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2 128468

3 RELEASE OF MECHANIC'S LIEN

4 FOR AND IN CONSIDERATION of the payment to TRUSTEES OF  
5 NORTHERN NEVADA CARPENTERS HEALTH AND WELFARE TRUST FUND and  
6 TRUSTEES OF NORTHERN NEVADA CARPENTERS PENSION TRUST FUND and  
7 UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LOCAL  
8 UNION NO. 971, the sum of TEN THOUSAND FOUR HUNDRED TWENTY-TWO  
9 and 16/100 (\$10,422.16), together with interest thereon at the  
10 contract rate of EIGHTEEN PERCENT (18%) per annum from April 25,  
11 1989, through June 30, 1989, the undersigned do hereby release,  
12 acquit and forever discharge NEWMONT GOLD COMPANY and BECHTEL  
13 CONSTRUCTION COMPANY, as contractors, of and from any and all  
14 liabilities, obligations, claims, demands, actions, causes of  
15 action or damages with respect to non-payment of fringe benefits  
16 which the TRUSTEES OF NORTHERN NEVADA CARPENTERS HEALTH AND WEL-  
17 FARE TRUST FUND and TRUSTEES OF NORTHERN NEVADA CARPENTERS PEN-  
18 SION TRUST FUND, and UNITED BROTHERHOOD OF CARPENTERS AND  
19 JOINERS OF AMERICA, LOCAL NO. 971 may have had against NEWMONT  
20 GOLD COMPANY and BECHTEL CONSTRUCTION COMPANY, as contractors,  
21 resulting from the facts alleged in that Mechanic's Lien re-  
22 corded in Book 198 as Document No. 127946 in the Office of the  
23 County Recorder of Eureka 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 SIX HUNDRED EIGHTY-

27 IBEW#4:LIENREL.6

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1 SIX and 60/100 DOLLARS (\$686.60), 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.

5 As to such liquidated damages this Release is a full  
6 release and waiver as against NEWMONT GOLD COMPANY and BECHTEL  
7 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 30 day of June, 1989.

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

9 UNITED BROTHERHOOD OF  
10 CARPENTERS AND JOINERS  
11 OF AMERICA, LOCAL NO.  
12 971

13 TRUSTEES OF NORTHERN NEVADA  
14 CARPENTERS PENSION TRUST FUND

15   
16 \_\_\_\_\_  
17 ROLAND OAKES  
18 Trustee and Co-Chairman

19   
20 \_\_\_\_\_  
21 DON ALFORD  
22 Business Manager

23   
24 \_\_\_\_\_  
25 DON ALFORD  
26 Trustee and Co-Chairman

27 RECORDED AT THE REQUEST OF  
28 BOOK 199 PAGE 423  
John C. Miller  
'89 JUL 19 P2:29

OFFICE OF THE  
CLERK OF THE SUPREME COURT  
M.N. REGALATI RECORDER  
FILE NO.  
128-168 Fee: 700

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