

ELKO COUNTY

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DEPUTY *Karen Vasquez*
Annette Fitch

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CASE NO. 3540

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF ELKO

IN THE MATTER OF THE ESTATE OF
EDWARD V. TOMERA,
Deceased.

ORDER SETTLING FIRST AND
FINAL ACCOUNT APPROVING
ATTORNEY FEES, DECREE OF
DISTRIBUTION AND
CONFIRMATION OF TRUSTEE

The Executrix of the Estate of EDWARD V. TOMERA,
Deceased, having on the 24th day of July, 1986, rendered and
filed herein a full account of the administration of said
estate, which account was for final settlement, and having
with said account made application for approval of attorney
fees, and having further filed a Petition for Final Distri-
bution and a Petition for Confirmation of Appointment of
Trustee of the certain trust created by the Last Will and
Testament of EDWARD V. TOMERA; said account, application and
petitions having come on regularly to be heard, and proof
having been made to the satisfaction of the Court that
notice of the settlement of said account, and of the hearing
of the application and the petitions has been given in the
manner and for the time required by law, as more fully

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1 appears by the Affidavit of Mailing on file herein; and the
2 Court hereby finds:

3 1. That due and legal notice of hearing of said
4 account, application and petition has been given to all
5 persons interested in said Estate.

6 2. That all heirs at law, devisees and legatees
7 have waived any accountings by the Executrix as appears in
8 Waivers of Accountings filed herein.

9 3. That on the 24th day of December, 1985, said
10 EDWARD V. TOMERA died in the City of Elko, County of Elko,
11 State of Nevada; that at the time of his death was a resident
12 of the County of Elko, State of Nevada; that he was over the
13 age of twenty-one years; that he left estate in the County
14 of Elko, State of Nevada, consisting of real and personal
15 property.

16 4. That the deceased died testate.

17 5. That after due and proper proceedings had in
18 this behalf, the above-entitled Court, on the 21st day of
19 January, 1986, by its order, duly made and entered, appointed
20 YOLE TOMERA the Executrix of the Estate of the deceased, and
21 directed that upon qualification that Letters Testamentary
22 be issued and thereupon became, and now is, and ever since
23 said date has been duly appointed, qualified and acting
24 Executrix of said Estate.

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1 6. That the names, relationships, ages and
2 residences of the heirs-at-law of the deceased are as
3 follows, to-wit:

4	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
5	YOLE TOMERA	Adult	Widow	Edward V. Tomera Ranch Waysack Elko, NV 89801
7	EDWARD BATTISTE TOMERA	Adult	Son	Edward V. Tomera Ranch Waysack Elko, NV 89801
9	CLAUDE TOMERA	Adult	Son	5860 Estate Drive Klamath Falls, OR 97603

11 7. That under the terms of the Last Will and
12 Testament of the deceased, the following named persons are
13 the devisees and legatees, their names, relationships, ages
14 and addresses being as follows:

15	<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
16	YOLE TOMERA	Adult	Widow	Edward V. Tomera Ranch Waysack Elko, NV 89801
18	CLAUDE TOMERA	Adult	Son	5860 Estate Drive Klamath Falls, OR 97603

19 CONTINGENT DEVISEE AND LEGATEE

20	EDWARD BATTISTE TOMERA	Adult	Son	Edward V. Tomera Ranch Waysack Elko, NV 89801
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23 8. That due and legal notice to creditors of
24 said Estate has been given in the manner and for the time
25 required by law, and that the time for the filing of
26 creditors claims has expired.

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1 9. That no creditors claims have been filed
2 against the said Estate.

3 10. That the Executrix cause to be made and
4 returned to the Court a true inventory and appraisement of
5 all of the assets of the Estate of deceased; that the total
6 value of the community estate was in the amount to
7 \$3,061,112.82 with the interest of the estate having a total
8 value of \$1,520,556.41.

9 11. That a Federal Estate Tax return is being
10 prepared and will be timely filed, and that there will be no
11 estate taxes payable. That the Petitioner, as the major
12 devisee and legatee and beneficiary of the Testamentary
13 Trust, has agreed to pay any tax liability, interest, costs,
14 fees and penalties that may become due.

15 12. That the Executrix cause to be prepared and
16 timely filed a final tax return for the decedent and paid
17 the tax due thereon and has agreed to have prepared and
18 timely filed a fiduciary income tax return relating to
19 income received in the estate through final distribution,
20 and pay all taxes including any interest, costs, fees and
21 penalties thereon.

22 13. That the property of the estate consists of
23 the deceased's community interest in and to the community
24 property held by the deceased and YOLE TOMERA, also known as
25 YOLE N. TOMERA.

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1 14. That during the course of administration of
 2 the Estate, Executrix invested in a parcel of land situate
 3 in Section 17, Township 34 North, Range 55 East, M.D.M. as
 4 more particularly described in Paragraph 15 below as Parcel
 5 VIII, and initiated construction of a residence thereon.
 6 The funds for said purchase and construction were from
 7 community funds, of which a portion would be estate funds,
 8 the purchase amount being \$52,000.00 for real property and
 9 \$250,000.00 for construction costs for a total of
 10 \$302,000.00.

11 15. That the property within the jurisdiction of
 12 this Court, now under the care, management and control of
 13 the Executrix, subject to distribution is as follows:

14 BANK ACCOUNTS AND CERTIFICATES OF DEPOSIT:

15	Checking Account - First Interstate	
16	Bank of Nevada	\$202,968.44
17	Savings Account - First Interstate	
18	Bank of Nevada	20,194.62
19	Time Certificate of Deposit - First	
20	Interstate Bank	
21	of Nevada	600,000.00

22 STOCKS:

23 8 shares of Dean Witter & Co.
 24 Incorporated commons stock
 25 Certificate #5014781 to be
 26 converted to Sears, Roebuck
 & Co. at the rate of 3.11
 shares per share

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PERSONAL PROPERTY:

Parcel 1:

Livestock.

An undivided two-thirds interest in-and to:

1747	cows
180	old cows
90	old cows
729	weaner steer calves
739	weaner heifer calves
220	mixed unbranded calves
217	steers
230	bred heifers
97	Bulls
7	old horses
9	saddle horses

Parcel 2:

Vehicles, travel trailer, tack, hay, farm machinery, equipment, fuel and household furnishings.

An undivided two-thirds interest in and to:

1964 Chevrolet 1-1/2 ton, #2C56258FRM
1972 International Stockrack, #226611CO77670
1980 Chevrolet Pickup, #CKD14AJ136444
1970 Dodge Car, #LOEO6839, 48,000 miles
1985 Ford Pickup, #1FTEP26G2FAP26930
1966 Chevrolet Truck, 2-ton, #D61FL4J003311
1972 Ford Pickup, #F11YRPO7729,
1974 Dodge Truck and Rack, 2-ton
1960 Zenith Travel Trailer, #553905
2 saddles (1938 and 1940), 1 bridle
1976 John Deere Tractor, #4430.
1975 Hesston Stacker-Feeder #60A
1975 Hesston Windrower, #52685421
1970 Case Backhoe, #F4689258
1985 John Deere Backhoe #3010
1952 D-4 Catapiller, #C562607542312
1982 Koehler generator, 5000 watt
1975 Lincoln generator, 5000 watt
1963 New Holland Harrowbed
1971 International Harvester windrower #275
1984 New Holland Baler 425, #526241103
1960 Allis Chalmers D-14, #42168241
1949 Allis Chalmers WD, #WD60097583
1950 IHC Farmall C

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- 1 1949 2-way Plow
- 2 2 - 500 gallon tanks
- 3 1 - 1,000 gallon tank
- 4 1975 Hesston Stackretriever/Grapple Fork
- 5 Hay inventory
- 6 Fuel inventory
- 7 Miscellaneous household furniture and furnishings

8 Parcel 3:

9 Oil, Gas and Mineral Leases

- 10 1. An Oil and Gas Lease (undated)
- 11 executed by Edward V. Tomera and Yole N.
- 12 Tomera to Trask Oil Properties recorded
- 13 October 7, 1974 in Book 202 of Official
- 14 Records at Page 73, Elko County, Nevada.
- 15 2. An Oil and Gas Lease dated December
- 16 16, 1976 executed by Edward V. Tomera
- 17 and Yole N. Tomera to Amoco Production
- 18 Company recorded April 22, 1977 in Book
- 19 245 of Official Records at Page 457,
- 20 Elko County, Nevada.
- 21 3. Mineral Lease with option to
- 22 Purchase for an initial term of five
- 23 years from April 24, 1981 executed by
- 24 Edward V. Tomera and Yole N. Tomera to
- 25 Homestake Mining Company, evidenced by
- 26 document recorded January 18, 1982 in
- Book 379 of Official Records at Page
- 638, Elko County, Nevada.
- 4. Oil and Gas Lease dated July 28,
- 1982 executed by Edward V. Tomera and
- Yole N. Tomera to Sun Exploration and
- Production Company and Reading and Bates
- Petroleum Company, recorded July 29,
- 1982 in Book 396 of Official Records at
- Page 582, Elko County, Nevada.
- 5. Oil and Gas Lease dated June 29,
- 1982 executed by Edward V. Tomera and
- Yole N. Tomera to Atlantic Richfield
- Company recorded September 17, 1982 in
- Book 403 of Official Records at Page
- 382, Elko County, Nevada.
- 6. Mining Lease with Option to Purchase
- dated August 6, 1980 executed by Edward

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Tomera and Yole Tomera to Homestake Mining Company for an initial term of five years from August 6, 1980 with a provision that Lessee may extend term of lease for additional ten year terms, evidenced by Document recorded August 3, 1984 in Book 466 of Official Records at Page 368, Elko County, Nevada.

REAL ESTATE:

All that certain property situate in the County of Elko, State of Nevada, described as follows:

PARCEL I - EUREKA LIVESTOCK LANDS:

Township 30 North, Range 53 East, MDM

Section 9: That part of the NE $\frac{1}{4}$ lying westerly of the BLM allotment fence.

Township 31 North, Range 53 East, MDM

- Section 19: All
- Section 29: All
- Section 31: Lots 1, 2 and 3
- Section 33: N $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$
- Section 35: All

EXCEPTING FROM PARCEL I from each and every parcel of land above described all petroleum, oil, natural gas and products derived therefrom, within or underlying said lands or that may be produced therefrom, and all rights thereto, together with the exclusive right at all times to enter upon or in said land to prospect for, and to drill for, recover and remove the same, as reserved by the Southern Pacific Land Company, a corporation, by deeds of record, itself and its successors and assigns.

FURTHER EXCEPTING FROM PARCEL I herein, an undivided one-half interest in and to any and all other mineral rights in said lands, together with the right to enter on said lands to prospect for, recover and remove the same as reserved in Deed

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executed by Oscar Rudnick, et ux, et al., recorded in Book 69 of Deeds at page 25, in the Office of the County Recorder of Elko County, Nevada.

PARCEL II - CARPENTER-MAGNUSON LANDS:

Township 32 North, Range 54 East, MDM

Section 5: All
Section 7: All
Section 17: All
Section 19: All
Section 21: All

Township 33 North, Range 54 East, MDM

Section 29: All
Section 31: All

EXCEPTING THEREFROM an undivided one-half interest in and to all of the right, title and interest in and to coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath the surface of, or within said lands, including the rights to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas or minerals and any of their by-products as reserved in Deed executed by Tony Smith, et al, recorded in Book 72 of Deeds at page 444, in the Office of the County Recorder of Elko County, Nevada.

PARCEL III - CORD EXCHANGE:

Township 31 North, Range 53 East, MDM

Section 25: All
Section 26: S $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 27: All

Township 31 North, Range 54 East, MDM

Section 7: W $\frac{1}{2}$
Section 19: All

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Section 31: That portion lying westerly of the BLM allotment fence and containing 400 acres, more or less.

EXCEPTING FROM all of Parcel III, except Section 26, T. 31 N., R. 53 E., MDM, all petroleum, oil, natural gas and products derived therefrom, and all rights thereto, together with the exclusive right at all times to enter upon or in said lands to prospect for and to drill for, recover and remove the same as reserved in Deed executed by Southern Pacific Land Company, recorded in Book 56 of Deeds at page 397 in the Office of the County Recorder of Elko County, Nevada.

PARCEL IV - UNITED STATES EXCHANGE LANDS:

Township 31 North, Range 53 East, MDM

Section 36: All

EXCEPTING THEREFROM all minerals in Parcel IV, together with the right to prospect for, mine and remove the same as authorized by the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976) as reserved in Patent issued by the United States of America recorded in Book 76 of Official Records at page 55, in the Office of the County Recorder of Elko County, Nevada.

PARCEL V - DEARDEN LANDS:

Township 32 North, Range 56 East, MDM

All of those portions of Sections 8 and 9 T 32 N, R 56 E lying southerly of the following described fence line:

Beginning at Corner No. 1 which is on the east line of said Section 9, from which the northeast corner of said

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Section 9 bears N 0°21'48" W 118.30 feet,

thence S 80°06'35" W 1542.55 feet to Corner No. 2,
thence S 78°50'09" W 1951.12 feet to Corner No. 3,
thence S 68°29'32" W 637.88 feet to Corner No. 4,
thence S 19°47'25" W 2080.34 feet to Corner No. 5,
thence S 74°34'50" W 2242.14 feet to Corner No. 6,
thence S 89°42'07" W 3331.03 feet to Corner No. 7,
thence N 80°34'24" W 388.91 feet to Corner No. 8, a point on the west line of said Section 8 the Point of Ending

Section 18: NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM an undivided one-half interest in and to all coal, oil, gas and petroleum products of every name or nature whatsoever existing upon, beneath the surface of, or within said lands, including the right to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas or minerals and any of the by-products thereof as reserved in Deed executed by Mildred D. McBride, recorded in Book 68 of Deeds at page 436 in the Office of the County Recorder of Elko County, Nevada.

FURTHER EXCEPTING THEREFROM an undivided one-half interest of all of the right, title and interest of Pete Elia, et ux, in and to coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath the surface of, or within said lands, including the rights to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas, or minerals, and any of their by-products

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as reserved in Deed recorded in Book 70 of Deeds at page 438, in the Office of the County Recorder of Elko County, Nevada.

FURTHER EXCEPTING THEREFROM, until April 20, 1993, one-half of all right, title, interest and estate of John C. Carpenter, Jr. and Roseann S. Carpenter in or to all oil, gas, minerals and mineral rights, geothermal resources, steam, hot water and all products of geothermal processes that may be on, in, under or produced from the above described lands as reserved in Deed recorded in Book 183 of Official Records at page 235, in the Office of the County Recorder of Elko County, Nevada.

PARCEL VI - MAGNUSON LANDS:

Township 32 North, Range 56 East, MDM

Section 16: All
Section 17: All
Section 18: S $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING FROM Section 17 and undivided one-half interest in and to all coal, oil, gas and petroleum products of every name or nature whatsoever existing upon, beneath the surface of, or within said lands, including the right to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas or minerals and any of the by-products thereof as reserved in Deed executed by Mildred D. McBride, recorded in Book 68 of Deeds at page 436 in the Office of the County Recorder of Elko County, Nevada.

FURTHER EXCEPTING from Section 17 an undivided one-half interest of all of the right, title and interest of Pete Elia, et ux, in and to coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath

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the surface of, or within said lands, including the rights to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas, or minerals, and any of their by-products as reserved in Deed recorded in Book 70 of Deeds at page 438, in the Office of the County Recorder of Elko County, Nevada.

EXCEPTING from Section 16, all right, title and interest of Hugh D. McMullen, et ux, in and to all coal, oil, gas and other minerals of every kind and nature whatsoever existing upon, beneath the surface of, or within said lands, including the right to the use of so much of the surface thereof as may be required in prospecting for, in locating, developing, producing and transporting said coal, oil, gas or minerals and any of their by-products as reserved in Deed recorded in Book 19 of Official Records at page 677, in the Office of the County Recorder of Elko County, Nevada.

FURTHER EXCEPTING from all of Parcel VI, one-half of all right, title, estate and interest of Andrew J. Magnuson in and to all minerals, mineral rights, coal, oil, gas, petroleum, geothermal resources, steam, hot water and all products of geothermal processes that may be on, in, under or produced from the above described lands or any part thereof; together with a reasonable right of ingress and egress, and surface use as necessary to explore for, drill, mine, remove and produce the same as reserved in Deed recorded in Book 183 of Official Records at page 239, in the Office of the County Recorder of Elko County, Nevada.

TOGETHER with Southern Pacific Company Lease No. 2926 A;

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TOGETHER with Western Pacific Railroad Company Lease (Auditor Document No. 1400);

TOGETHER with all buildings, fences, and other improvements thereon;

TOGETHER with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof;

TOGETHER WITH: all springs, wells, water, water rights and stockwater rights applied for, appropriated for, appurtenant to or decreed to said lands, or any portion thereof; including but not limited to Certificate Nos. 8898; 8899 and 823 issued by the State of Nevada; all applications, proofs, permits, maps and certificates relating to such water and water rights; all dams, ditches, diversions, licenses, easements, pipelines, structures, measuring devices, headgates, culverts, ponds, and reservoirs; all easements, devices and controls used to apply such water and water rights to beneficial use and for the repair, cleaning, replacement and maintenance of any or all of such facilities and improvements by the use of modern equipment and methods and for access thereto; and all stockwater equipment, facilities, troughs, tanks, pumps, reservoirs, ponds and other stockwater improvements on said lands;

TOGETHER with any and all rights, privileges, preferences, licenses, leases and permits to graze livestock upon the public lands administered by the United States Department of the Interior, Bureau of Land Management, based upon, appurtenant to or used in connection with the real property or any portion thereof, currently being for a total preference of 4,521 animal unit month, with 1,305 animal unit month of suspended use and 3,216 animal unit month of active use.

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PARCEL VII

An undivided one-half (50%) interest in and to the minerals (including oil and gas) within the following described parcels:

TOWNSHIP 30 NORTH, RANGE 53 EAST, M.D.M.

Section 5: Lot 1, 2, 3 and 4; S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 31 NORTH, RANGE 53 EAST, M.D.M.

Section 31: Lot 4

All oil and gas existing upon, beneath the surface of or within the following described lands or any portion thereof, with all royalties, rentals and other payments therefor and all leases therefor:

Parcels 1 and 2 and shown upon the Parcel Map for Edward V. and Yole Tomara filed in the Office of the County Recorder of Elko County, Nevada on September 16, 1981 as File No. 154544.

PARCEL VIII

TOWNSHIP 34 NORTH, RANGE 55 EAST, MDB&M

Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM one-half of all oil, gas, mineral and other hydrocarbon substances in and under said land as reserved in Deed dated November 5, 1957, executed by Strathern Cattle Co. to A.B. McKinley and Sons, Inc. recorded November 19, 1957 in Book 73 of Deeds at page 38, Elko County, Nevada

FURTHER EXCEPTING THEREFROM one-half of all oil, gas or mineral rights of any nature, on or under the lands hereinabove described as reserved in Deed dated May 20, 1960, executed by A.B. McKinley and Sons, Inc. to Fred B. Harris, et ux.

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recorded June 14, 1960 in Book 4 of Official Records at page 272, Elko County, Nevada.

Together with all buildings and improvements thereon.

Together with all and singular the tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof, or of any part thereof, and, specifically, all right, title, and interest, if any, of grantor of, in, and to any streets, alleys, highways, and roads abutting the above-described premises to the center lines thereof.

PARCEL IX

That certain Reservation of Use and Possession contained in the Contract of Sale entered into the 6th day of March, 1984, wherein the Elko County Recreation Board is the Buyer, and Edward V. Tomera, Yole Tomera and Ed Tomera and Son, a general partnership, are Sellers.

16. That the Executrix has performed services for the Estate and waives any fee for the services rendered.

17. That VAUGHAN, HULL & COPENHAVER, LTD., Attorneys at Law, Elko, Nevada, have performed ordinary and extraordinary services for said Estate by acting as attorneys for the Executrix for which said attorneys are entitled to a reasonable fee. That said attorneys have waived the right to a fee based upon the community interest of the surviving wife and requests that the fee and the reasonableness thereof be based on upon the interest of the deceased. That the Executrix and said attorneys have agreed that a reasonable

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1 fee for the said services would be in the sum of \$42,500.00
2 for ordinary services and \$5,000.00 for extraordinary
3 services, and the Court finds said sums to be reasonable.

4 18. That VAUGHAN, HULL & COPENHAVER, LTD.,
5 Attorneys at Law, Elko, Nevada, in serving as attorneys for
6 the Executrix of this Estate, during the administration of
7 said Estate, have advanced certain costs in the sum of
8 \$176.00 and are entitled to reimbursement of the same.

9 19. That the necessary costs of closing of said
10 Estate are estimated to be less than \$500.00.

11 20. That all claims and debts against said
12 decedent and against the said Estate have been paid in
13 full; that all expenses and charges of administration except
14 as hereinafter specifically set out have been paid in full;
15 that expenses of last illness and funeral expenses have been
16 paid in full; that Executrix as the major heir, devisee and
17 legatee and Trustee of the Testamentary Trust of the Last
18 Will and Testament of the deceased has agreed to have
19 prepared, timely filed and pay all other taxes due,
20 including costs, interest and that said Estate is ready for
21 distribution and is now in a condition to be closed.

22 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
23 DECREED:

24 1. That due and legal notice of the hearing of
25 said First and Final Account, Application for Approval of
26 Attorney Fees, Petition for Distribution and Petition for

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1 Confirmation of Appointment of Trustee has been given to or
2 waived by all persons interested in said Estate or entitled
3 to notice thereof.

4 2. That the First and Final Account of the
5 Executrix as rendered is hereby settled, allowed, approved,
6 ratified and confirmed as rendered.

7 3. That Notice to Creditors has been given for
8 the time and in the manner as provided by law, and the time
9 for the presentation of creditors claims has expired.

10 4. That the purchase of real property situate in
11 Section 17, Township 34 North, Range 55 East, M.D.M. and
12 initiation of construction of a residence is hereby approved.

13 5. That the Executrix is ordered to pay from the
14 funds of the Estate the following amount for the purposes
15 stated, which amounts are determined to be reasonable:

16 A. To VAUGHAN, HULL & COPENHAVER, LTD., the sum
17 of \$176.00 to reimburse said attorneys for
18 costs advanced.

19 B. To VAUGHAN, HULL & COPENHAVER, LTD., the sum
20 of \$47,500.00 as attorney fees for ordinary
21 and extraordinary services.

22 C. Necessary costs of closing.

23 6. That the property hereinbefore specifically
24 described was the community property owned by the deceased
25 and YOLE TOMERA, also known as YOLE N. TOMERA at the time of
26 the death of the deceased, a one-half (1/2) community

ELKO COUNTY

1 interest therein vested in YOLE TOMERA the surviving wife
2 absolutely, on the date of the death of the deceased.

3 7. That any and all property of any name,
4 nature, kind, character or description, not hereinabove
5 described or inventoried and appraised, in this said estate,
6 or which may be incorrectly described herein, which is
7 within the jurisdiction of the Court, and which was owned by
8 the deceased and YOLE TOMERA also known as YOLE N. TOMERA,
9 as community property, at the date of the death of the
10 deceased, vested one-half (1/2) in said YOLE TOMERA, who
11 also acquired title as YOLE N. TOMERA, the surviving wife,
12 absolutely, on the date of the death of the deceased.

13 8. That subject to payment of the sums
14 hereinbefore set out there is hereby distributed the
15 following to:

16 A. CLAUDE TOMERA the sum of \$1,000.00.

17 B. YOLE TOMERA, Trustee of the Testamentary
18 Trust of the Last Will and Testament of EDWARD V. TOMERA the
19 sum of \$200,000.00, and an undivided one-half interest in
20 and to all that certain property situate in the County of
21 Elko, State of Nevada, described in Parcels I through VII,
22 of paragraph 15 above, except the S $\frac{1}{4}$ S $\frac{1}{4}$ of Section 25, the
23 S $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, and the N $\frac{1}{2}$, and
24 N $\frac{1}{4}$ S $\frac{1}{4}$ of Section 35, Township 31 North, Range 53 East, M.D.M.
25 and all water rights, building improvements and range rights

26 / / /

ELKO COUNTY

1 appurtenant thereto of used in connection therewith,
2 inclusive, as follows:

3 **PARCEL I - EUREKA LIVESTOCK LANDS:**

4 Township 30 North, Range 53 East, MDM

5 Section 9: That part of the NE $\frac{1}{4}$
6 lying westerly of the BLM
allotment fence.

7 Township 31 North, Range 53 East, MDM

8 Section 19: All
9 Section 29: All
10 Section 31: Lots 1, 2 and 3
11 Section 33: N $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$
12 Section 35: S $\frac{1}{2}$ S $\frac{1}{4}$

13 EXCEPTING FROM PARCEL I from each and
14 every parcel of land above described all
15 petroleum, oil, natural gas and products
16 derived therefrom, within or underlying
17 said lands or that may be produced
therefrom, and all rights thereto,
together with the exclusive right at all
times to enter upon or in said land to
prospect for, and to drill for, recover
and remove the same, as reserved by the
Southern Pacific Land Company, a
corporation, by deeds of record, itself
and its successors and assigns.

18 FURTHER EXCEPTING FROM PARCEL I herein,
19 an undivided one-half interest in and to
20 any and all other mineral rights in said
21 lands, together with the right to enter
22 on said lands to prospect for, recover
23 and remove the same as reserved in Deed
24 executed by Oscar Rudnick, et ux, et
25 al., recorded in Book 69 of Deeds at
26 page 25, in the Office of the County
Recorder of Elko County, Nevada.

23 **PARCEL II - CARPENTER-MAGNUSON LANDS:**

24 Township 32 North, Range 54 East, MDM

25 Section 5: All
26 Section 7: All

ELKO COUNTY

1 Section 17: All
2 Section 19: All
3 Section 21: All

4 Township 33 North, Range 54 East, MDM

5 Section 29: All
6 Section 31: All

7 EXCEPTING THEREFROM an undivided
8 one-half interest in and to all of the
9 right, title and interest in and to
10 coal, oil, gas and other minerals of
11 every kind and nature whatsoever
12 existing upon, beneath the surface of,
13 or within said lands, including the
14 rights to the use of so much of the
15 surface thereof as may be required in
16 prospecting for, in locating, developing,
17 producing and transporting said coal,
18 oil, gas or minerals and any of their
19 by-products as reserved in Deed executed
20 by Tony Smith, et al, recorded in Book
21 72 of Deeds at page 444, in the Office
22 of the County Recorder of Elko County,
23 Nevada.

24 PARCEL III - CORD EXCHANGE:

25 Township 31 North, Range 53 East, MDM

26 Section 25: N $\frac{1}{2}$; N $\frac{1}{4}$ S $\frac{1}{4}$
Section 27: All

Township 31 North, Range 54 East, MDM

Section 7: W $\frac{1}{2}$
Section 19: All
Section 31: That portion lying
westerly of the BLM
allotment fence and
containing 400 acres,
more or less.

EXCEPTING FROM all of Parcel III, except
Section 26, T. 31 N., R. 53 E., MDM, all
petroleum, oil, natural gas and products
derived therefrom, and all rights
thereto, together with the exclusive
right at all times to enter upon or in
said lands to prospect for and to drill

ELKO COUNTY

1 for, recover and remove the same as
2 reserved in Deed executed by Southern
3 Pacific Land Company, recorded in Book
4 56 of Deeds at page 397 in the Office of
5 the County Recorder of Elko County,
6 Nevada.

7 **PARCEL IV - UNITED STATES EXCHANGE**
8 **LANDS:**

9 Township 31 North, Range 53 East, MDM

10 Section 36: All

11 EXCEPTING THEREFROM all minerals in
12 Parcel IV, together with the right to
13 prospect for, mine and remove the same
14 as authorized by the provisions of
15 Section 8 of the Act of June 28, 1934
16 (48 Stat. 1269) as amended by Section 3
17 of the Act of June 26, 1936 (49 Stat.
18 1976) as reserved in Patent issued by
19 the United States of America recorded in
20 Book 76 of Official Records at page 55,
21 in the Office of the County Recorder of
22 Elko County, Nevada.

23 **PARCEL V - DEARDEN LANDS:**

24 Township 32 North, Range 56 East, MDM

25 All of those portions of Sections 8 and
26 9 T 32 N, R 56 E lying southerly of the
following described fence line:

Beginning at Corner No. 1 which is on
the east line of said Section 9, from
which the northeast corner of said
Section 9 bears N 0°21'48" W 118.30
feet,

thence S 80°06'35" W 1542.55 feet to
Corner No. 2,
thence S 78°50'09" W 1951.12 feet to
Corner No. 3,
thence S 68°29'32" W 637.88 feet to
Corner No. 4,
thence S 19°47'25" W 2080.34 feet to
Corner No. 5,
thence S 74°34'50" W 2242.14 feet to
Corner No. 6,

ELKO COUNTY

1 thence S 89°42'07" W 3331.03 feet to
2 Corner No. 7,
3 thence N 80°34'24" W 388.91 feet to
4 Corner No. 8, a point on the west line
5 of said Section 8 the Point of Ending

6 Section 18: NE¼, N¼NW¼SE¼, N¼S¼NE¼SE¼

7 EXCEPTING THEREFROM an undivided
8 one-half interest in and to all coal,
9 oil, gas and petroleum products of every
10 name or nature whatsoever existing upon,
11 beneath the surface of, or within said
12 lands, including the right to the use of
13 so much of the surface thereof as may be
14 required in prospecting for, in locating,
15 developing, producing and transporting
16 said coal, oil, gas or minerals and any
17 of the by-products thereof as reserved
18 in Deed executed by Mildred D. McBride,
19 recorded in Book 68 of Deeds at page 436
20 in the Office of the County Recorder of
21 Elko County, Nevada.

22 FURTHER EXCEPTING THEREFROM an undivided
23 one-half interest of all of the right,
24 title and interest of Pete Elia, et ux,
25 in and to coal, oil, gas and other
26 minerals of every kind and nature
whatsoever existing upon, beneath the
surface of, or within said lands,
including the rights to the use of so
much of the surface thereof as may be
required in prospecting for, in
locating, developing, producing and
transporting said coal, oil, gas, or
minerals, and any of their by-products
as reserved in Deed recorded in Book 70
of Deeds at page 438, in the Office of
the County Recorder of Elko County,
Nevada.

FURTHER EXCEPTING THEREFROM, until April
20, 1993, one-half of all right, title,
interest and estate of John C. Carpenter,
Jr. and Roseann S. Carpenter in or to
all oil, gas, minerals and mineral
rights, geothermal resources, steam, hot
water and all products of geothermal
processes that may be on, in, under or
produced from the above described lands

ELKO COUNTY

1 as reserved in Deed recorded in Book 183
2 of Official Records at page 235, in the
3 Office of the County Recorder of Elko
County, Nevada.

4 **PARCEL VI - MAGNUSON LANDS:**

5 Township 32 North, Range 56 East, MDM

6 Section 16: All

7 Section 17: All

8 Section 18: S $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
9 S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

10 EXCEPTING FROM Section 17 and undivided
11 one-half interest in and to all coal,
12 oil, gas and petroleum products of every
13 name or nature whatsoever existing upon,
14 beneath the surface of, or within said
15 lands, including the right to the use of
16 so much of the surface thereof as may be
17 required in prospecting for, in locating,
18 developing, producing and transporting
19 said coal, oil, gas or minerals and any
20 of the by-products thereof as reserved
21 in Deed executed by Mildred D. McBride,
22 recorded in Book 68 of Deeds at page 436
23 in the Office of the County Recorder of
24 Elko County, Nevada.

25 FURTHER EXCEPTING from Section 17 an
26 undivided one-half interest of all of
the right, title and interest of Peta
Elia, et ux, in and to coal, oil, gas
and other minerals of every kind and
nature whatsoever existing upon, beneath
the surface of, or within said lands,
including the rights to the use of so
much of the surface thereof as may be
required in prospecting for, in locating,
developing, producing and transporting
said coal, oil, gas, or minerals; and
any of their by-products as reserved in
Deed recorded in Book 70 of Deeds at
page 438, in the Office of the County
Recorder of Elko County, Nevada.

EXCEPTING from Section 16, all right,
title and interest of Hugh D. McMullen,
et ux, in and to all coal, oil, gas and
other minerals of every kind and nature

ELKO COUNTY

1 whatever existing upon, beneath the
2 surface of, or within said lands,
3 including the right to the use of so
4 much of the surface thereof as may be
5 required in prospecting for, in locating,
6 developing, producing and transporting
7 said coal, oil, gas or minerals and any
8 of their by-products as reserved in Deed
9 recorded in Book 19 of Official Records
10 at page 677, in the Office of the County
11 Recorder of Elko County, Nevada.

12 FURTHER EXCEPTING from all of Parcel VI,
13 one-half of all right, title, estate and
14 interest of Andrew J. Magnuson in and to
15 all minerals, mineral rights, coal, oil,
16 gas, petroleum, geothermal resources,
17 steam, hot water and all products of
18 geothermal processes that may be on, in,
19 under or produced from the above des-
20 cribed lands or any part thereof;
21 together with a reasonable right of
22 ingress and egress, and surface use as
23 necessary to explore for, drill, mine,
24 remove and produce the same as reserved
25 in Deed recorded in Book 183 of Official
26 Records at page 239, in the Office of
 the County Recorder of Elko County,
 Nevada.

TOGETHER with Southern Pacific Company
Lease No. 2926 A;

TOGETHER with Western Pacific Railroad
Company Lease (Auditor Document No.
1400);

TOGETHER with all buildings, fences, and
other improvements thereon;

TOGETHER with all and singular the
tenements, hereditaments, easements and
appurtenances thereunto belonging or in
anywise appertaining, and the reversions,
remainders, rents, issues and profits
thereof;

TOGETHER WITH: all springs, wells,
water, water rights and stockwater
rights applied for, appropriated for,
appurtenant to or decreed to said lands,

1 or any portion thereof; including but
 2 not limited to Certificate Nos. 8898,
 3 8899 and 823 issued by the State of
 4 Nevada; all applications, proofs,
 5 permits, maps and certificates relating
 6 to such water and water rights; all
 7 dams, ditches, diversions, licenses,
 8 easements, pipelines, structures,
 9 measuring devices, headgates, culverts,
 10 ponds, and reservoirs; all easements,
 11 devices and controls used to apply such
 12 water and water rights to beneficial use
 13 and for the repair, cleaning, replace-
 14 ment and maintenance of any or all of
 15 such facilities and improvements by the
 16 use of modern equipment and methods and
 17 for access thereto; and all stockwater
 18 equipment, facilities, troughs, tanks,
 19 pumps, reservoirs, ponds and other
 20 stockwater improvements on said lands;

21 PARCEL VII

22 An undivided one-half (50%) interest in
 23 and to the minerals (including oil and
 24 gas) within the following described
 25 parcels:

26 Township 30 North, Range 53 East, MDM

Section 5: Lots-1, 2, 3 and 4; S $\frac{1}{2}$ N $\frac{1}{2}$;
 NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 31 North, Range 53 East, MDM

Section 31: Lot 4

All oil and gas existing upon, beneath
 the surface of or within the following
 described lands or any portion thereof,
 with all royalties, rentals and other
 payments therefor and all leases therefor.

Parcels 1 and 2 shown upon the Parcel
 map for Edward V. and Yole Tomera filed
 in the Office of the County Recorder of
 Elko County, Nevada on September 16,
 1981 as File No. 154544.

ALSO

ELKO COUNTY

1 PARCEL VIII

2 All right, title, interest and estate of
3 Yole Tomera and the Estate of Edward V.
4 Tomera in and to all coal, oil, gas and
5 other minerals of every kind and nature
6 whatsoever in the following described
7 lands.

8 Township 31 North, Range 53 East, MDN

9 Section 25: S $\frac{1}{2}$ S $\frac{1}{2}$
10 Section 26: S $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$
11 Section 36: N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$

12 9. That the rest, residue and remainder of said
13 estate, after payment of the aforesaid and distribution as
14 set forth above is hereby ordered distributed to YOLE TOMERA
15 also known as YOLE N. TOMERA.

16 10. That the interest of the deceased in and to
17 any and all other property of any name, nature, kind,
18 character or description not hereinabove described or
19 inventoried or appraised in this said estate, or which may
20 be incorrectly described herein, which is within the juris-
21 diction of the Court, is hereby distributed to YOLE TOMERA.

22 11. That the said Executrix be dismissed and
23 discharged as of the date that has been filed herein,
24 evidence or receipts showing:

- 25 A. Payments as herein ordered;
26 B. Distribution in accordance herewith; and
27 C. The recording of a certified copy of this
Decree of Distribution with the Elko County
Recorder.

ELKO COUNTY

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DONE IN OPEN COURT this 6th day of August, 1986.

1st Jos. O. McDaniel
DISTRICT JUDGE

CERTIFICATION OF COPY

STATE OF NEVADA
COUNTY OF ELKO, SS.

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, DO HEREBY CERTIFY THAT THE ANNEXED IS A FULL, TRUE AND CORRECT COPY OF THE INSTRUMENT / IS THE SAME APPEARS ON FILE AND OF RECORD IN MY OFFICE.

Witness my hand and the seal of said court affixed the 6th day of Aug, A.D. 19 86.
KAREN VASQUEZ, County Clerk.
By Annette [Signature], Deputy Clerk.



CERTIFICATION OF COPY
STATE OF NEVADA
COUNTY OF ELKO) SS.

I, JERRY D. REYNOLDS, the duly elected and qualified Recorder of Elko County, in the State of Nevada, do hereby certify that this is a true, full and correct copy of the instrument now on record in this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, in Elko, Nevada this

1st day of April, A.D. 19 93
JERRY D. REYNOLDS, COUNTY RECORDER

By Becky Jensen Deputy
(SEAL)

132.10
FILE # 217506
FILED FOR RECORD
AT REQUEST OF
Vaughan, Hull & Copenhafer

86 AUG 6 P 1:48

INDEXED

RECORDED & INDEXED PG. 538
JERRY D. REYNOLDS
ELKO CO. RECORDER

217506
VAUGHAN, HULL, COPENHAVER & HANSEN, LTD.
ATTORNEYS AND COUNSELORS
830 IDAHO STREET
ELKO, NEVADA 89601

28.
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