

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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327 South Arlington Ave
Reno, Nevada 89501
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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-

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

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

TRUSTEES OF ELECTRICAL WORKERS
HEALTH AND WELFARE PLAN FOR
NORTHERN NEVADA, and

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 401

TRUSTEES OF ELECTRICAL WORKERS
PENSION TRUST FUND FOR NORTHERN
NEVADA

By: Fran McDermott
FRAN McDERMOTT
Trustee and Co-Chairman

James M. Freeman, Jr.
JAMES M. FREEMAN, JR.,
Business Manager

James M. Freeman, Jr.
JAMES M. FREEMAN, JR.
Business Manager

RECORDED AT THE REQUEST OF

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John C. Miller
JUL 19 1989

OFFICIAL RECORD
CLERK OF DISTRICT COURT
MIN. PROBATE & RECORDS
FILE NO. 128463

128463

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