

**IN THE MATTER BEFORE THE PROVINCIAL
MINING RECORDER**

**IN THE MATTER OF: Mining Claim 1248399, staked by Luc Gagnon, in the name of
Tribute Minerals Corporation, in the South of Otter Lake Area, Red Lake Mining Division;**

**AND IN THE MATTER OF: "Filed Only" Mining Claim 1234174, staked by Anthony J.
Maciejewski, to be recorded in the name of Goldcorp Inc and which appears to overtake
1248399;**

ALSO IN THE MATTER OF: a dispute filed by

Anthony J. Maciejewski

Disputant

-against Mining Claim 1248399 held by

Tribute Minerals Corporation

Respondent

UPON: consideration of the evidence submitted by the parties,

I ORDER: the dispute is hereby allowed.

**I FURTHER ORDER: that mining claim 1248399 is hereby cancelled as of the date of this
order.**

**I FURTHER ORDER: that "Filed Only" application to record 1234174 is hereby recorded
as of the date received, and that the time for which it was pending before the recorder being
511 days will be excluded;**

**I FURTHER ORDER: Pursuant to Section 67(3) of the Mining Act, the 4th day of
February, 2006, be fixed as the date by which the first unit of assessment work must be
performed and filed on Mining Claim 1234174 and all subsequent anniversary dates are
deemed to be February 4th.**

Dated this Sudbury this 4th day of February 2004.

Originally signed by Roy Denomme

Roy Denomme

Provincial Mining Recorder

Note: Parties have the right of appeal to the Mining and Lands Commissioner as indicated in Section 112 of the Mining Act RSO 1990 (Mining Act). An appeal must be filed within 30 days of the date of this decision.

REASONS:

The parties agreed to have this matter determined by written submission. Correspondence sent to the parties by registered mail on November 14th, 2003 directed the disputant (Tony Maciejewski) to file all evidence and submissions in this matter no later than December 12, 2003. The respondent (Greg Davison) was to file all evidence and submissions in this matter no later than January 9th, 2004.

Faxed submissions were received from the disputant on December 9th and December 12th, 2003. Original copies of the December 9th submission were received in the Provincial Recording Office on December 11, 2003.

No submission was received from the respondent in this matter.

On August 13th, 2002 mining claim 762321, a 1 unit mining claim, located in the “South of Otter Lake Area”, Red Lake Mining Division forfeited pursuant to subsection 72(1)(b) of the Mining Act. Notice of re-opening was posted on August 14th, 2002 and the lands were open for staking out on August 15th, 2002 at 9:00 a.m. Daylight Savings Time.

On August 15th, 2002, Luc Gagnon restaked 762321 as mining claim 1248399. An application to record the mining claim was filed on August 26th, 2002 and the mining claim was recorded as of that date in the name of Tribute Minerals Inc.

On August 15th, 2002 Anthony J. Maciejewski also restaked 762321 as mining claim 1234174. An application to record the mining claim was filed on September 11, 2002. Mining claim 1234174 had a later completion time than 1248399 and was therefore not recorded, but instead taken “ Filed Only” pursuant to Section 46(3) of the Mining Act.

On October 11, 2002 Anthony James Maciejewski filed a dispute against mining claim 1248399. In his statement of claim, he states that 1248399 is invalid because; *“it was not tied in to proper claims by their respective corner posts but by G.P.S. co-ordinates over claims in good standing”*.

In his submission Mr. Maciejewski provided GPS readings of UTM co-ordinates for the following claim posts:

#2 post for 1248399 (477171E/5642514N) Zone 15, NAD 83

#2 post for 762321 (477381E/5641991N) Zone 15, NAD 83

#2 post for 1234174 (477381E/5641991N) Zone 15, NAD 83

#4 post for 1234174 (477037E/5642296N) Zone 15, NAD 83

#2 post for 1044449 (477037E/5642296N) Zone 15, NAD 83

#1 post for 1044451 (477037E/5642296N) Zone 15, NAD 83

#4 post for 1044450 (477038E/5642625N) Zone 15, NAD 83

Mr. Maciejewski also submitted copies of photographs which show the #2 post for 762321, the #2 post for 1248399, and the #4 post of 1234174, along-side other tie-on posts and with a GPS unit displaying UTM co-ordinates as noted in the written submission. The disputant submitted as further evidence the application to record for mining claim 1248399. Part "D" of the application provides a sketch of the location for the mining claim and the UTM co-ordinates of the #1 post location (477175E5642925N). Also submitted was a sketch showing post locations relative to GPS readings and UTM co-ordinates documented by the disputant.

On review of the evidence presented, there is nothing to indicate that the GPS readings (UTM co-ordinates) of either Mr. Maciejewski or Mr. Gagnon are inaccurate and are accepted by this tribunal at face value. In reference to the UTM co-ordinates documented on the application to record the tribunal will make the assumption that the co-ordinates are within zone 15 and have a projection of NAD 83.

Findings:

The location of the #2 post for 1248399 has UTM co-ordinates 15/477171E/5642514N. The location of the #2 post for 762321 has UTM co-ordinates of 15/477381E/5641991N. Based on these co-ordinates the #2 post of 1248399 is located approximately 523 metres north and 201 metres west of the #2 post for 762321 (where it should have been located). Based on the sketch provided by the disputant and the relative location of surrounding active mining claims the #2 post for 1248399 is located within the northwest corner of active mining claim 1044450. This would then project mining claim 1248399 into mining claims 1044449, 1247942 and 1247941, which were active and on record at the time of staking. The position of 1248399 is further verified by the UTM co-ordinates of the #1 post shown on the Mr. Gagnon's application to record. It confirms the #1 post to be 411 metres north of #2 post location of 1248399 as shown by Mr. Maciejewski. Knowing that 1248399 is a one unit mining claim, it would be reasonable to assume that this would be the correct distance between the #1 and #2 posts.

Based on the evidence presented, although not extensive, it is sufficient to confirm that 1248399 is mislocated, and completely overstates mining claims which were on record at the time of staking. Therefore the mining claim must be considered invalid and cancelled by way of this order.

The disputant's submission indicates the location of the #2 and #4 post for "Filed Only" claim 1234174 in relation to surrounding mining claims in the area. The tribunal is satisfied from this evidence that mining claim 1234174 has been reasonably located in the field in relation to existing tie-on claims. The application appears to be acceptable for recording and is therefore recorded as of the date of this order.

Roy Denomme
Provincial Mining Recorder