

127278

**NOTICE AND CLAIM OF LIEN**

NOTICE IS HEREBY GIVEN that GRAYBAR ELECTRIC COMPANY, INC., a Colorado corporation, claims a Mechanic's and Materialman's Lien upon the property hereinafter particularly described, which property is located in the County of Eureka, State of Nevada, and which claim is made pursuant to the laws of the State of Nevada, particularly Chapter 108 of the Nevada Revised Statutes, as amended, for the value of materials and services furnished by lien claimant for the improvement of real property hereinafter particularly described, located in the County of Eureka, State of Nevada.

That the whole of real property hereinafter particularly described has been or is in the process of improvement and is reasonably necessary for the convenient use and occupation of said property.

Claimant further states:

1. That the name of the owner or reputed owner of the premises sought to be charged is NEWMONT GOLD COMPANY, a Delaware corporation.
2. That the name of the person by whom lien claimant was employed and to whom lien claimant furnished materials in connection with the project is Lord Electric Company, Inc.
3. That the terms, time given and conditions of the contract between GRAYBAR ELECTRIC COMPANY, INC. and LORD ELECTRIC

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(702) 738-8091

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COMPANY, INC. were that Graybar would furnish and provide materials to Lord Electric Company, Inc. on an open account for their use in the Newmont Gold Company project known as Mill No.

4. The full amount of invoices for material sold and delivered on open account is ONE HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED NINETY-THREE AND 64/100 DOLLARS (\$181,193.64) plus interest, with payment to be made upon billing no later than the 15th day of the month following the date of the invoice. The first materials supplied by the lien claimant commenced on December 12, 1988.

4. That materials have been furnished to and actually used upon the above-described project in the total amount of ONE HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED NINETY-THREE AND 64/100 DOLLARS (\$181,193.64). That to date, no monies have been paid.

5. The last delivery of materials by the lien claimant occurred within ninety (90) days from the execution of this Notice.

6. That a demand for payment has been made by lien claimant and that no part or portion of the amount due and owing has been paid; that there are no further offsets to the claim and that the sum of ONE HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED NINETY-THREE AND 64/100 DOLLARS (\$181,193.64) plus interest is now due and owing to lien claimant on account of the materials furnished as more specified and that the undersigned claims a lien upon the real property particularly described herein for said sum,

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together with interest and attorneys' fees as provided by law.

7. That the real property sought to be charged with this Claim of Lien upon which the above-described work of improvement has been made is located in the County of Eureka, State of Nevada, and is particularly described as set forth on Exhibit A attached hereto and made a part hereof.

DATED this 24<sup>th</sup> day of May, 1989.

GRAYBAR ELECTRIC COMPANY, INC.,

a Colorado corporation

By: Robert B. Goicoechea  
ROBERT B. GOICOECHEA, Of the  
Firm, GOICOECHEA & DI GRAZIA,  
LTD., its Attorneys

VERIFICATION

Under penalties of perjury, the undersigned declares that he is the Branch Financial Manager of Graybar Electric Company, Inc., the above-named lien claimant; that he has read the foregoing Notice and Claim of Lien and knows the contents thereof; that the same is true of his own knowledge except for those matters therein contained stated upon information and belief and, as to such matters, he believes them to be true.

Bruce A. Piesch  
BRUCE A. PIESCH

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**EXHIBIT A**

A portion of the South 1/2 of South 1/2 of Section 17,  
Township 36 N., Range 50 E., as set forth in Parcel Map  
No. 04-200-28 and recorded in the Office of the Eureka  
County Recorder, State of Nevada.

RECORDED AT THE REQUEST OF

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*Goicoechea & Digrazia*  
'89 MAY 25 AM 11:18

OFFICIAL RECORDS  
EUREKA COUNTY, NEVADA  
M.N. REGISTRATION RECORDER

FILE NO. 151 # 800

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