

File No. MA 025-00

L. Kamerman)
Mining and Lands Commissioner)

Tuesday the 27th day
of June, 2000.

THE MINING ACT

IN THE MATTER OF

Mining Claims L-1185833 and 1186422 to 1186424, both inclusive, situate in the Township of McVittie, recorded in the name of Carl Peter Forbes, hereinafter referred to as the "Mining Claims";

AND IN THE MATTER OF

An application under Section 105 of the **Mining Act** for a vesting of the ownership of the Mining Claims in Strike Minerals Inc. and Wheaton River Minerals Ltd., each as to an undivided 50% interest;

AND IN THE MATTER OF

An unregistered Option Agreement, dated the 27th day of August, 1993, between Strike Minerals Inc., Wheaton River Minerals Ltd. and International Homestead Resources Inc., (now known as Novawest Resources Inc.).

B E T W E E N:

STRIKE MINERALS INC. AND WHEATON RIVER MINERALS LTD.

Applicants

- and -

THE ESTATE OF CARL PETER FORBES

Respondent

- and -

NOVAWEST RESOURCES INC.
(formerly known as International Homestead Resources Inc.)

Party of the Third Part

AND IN THE MATTER OF

Sections 74 and 121 of the **Mining Act**;

ORDER

WHEREAS an Option Agreement was entered into by Strike Minerals Inc., Wheaton River Minerals Ltd. and International Homestead Resources Inc., (now known as Novawest Resources Inc.) on the 27th day of August, 1993, such Option Agreement not having been registered on the abstracts of the Mining Claims;

AND WHEREAS said Option Agreement stipulated that all legal and beneficial ownership in Mining Claims L-1185833, L-1186422 to 1186424, both inclusive, situate in the Township of McVittie, was to be divided equally as between Strike Minerals Inc. and Wheaton River Minerals Ltd., each as to an undivided 50% interest in the Mining Claims;

AND WHEREAS notwithstanding the terms of the Option Agreement as to the ownership of the Mining Claims, the aforementioned Mining Claims are and at all material times have been registered in the name of Carl Peter Forbes, now deceased and formerly the President of Strike Minerals Inc.;

AND WHEREAS this application was filed with the tribunal on the 8th day of June, 2000, by Mr. Francis P. Yungwirth, counsel, on behalf of Strike Minerals Inc. and Wheaton River Minerals Ltd. for a vesting of the ownership of the Mining Claims in Strike Minerals Inc. and Wheaton River Minerals Ltd., each as to an undivided 50% interest, according to the terms of the Option Agreement;

AND FURTHER TO four consents to grant this application, each signed on the 7th day of June, 2000, by Mr. Kerry Knoll, Vice-President of Wheaton River Minerals Ltd., Mr. G.W. Hennessy, President and C.E.O. of Strike Minerals Inc., Mr. P.G. O'Brien, President of Novawest Resources Inc. and Ms. Jo Anne Forbes, surviving spouse of Mr. Carl Peter Forbes, respectively;

1. THIS TRIBUNAL ORDERS Mining Claims L-1185833 and 1186422 to 118624, both inclusive, be and the same, are hereby relieved from forfeiture.

2. THIS TRIBUNAL FURTHER ORDERS that this application, under section 105 of the **Mining Act**, for a vesting of the ownership of the Mining Claims in Strike Minerals Inc. and Wheaton River Minerals Ltd., each as to an undivided 50% interest be and is hereby granted.

3. THIS TRIBUNAL FURTHER ORDERS that the notation of "Pending Proceedings" which is recorded on the abstracts of Mining Claims L-1185833 and 1186422 to 1186424, both inclusive, to be effective from the 8th day of June, 2000, be removed from the abstracts of the Mining Claims.

4. THIS TRIBUNAL FURTHER ORDERS that the time for performing and filing the next prescribed unit of assessment work, due on or before the 1st day of June, 2000, be and the same is hereby extended to the 27th day of June, 2001.

5. THIS TRIBUNAL FURTHER ORDERS that no costs shall be payable by any party to this application.

THIS TRIBUNAL FURTHER ADVISES that, pursuant to subsection 129(4) of the **Mining Act** as amended, a copy of this Order shall be forwarded by this tribunal to the Provincial Mining Recorder **WHO IS HEREBY DIRECTED** to amend the records in the Provincial Recording Office as necessary and in accordance with the aforementioned subsection 129(4).

DATED this 27th day of June, 2000.

Original signed by
L. Kamerman

L. Kamerman
MINING AND LANDS COMMISSIONER

File No. MA 025-00

L. Kamerman)
Mining and Lands Commissioner)

Tuesday the 27th day
of June, 2000.

THE MINING ACT

IN THE MATTER OF

Mining Claims L-1185833 and 1186422 to 1186424, both inclusive, situate in the Township of McVittie, recorded in the name of Carl Peter Forbes, hereinafter referred to as the "Mining Claims";

AND IN THE MATTER OF

An application under Section 105 of the **Mining Act** for a vesting of the ownership of the Mining Claims in Strike Minerals Inc. and Wheaton River Minerals Ltd., each as to an undivided 50% interest;

AND IN THE MATTER OF

An unregistered Option Agreement, dated the 27th day of August, 1993, between Strike Minerals Inc., Wheaton River Minerals Ltd. and International Homestead Resources Inc., (now known as Novawest Resources Inc.).

B E T W E E N:

STRIKE MINERALS INC. AND WHEATON RIVER MINERALS LTD.

Applicants

- and -

THE ESTATE OF CARL PETER FORBES

Respondent

- and -

NOVAWEST RESOURCES INC.
(formerly known as International Homestead Resources Inc.)

Party of the Third Part

AND IN THE MATTER OF

Sections 74 and 121 of the **Mining Act**;

REASONS

This matter has come to the tribunal by way of application pursuant to section 105 of the **Mining Act**, made by Francis Yungwirth, Barrister and Solicitor. The facts are not in dispute:

In an Option Agreement between Strike Minerals Inc. ("Strike Minerals"), Wheaton River Minerals Limited ("Wheaton River"), and International Homestead Resources Inc., now Novawest Resources Inc. ("Novawest"), dated the 27th day of August, 1993, Strike Minerals and Wheaton River, Optioners, are set out in the recitals as being the legal and beneficial owners of a 100 percent interest in certain Mining Claims in McVittie Township, being L-1185833, 1186422 to 1186424. In fact, at the time of execution of the Option Agreement and at all material times up to and including the date of the application, Carl Peter Forbes was listed on the abstracts as the holder of the Mining Claims. Carl Peter Forbes was also the President of Strike Minerals.

The terms of the Option Agreement provide that the Optionee, being International Homestead, has the right to acquire a 51% undivided interest in the Mining Claims. The application pursuant to section 105 does not seek to have the terms of this Option enforced. Rather, it is an application seeking to have the two Optioners entered on title of the abstracts as holders of the Mining Claims, each as to a 50% interest. The sole purpose for filing the original and notarized copy of the Option Agreement is to demonstrate the beneficial ownership of the Mining Claims as of the date of the Agreement.

In support of the application, four consents to have the claims transferred to Strike Minerals and Wheaton River, each as to a 50% interest, have been filed: Kerry Knoll, Vice President of Wheaton River, dated at Toronto, June, 2000; C.W. Hennessy, President and CEO of Strike Minerals, at Westmeathe, the 7th day of June, 2000; P.D. O'Brien, President of Novawest Resources, the 7th day of June, 2000; and Jo-Anne Forbes, at Kirkland Lake, the 7th day of June, 2000.

In his covering letter, Francis Yungwirth has indicated that Carl P. Forbes died on July 7, 1999 without having properly transferred the Mining Claims to the beneficial owners. His widow, Jo Anne Forbes is not seeking a vesting order pursuant to section 74 of the **Mining Act** on behalf of the Estate of Carl P. Forbes. However, Mrs. Forbes is cooperating with this application to have the beneficial owners recorded on title of the abstracts.

Section 74 of the **Mining Act** provides for the vesting of the mining claims of a deceased person in the representative of the deceased, notwithstanding any forfeiture which may have occurred. Although the reasons for not making an application for a Vesting Order by Mrs.

Forbes have not been disclosed to the tribunal, it finds that section 74, nonetheless provides it with the authority for giving effect to ownership to the beneficial owners of the Mining Claims, in this case Strike Minerals and Wheaton River. Section 74 provides that the tribunal "may at any time make such order as the Commissioner considers just for vesting the claim in the representative of such holder ...". While normally the tribunal gives effect to this provision by vesting mining claims in the personal representative of the Estate, on certain occasions, it has seen fit to vest the mining claims directly in the beneficiary, upon being satisfied that all necessary conditions have been met.

In this case, it is not a question of vesting the Mining Claims in a beneficiary, but rather one of effecting beneficial ownership. By virtue of Carl Peter Forbes having retained these Mining Claims as legal owner in trust on behalf of Strike Minerals and Wheaton River, the tribunal finds that the aforementioned beneficial owners are entitled to the benefits afforded by section 74, namely the relief from forfeiture of the Mining Claims. Similarly, pursuant to section 121, the tribunal finds that, based on the real merits and substantial justice of the case, the Mining Claims should properly have been recorded in the names of Strike Minerals and Wheaton River as far back as August 27, 1993. This Order will merely give legal effect to this pre-existing trust relationship.

Conclusions

The Mining Claims will be relieved from forfeiture. Time will be extended to one year from the date of this Order for the filing of the next prescribed unit of assessment work on the Mining Claims. The Order will transfer the Mining Claims to Strike Minerals and Wheaton River, each as to an undivided 50% interest.