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128463

RELEASE OF MECHANIC'S LIEN

FOR AND IN CONSIDERATION of the payment to TRUSTEES OF ELECTRICAL WORKERS HEALTH AND WELFARE PLAN FOR NORTHERN NEVADA, and TRUSTEES OF ELECTRICAL WORKERS PENSION TRUST FUND FOR NORTHERN NEVADA, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 401, the sum of ONE HUNDRED TWENTY-TWO THOUSAND FIVE HUNDRED FIFTY-ONE and 0/6 100 DOLLARS (\$122,551.06), together with interest thereon at the contract rate of FIFTEEN PERCENT (15%) per annum from April 15, 1989, through June 30, 1989, the undersigned do hereby release, acquit and forever discharge NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION COMPANY, as contractors, of and from any and all liabilities, obligations, claims, demands, actions, causes of action or damages with respect to non-payment of fringe benefits which IBEW LOCAL 401, TRUSTEES OF ELECTRICAL WORKERS HEALTH AND WELFARE PLAN FOR NORTHERN NEVADA, and TRUSTEES OF ELECTRICAL WORKERS PENSION TRUST FUND FOR NORTHERN NEVADA may have had against NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION COMPANY, as contractors, resulting from the facts alleged in that Mechanic's Lien recorded in Book 198 as Document No. 127945 in the Office of the County Recorder of Eureka County, Nevada, June 26, 1989.

Notwithstanding anything above to the contrary, this Release do not cover liquidated damages in accordance with the applicable trust agreement in the amount of THIRTEEN THOUSAND

IBEW#4:LIENREL.1

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LAW OFFICES  
LANGTON & KILBURN  
327 South Arlington Ave  
Reno, Nevada 89501  
(702) 329-1735

BOOK 199 PAGE 409

1 THREE HUNDRED FORTY and 71/100 DOLLARS (\$13,340.71), by LORD  
2 ELECTRIC COMPANY, INC., as subcontractor, and whose case cur-  
3 rently is pending in the United States Bankruptcy Court,  
4 Southern District of New York, Case No. 89-B-10952 PA. As to  
5 such liquidated damages this Release is a full release and  
6 waiver as against NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION  
7 COMPANY.

8 This Release is a release of disputed claims and does  
9 not constitute an admission of liability on the part of any  
10 party to any matters whatsoever.

11 In further consideration of the aforesaid payment, the  
12 undersigned do hereby assign, transfer and set over unto said  
13 NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION COMPANY, as  
14 contractors, its above-mentioned claim against LORD ELECTRICAL  
15 COMPANY, INC., as subcontractor, and the undersigned constitute  
16 said assignee, its true, lawful and irrevocable attorney to  
17 demand, receipt for and enforce payment of said claim, at its own  
18 expense to sue for said sum so assigned either in the name of  
19 the undersigned or its own name.

20 This Release contains the entire agreement between the  
21 parties hereto and no promise, inducement or representation  
22 other than herein set forth has been made, offered, agreed upon,  
23 and the terms of this Release are contractual and not a mere  
24 recital.

25 The undersigned further state that they have carefully  
26 read the foregoing Release in its entirety, and know and under-

27 IBEW#4:LIENREL.1

28 2

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BOOK 199 PAGE 410

1 stand the contents thereof and sign the name as their own free  
2 act.

3 IN WITNESS WHEREOF, the undersigned have executed this  
4 Release this 29 day of June, 1989.  
5

6  
7 TRUSTEES OF ELECTRICAL WORKERS  
8 HEALTH AND WELFARE PLAN FOR  
9 NORTHERN NEVADA, and

INTERNATIONAL BROTHERHOOD  
OF ELECTRICAL WORKERS,  
LOCAL 401

10 TRUSTEES OF ELECTRICAL WORKERS  
11 PENSION TRUST FUND FOR NORTHERN  
12 NEVADA

11 Fran McDermott  
12 BY: FRAN McDERMOTT  
13 Trustee and Co-Chairman

11 James M. Freeman, Jr.  
12 JAMES M. FREEMAN, JR.,  
13 Business Manager

14 James M. Freeman, Jr.  
15 JAMES M. FREEMAN, JR.  
16 Business Manager  
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RECORDED AT THE REQUEST OF

BOOK 199 PAGE 409  
John C. Miller  
JUL 19 1989

OFFICIAL RECORDS  
CLERK COUNTY OF NEVADA  
MIN. PUBLIC RECORDS DIVISION  
FILE NO. 128463  
128463

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LAW OFFICES  
LANGTON & KILBURN  
327 South Arlington Ave.  
Reno, Nevada 89501  
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BOOK 189 PAGE 411