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NOV 16 1993

CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY *S. Bailey* DEPUTY

RECEIVED

NOV 18 1993

LIONEL SAWYER & ASSOCIATES

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMPIRE VENTURES, INC.,
a Colorado Corporation,

Plaintiff,

vs.

HUGH ROY MARSHALL,

Defendant.

NOV 10 12 39 PM '93
CAROL C. FITZGERALD
CLERK
DEPOSIT
FILED
CV-N-92-41-HDR (PH)

JUDGMENT AND DECREE
OF SPECIFIC PERFORMANCE

This matter having been tried before the Court without a jury and the Court having entered Findings of Fact and Conclusions of Law that plaintiff Empire Ventures, Inc. is entitled to Judgment against defendant Hugh Roy Marshall and a Decree of Specific Performance,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Sales Agreement between Empire Ventures, Inc. and Hugh Roy Marshall is a valid, binding and enforceable contract for the sale of the mining property which is listed on Attachment A hereto and incorporated herein;

2. Hugh Roy Marshall shall pay to Empire Ventures, Inc. the sum of Two Million Six Hundred and Fifty Thousand Dollars (\$2,650,000.00), which is the purchase price set forth in the Sales Agreement, plus interest thereon at the rate of 11.65 percent per

CERTIFIED TO BE A TRUE COPY
CAROL C. FITZGERALD, Clerk
United States District Court
By *[Signature]*
Deputy Clerk
168 PAGE 160

1 annum from May 15, 1991 until paid and Empire Ventures, Inc. shall
2 execute and tender to Hugh Roy Marshall a Grant, Bargain and Sale
3 Deed or Deeds conveying the property described on Exhibit A hereto,
4 consisting of six (6) pages; and

5 3. If Hugh Roy Marshall shall fail to pay the amounts set
6 forth in paragraph 2 after tender of the deed or deeds, Empire
7 Ventures, Inc. shall deliver into Court the Grant Bargain and Sale
8 Deed or Deeds conveying the subject property to Hugh Roy Marshall,
9 and Empire Ventures, Inc. may have execution against defendant Hugh
10 Roy Marshall for any amounts unpaid under this Judgment; Hugh Roy
11 Marshall shall be entitled to delivery of said deeds upon proof
12 that all amounts required to be paid under this Judgment and Decree
13 of Specific Performance have been paid; and

14 4. Empire Ventures, Inc. shall recover of defendant Hugh Roy
15 Marshall taxable costs of suit in the amount of \$ 3,415⁰⁰.

16 DATED: This 6th day of November, 1993.

17
18 
19 UNITED STATES DISTRICT JUDGE

20 Submitted by:

21 Richard W. Horton, Esq.
22 State Bar # 001542
23 LIONEL SAWYER & COLLINS
24 50 W. Liberty Street, #1100
25 Reno, Nevada 89501

26 Attorneys for Plaintiff
27
28

EXHIBIT A
DESCRIPTION OF PROPERTIES

The following land and properties are situate in the Virginia City Townsite, Virginia City, Storey County, Nevada:

PARCEL NO.

1. Lots 1 through 6, Block 41, Range Summit
(AP# 1-022-04)
2. Lots 9 through 18 and W 1/2 of Lots 19 and 20, Block 42, Range Stewart
(AP# 1-023-03)
3. Part of Lot 1, Block 81 (as to any interest not owned by Jane Owen and William Beasen)
(AP#)
4. Parts of Lot 7, with mineral rights; mineral rights to the parts of Lot 10 remaining after the conveyance of "the easterly one-half of Lot 10 and all of Lot 16, Block 81," Range Stewart, to Otto A. and Beverly M. Lennecke; and all the mineral rights underlying the easterly one-half of Lot 10 and all of Lot 16 commencing at a depth of 20 feet below the surface of said lots.
(AP# 1-016-05)
- 4A. Mineral rights only commencing 20 feet below Lots 2, 4, and 6, Block 101, Range Stewart.
5. Lot 6 and N 1/2 of Lot 7, Block 43, Range Howard
(AP# 1-024-12)
6. Lots 9, 10, 11, and 12, Block 43, Range Howard
(AP# 1-024-09)
7. W 1/2 of Lot 15, with all mineral rights, all mineral rights lying 8 feet below the surface of the E 1.2 of Lot 15; all mineral rights lying 8 feet below the surface of Lot 16; all mineral rights underlying the north 37 feet of Lot 17; the remaining surface and mineral rights to Lot 17 and Lot 21, Block 43, Range Howard, subject to that certain MINING USE AGREEMENT dated March 11, 1986 by and between Comstock Lode Mines, Inc., a Nevada corporation and Gregory D. Corn, as to E 1/2 of Lot 15, Lot 16 and the N 37 feet of Lot 17. (Book 052, Page 198, Storey County, Nevada, Official Records).
8. Lots 9 and 10, Block 47, Range D
(AP# 1-097-01)

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9. Lots 4 and 5, Block 28, Range E
(AP# 1-161-01)
10. Lots 2, 3, and 4, Block 68, Range E
(AP# 1-152-01)
11. Lots 1 through 13, Block 87, Range E
(AP# 1-151-01)
12. South 40 feet of Lot 1, block 69, Range F
(AP# 1-155-01)
13. Lots 2 through 9, block 69, Range F
(AP# 1-155-01)
14. Lots 1, 2 and 3, Block 88, Range F
(AP# 01-154-03)
15. South 25 feet of Sutton Street between F and G Streets
(AP# 01-154-03)
16. All of Block 70, Range G
(AP# 01-158-01)
17. Lots, 1, 2, 3, and N. 25 feet of Lot 4, Block 89, Range G
(AP# 1-157-02)
18. All of Block 51, Range H
(AP# 1-201-01)
19. Lots 1 through 8, Block 71, Range H
(AP# 1-192-01)
20. Lots 1, 2, and E. part of Lot 3, Block 90, Range H
(AP# 1-191-03)
21. All of Block 52, Range I
(AP# 1-202-01)
22. Lots 1 through 5, Block 72, Range I
(AP# 1-193-05)
23. Sutton Street, between Blocks 72 and 91, Range I
(AP# 1-193-03)
24. All of Block 53, Range K
(AP# 1-203-01)
25. W1/2 of Lot 2, Block 73, Range K
(AP# 1-195-07)

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26. S1/2 of Lots 1, 3, and 4, Block 73, Range K
(AP# 1-195-05, 1-195-03)
27. Lots 1 through 7, Block 92, Range K
(AP #1-194-01)
28. All of Block (ex. V.T.R.R. R/W in Lots 9, 10, 11, 12, and 13),
Block 54, Range L
(AP# 1-204-04)
29. South 25 feet of Lot 5 and all of Lots 6, 7, and 8, Block 74,
Range L
(AP# 1-197-01)
30. Lots 1 through 9, Block 93, Range L
(AP# 1-196-01)
31. All of Block (ex. V.T.R.R. R/W in Lots 6, 7, 8, and 9),
Block 55, Range M
(AP# 1-205-05)
32. Lots 6, 7 and 8, Block 75, Range M
(AP# 1-262-01)
33. Lots 1, 2, and 3, Block 94, Range M
(AP# 1-261-02)
34. Lots 1 through 14, Block 36, Range N
(AP# 1-273-03)
35. Parts of Lots 7, 8, 9, 12, 13, 14, and 15, Block 56,
Range N
(AP# 1-206-03, 1-206-02)
36. Lots 10 and 11, Block 56, Range N
(AP# 1-206-02)
37. Lots 1 through 6, Block 115, Range N
(AP# 1-246-05)
38. Lots 1 through 15 and part of Lot 16, Block 37, Range O
(AP# 1-274-03)
39. Lots 5 and 6, and tailings dumps on Lots, 1, 2, 3, and 4,
Block 77, Range O, EXCEPTING THEREFROM the following described
parcel of real property:

A piece of parcel of land known as the Nevada Brewery
Property, located on Mill Street in Virginia City, Storey
County, more particularly described as follows:

Beginning at a point on the Northerly side of Mill Street from

which the Northwest corner of a brick building bears South 14 degrees 00' West (S 2-3/4 degrees East Magnetic), 41.00 feet thence running along the Northerly side of Mill Street South 60 degrees East, (S 76-3/4 degrees 00' East Magnetic), 233.00; thence South 33 degrees 00' West, (S 16-1/4 degrees West Magnetic) 164.20 feet; thence North 60 degrees 00' West, (N 76-3/4 degrees West magnetic) 220.00 feet to the Southwest corner of the parcel from which the Southwest corner of Lot 3, Block 77 of the town of Virginia City bears North 82 degrees 15' West, 78.50 feet; thence North 20 degrees 40' East, (N 12-1/2 degrees East magnetic) 164.00 feet to the point of beginning. This boundary follows the old fence lines bounding the property. (AP Nos. 1-268-03, 1-312-03, 1-312-04, 1-312-05, and 1-312-06).

40. Lots 1 through 9, Block 96, Range O
(AP# 1-265-01)
41. Lots 1 through 9, Block 116, Range O
(AP# 1-255-01)
42. All of Block 78, Range P
(AP# 1-268-02)
43. All of Block 97, Range P
(AP# 1-267-01)
44. Parcel of Land in Cemetery
45. Land known as Shipton's Garden
(AP# 800-000-12)
46. Land below Nevada Brewery (3.31 acres)
(AP# 800-000-13)
47. Triangular tract known as Shannon location
(AP# 800-000-14)
48. Portion of Sutton and G Streets where Battery Mill stood
(AP# 800-000-15)
49. Lots 1 through 6, Block 95, Range M
(AP# 1-263-02)
50. South 1/2 of Block 38, Range P
(AP# 1-275-01)
51. North portion of Lots 1 through 8 and the South portion of
Lots 5 through 7, Block 31, Range M
(AP# 1-211-03)

Lincoln County

of the most Northerly claim of the Con Virginia Mining Co., of the Comstock Lode projected Easterly in their own direction through said claim, patent no. 346829
(AP# 800-000-24)

U.S.S. No. 50 Central Claim Comstock Lode, Patent No. 129
(AP# 800-000-25)

U.S.S. No. 71 Central No. 2 Comstock Lode, Patent No. 638
(AP# 800-000-26)

U.S.S. No. 133 A & B California Comstock Lode (aka Fairfax), Patent No. 2679
(AP# 800-000-27)

U.S.S. No. 142 Vermont Lode, Patent No. 5725
(AP# 800-000-28)

U.S.S. No. 155 Con. Virginia, Patent No. 7228 (21507)
(AP# 800-000-29)

U.S.S. No. 188 Clemens Mine on Santa Rita Lode, Patent No. 7355
(AP# 800-000-30)

U.S.S. No. 189 Overton Mine on Santa Rita Lode, Patent No. 8020
(AP# 800-000-31)

U.S.S. No. 1970 Summit Claim on Santa Rita Lode, Patent No. 40857
(AP# 800-000-32)

U.S.S. No. 1971 Last Chance Claim on Santa Rita Lode, Patent No. 40857
(AP# 800-000-33)

U.S.S. No. 171 A and 171 B Ophir Claim on Comstock Lodge, Patent No. 4000
(AP# 800-000-34 and 800-000-40)

U.S.S. No. 171 Ophir Claim Comstock 3/7 int., Patent No. _____
(AP# 800-000-36)

U.S.S. No. 4028 Spanish and Mexican Lode, Patent No. 305524
(AP# 800-000-35)

U.S.S. No. 154 A and B California, Patent No. 6338
(AP# 800-000-37)

West Portion of Survey No. 154, Patent No. _____
(AP# 800-000-38)

West Portion of Survey No. 155, Patent No. 7228
(AP# 800-000-39)

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- 52. Lots 1 through 16, Block 34, Range M
(AP# 1-271-01)
- 53. Lots 1 through 9, Block 33, Range K
(AP# 1-213-01)
- 54. Lots 1 through 6, Block 32, Range I
(AP# 1-212-02)

Together with any and all other real property and interests in real property, other than mining claims presently known or unknown, owned by Grantor in the vicinity of Virginia City Townsite, Virginia City, Storey County, Nevada.

All of the following Patented Lode Mining Claims and Fractional parts of Patented Lode Mining Claims Situate in parts of Sections 19, 20, 21, 28, 29, and 30, T.17N., R.21E., MDB&M, Storey County, Nevada.

- Survey No. 119 Piety Hill Lode Patent No. 2603
(AP# 800-00-16)
- Survey No. 131 A & B Joe Skates Lode (aka Crowley) Patent No. 3984
(AP# 800-00-17)
- Survey No. 133 A & B Enterprise Lode and Enterprise Mill Site, lying between the end line of the Mexican G & S Mining Company's Comstock Claims, projecting Easterly in their direction through said claims. Patent No. 2679
(AP# 800-000-18)
- Survey No. 164 Spring Garden Lode, Patent No. 14929
(AP# 800-000-19)
- Survey No. 2581 Ohio & Miami Lode, Patent No. 327791
(AP# 800-000-20)
- Survey No. 3648 January, February, March, April, May, June, and July patented lode mining claims lying between the North and South end lines of the Ophir Mining Company's claims on the Comstock Lode projected Easterly in their own direction through said claims, patent No. 327788
(AP# 800-000-21)
- Survey No. 4065 Hardy Lode Patent No. 342536
(AP# 800-000-23)
- Survey No. 4020 March Fraction Lode, Patent No. 304091
(AP# 800-000-22)
- Survey No. 4066, Hardy Extension Lode; lying on the North end lines

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FILED AND RECORDED AT REQUEST OF

Lionel Sawyer & Collins

November 23, 1993

10 MINUTES PAST 3 O'CLOCK

P. M. IN BOOK 108 OF OFFICIAL

RECORDS, PAGE 16 LINCOLN

COUNTY, NEVADA.

Yuriko Setzer

COUNTY RECORDER

BY Lilli Boucher, Deputy