

~~MINUTE ITEM~~

21. CONSENT TO ASSIGNMENT OF UNDIVIDED ONE-HALF INTEREST IN MINERAL LEASE P.R.C. 392.2, AND CONSENT TO SUBLEASING AGREEMENT BY COTENANTS, SE $\frac{1}{4}$ OF NW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 16, T. 6 N., R. 10 E., S.B.B. & M., CONTAINING 160 ACRES, SAN BERNARDINO COUNTY - W.O. 4475.

At the request of the Executive Officer, no action was taken on Calendar Item 10 attached, inasmuch as necessary documentation which the applicant's attorney had assured the staff would be submitted prior to the Commission meeting had not yet been received.

Attachment

Calendar Item 5 (1 page)

8286

A 72 & 73
S 36

CALENDAR ITEM

5.

CONSENT TO ASSIGNMENT OF UNDIVIDED ONE-HALF INTEREST IN MINERAL LEASE P.R.C. 392.2, AND CONSENT TO SUBLEASING AGREEMENT BY COTENANTS, SE $\frac{1}{4}$ OF NW $\frac{1}{4}$, SW $\frac{1}{4}$ OF NE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 16, T. 6 N., R. 10 E., S.B.B. & M., CONTAINING 160 ACRES, SAN BERNARDINO COUNTY - W.O. 4475.

On February 10, 1950, a preferential mineral extraction lease, for a term of 20 years, was issued to Robert Livingstone, an individual. Mr. Livingstone died approximately 1 $\frac{1}{2}$ years ago. Since that time the rental and royalty payments have been made by Mr. Livingstone's business associate, D. M. Hodges. Pursuant to a decree of the Probate Court, the widow and Executrix of the Estate of Robert Livingstone conveyed an undivided one-half interest in and to the subject lease to the business partner of Mr. Livingstone, Mr. D. M. Hodges. The cotenants and State Lessees, consisting of the Estate of Robert Livingstone and D. M. Hodges, desire to operate the mine by means of a sublet agreement with the Volca Crete Mining and Engineering Corporation, a Delaware corporation, and Ronald M. Speck, Mark Jacobs, Morey Selly and Robert O'Brien.

The sublessees have furnished an adequate financial statement and bond, and are prepared to assume the obligations and duties to be performed by the terms of the lease. The Lessees, D. M. Hodges and the Estate of Robert Livingstone, will, by the terms of the sublease and consent thereto, remain primarily liable on the lease. Execution of the sublease has been approved by decree of the Probate Court. The legal staff has reviewed the documents submitted by the applicants and deems them legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO:

1. CONSENT TO THE ASSIGNMENT OF AN UNDIVIDED ONE-HALF INTEREST IN P.R.C. 392.2 FROM THE ESTATE OF ROBERT LIVINGSTONE TO D. M. HODGES, AS APPROVED BY THE PROBATE COURT ON JUNE 25, 1962; AND
2. CONSENT TO THE SUBLEASE OF P.R.C. 392.2 FROM THE ESTATE OF ROBERT LIVINGSTONE AND D. M. HODGES TO VOLCA CRETE MINING AND ENGINEERING CORPORATION, A DELAWARE CORPORATION, AND RONALD M. SPECK, MARK JACOBS, MOREY SELLY AND ROBERT O'BRIEN, INDIVIDUALS, AS JOINT AND SEVERAL SUBLESSEES, AS APPROVED BY ORDER OF THE PROBATE COURT ON JUNE 25, 1962.