOR COUNTY OF EUREKA
STATE OF NEVADA } SS

I, the Undersigned COUNTY CLERK and Ex-Officio CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY that the foregoing is a full, true and correct copy of the original on file in my office and that I have carefully compared the same with the original.

WITNESS, My Hand and Seal of said DISTRICT COURT, this 23rd day of May, 2005

Francesca Hale
County Clerk and Ex-Officio Court Clerk
[Signature] Deputy Clerk

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EXHIBIT "A"

An undivided 1/3 interest in and to one-half (1/2) of all minerals, oil or gas owned by CHARLES DAMELE, et al., as reserved in Deed recorded 1/20/72 in Book 41 of Official Records at Page 318, Eureka County, Nevada, in and to the following described lands:

Parcel A

TOWNSHIP 23 1/2 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 1: Lot 3.

TOWNSHIP 24 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 10: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 13: NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 26: W $\frac{1}{2}$ E $\frac{1}{2}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35: E $\frac{1}{2}$ W $\frac{1}{2}$

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M

Section 2: Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 7: Lot 2

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M

Section 24: SE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 28: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 36: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 26 NORTH, RANGE 50 EAST, M.D.B.&M

Section 1: SE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12: E $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24: E $\frac{1}{2}$ SE $\frac{1}{4}$

TOWNSHIP 25 NORTH, RANGE 51 EAST, M.D.B.&M

Section 6: Lots 3, 4, 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7: E $\frac{1}{2}$ NW $\frac{1}{4}$
Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; Lots 2 and 3
Section 35: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOWNSHIP 26 NORTH, RANGE 51 EAST, M.D.B.&M

Section 6: Lots 3, 4, 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7: Lots 1, 2, 3 and 4
Section 18: Lots 1, 2, 3 and 4
Section 19: Lots 1, 2, 3 and 4
Section 30: Lots 1, 2, 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 31: NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ W $\frac{1}{2}$; Lot 4; SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 27 NORTH, RANGE 51 EAST, M.D.B.&M

Section 30: S $\frac{1}{2}$ NE $\frac{1}{4}$; Lot 4; E $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 31: Lot 1

Parcel B

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M

Section 20: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 30: N $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

TOWNSHIP 25 NORTH, RANGE 50 EAST, M.D.B.&M

Section 32: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM, all mines of gold, silver, copper, lead, cinnabar and other valuable minerals which may exist in said tract, including all gas, coal, oil and oil shales as reserved in Deeds conveying above parcels to TESSIE DAMELE, et al., executed by RUBY LAND CORPORATION, as recorded August 24, 1951, in Book 24 of Deeds at Page 157; by HOMER D. TUTTLE and GLENDORA TUTTLE, as recorded August 22, 1951 in Book 24 of Deeds at Page 158; and by FRANK D. CARROLL and NINA J. CARROLL, as recorded August 24, 1951, in Book 24 of Deeds at Page 161, all Eureka County, Nevada, Records.

Parcel C

TOWNSHIP 24 NORTH, RANGE 50 EAST, M.D.B.&M

Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$

Section 23: NW $\frac{1}{4}$

EXCEPTING THEREFROM, a one-fourth (1/4) interest in all minerals, as reserved in Deed dated October 20, 1960, executed by JEAN SALLABERRY, et al., to CHARLES DAMELE, et al., and recorded October 26, 1960 in Book 25 of Deeds at Page 467, Eureka County, Nevada, Records.

Together with the exclusive right at all times to enter upon or in said land to prospect for and drill, bore and recover and remove the same. It being understood that the right to enter upon or in said land, to prospect for and to drill, bore and recover and remove the same will be done in such a manner that it will not disrupt the operations on said premises or cause damage to said premises or surface or underground waters or water rights appurtenant thereto.

Probate/Damele R./Exhibit A

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