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2 128464

3 RELEASE OF MECHANIC'S LIEN

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5 FOR AND IN CONSIDERATION of the payment to TRUSTEES OF  
6 ELECTRICAL WORKERS HEALTH AND WELFARE PLAN FOR NORTHERN NEVADA,  
7 and TRUSTEES OF ELECTRICAL WORKERS PENSION TRUST FUND FOR NORTH-  
8 ERN NEVADA, and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,  
9 LOCAL 401, the sum of ONE HUNDRED NINETY-FIVE THOUSAND TWO  
10 HUNDRED TWENTY-EIGHT and 15/100 DOLLARS (\$195,228.15), together  
11 with interest thereon at the contract rate of FIFTEEN PERCENT  
12 (15%) per annum from April 15, 1989, through June 30, 1989, the  
13 undersigned do hereby release, acquit and forever discharge NEW-  
14 MONT GOLD COMPANY and BECHTEL CONSTRUCTION COMPANY, as  
15 contractors, of and from any and all liabilities, obligations,  
16 claims, demands, actions, causes of action or damages with  
17 respect to non-payment of fringe benefits which IBEW LOCAL 401,  
18 TRUSTEES OF ELECTRICAL WORKERS HEALTH AND WELFARE PLAN FOR  
19 NORTHERN NEVADA, and TRUSTEES OF ELECTRICAL WORKERS PENSION  
20 TRUST FUND FOR NORTHERN NEVADA may have had against NEWMONT GOLD  
21 COMPANY and BECHTEL CONSTRUCTION COMPANY, as contractors,  
22 resulting from the facts alleged in that Mechanic's Lien re-  
23 corded in Book 198 as Document No. 127944 in the Office of the  
24 County Recorder of Eureka County, Nevada, June 26, 1989.

25 Notwithstanding anything above to the contrary, this  
26 Release do not cover liquidated damages in accordance with the

27 IBEW4:LIENREL.2

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Reno, Nevada 89501  
(702) 329-1735

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1 applicable trust agreement in the amount of TWENTY THOUSAND FOUR  
2 HUNDRED NINETY-ONE and 33/100 DOLLARS (\$20,491.33), by LORD  
3 ELECTRIC COMPANY, INC., as subcontractor, and whose case is cur-  
4 rently pending in the United States Bankruptcy Court, Southern,  
5 District of New York, Case No.: 89-B-10952 PA. As to such liq-  
6 uidated damages this Release is a full release and waiver as  
7 against NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION 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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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.  
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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, and

13 FRAN McDERMOTT  
By: FRAN McDERMOTT  
Trustee and Co-Chairman

14 JAMES M. FREEMAN, JR.  
JAMES M. FREEMAN, JR.  
Business Manager

15 JAMES M. FREEMAN, JR.  
16 JAMES M. FREEMAN, JR.,  
Trustee and Co-Chairman

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18  
19  
20  
21 RECORDED AT THE REQUEST OF

22 199-106412  
John C. Miller  
23 89 JUL 19 P2:29

24 OFFICE OF THE CLERK  
25 CLERK OF THE DISTRICT COURT  
26 P. M. R. B. CLERK OF THE COURT  
27 FILE NO. 1700

28 128161

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