

1
2 128465

3 RELEASE OF MECHANIC'S LIEN

4 FOR AND IN CONSIDERATION of the payment to TRUSTEES OF
5 NORTHERN NEVADA LABORERS HEALTH AND WELFARE TRUST FUND and
6 TRUSTEES OF NORTHERN NEVADA LABORERS PENSION TRUST FUND and
7 LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 169, the
8 sum of FIVE THOUSAND EIGHTY-EIGHT and 96/100 DOLLARS
9 (\$5,088.96), together with interest thereon at the contract rate
10 of EIGHTEEN PERCENT (18%) per annum from April 25, 1989, through
11 June 30, 1989, the undersigned do hereby release, acquit and
12 forever discharge NEWMONT GOLD COMPANY and BECHTEL CONSTRUCTION
13 COMPANY, as contractors, of and from any and all liabilities,
14 obligations, claims, demands, actions, causes of action or
15 damages with respect to non-payment of fringe benefits which the
16 TRUSTEES OF NORTHERN NEVADA LABORERS HEALTH AND WELFARE TRUST
17 FUND and TRUSTEES OF NORTHERN NEVADA LABORERS PENSION TRUST
18 FUND, and LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL
19 169 may have had against NEWMONT GOLD COMPANY and BECHTEL CON-
20 STRUCTION COMPANY, as contractors, resulting from the facts al-
21 leged in that Mechanic's Lien recorded in Book 198 as Document
22 No. 127948 in the Office of the County Recorder of Eureka
23 County, Nevada, June 26, 1989.

24 Notwithstanding anything above to the contrary, this
25 Release do not cover liquidated damages in accordance with the
26 applicable trust agreement in the amount of THREE HUNDRED FORTY-

27 IBEW#4:LIENREL.3

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Reno, Nevada 89501
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1 EIGHT and 84/100 DOLLARS (\$348.84), by LORD ELECTRIC COMPANY,
2 INC., as subcontractor, and whose case currently is pending in
3 the United States Bankruptcy Court, Southern District of New
4 York, Case No. 89-B-10952 PA. As to such liquidated damages
5 this Release is a full release and waiver as against Newmont
6 Gold Company and Bechtel Construction Company.

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

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

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

24 The undersigned further state that they have carefully
25 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 30 day of June, 1989.

5
6 TRUSTEES OF NORTHERN NEVADA
7 LABORERS HEALTH AND WELFARE
8 TRUST FUND, and

LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA,
LOCAL 169

9 TRUSTEES OF NORTHERN NEVADA
10 LABORERS PENSION TRUST FUND

11 *John O. Madole Jr.*
12 JOHN MADOLE
13 Trustee and Co-Chairman

Walter Henderson
14 WALTER HENDERSON
15 Business Manager

16 *Walter Henderson*
17 WALTER HENDERSON
18 Trustee and Co-Chairman

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20
21
22 RECORDED AT THE REQUEST OF

23 BOOK 199 PAGE 415
24 *John C. Miller*
25 '89 JUL 19 P2 29

26 OFFICE OF THE CLERK
27 EUREKA COUNTY, NEVADA
28 M.R. DEBALEATI, CLERK

FILE NO. 128465
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