

129792

NOTICE AND CLAIM OF LIEN

NOTICE IS HEREBY GIVEN that MARTEL CONSTRUCTION, INC., of P.O. Box 308, Bozeman, Montana 59715, claims a Mechanic's and Materialman's Lien upon the property hereinafter particularly described, which property is located in the County of Eureka, State of Nevada, and which claim is made pursuant to the laws of the State of Nevada, particularly Chapter 108 of the Nevada Revised Statutes, as amended, for the value of work, labor and materials furnished by lien claimant for the improvement of real property hereinafter particularly described, located in the County of Eureka, State of Nevada.

That the whole of real property hereinafter particularly described has been or is in the process of improvement and is reasonably necessary for the convenient use and occupation of said property.

Claimant further states:

1. That the name of the owner(s) or reputed owner(s) of the premises sought to be charged is TONKIN SPRINGS GOLD MINING COMPANY, 1600 Stout St., Suite 1600, Denver, Colorado 80202.
2. That the name of the person by whom lien claimant was employed and to whom lien claimant furnished work, labor and materials in connection with the project is TONKIN SPRINGS GOLD MINING COMPANY.

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See BK. 206, Pg. 184 for Release

3. That the terms, time given and conditions of the contract were that the lien claimant would furnish all work, labor and materials for the supply and installation of concrete and related work per contract documents for contract number T-05, concrete supply and installation for TONKIN SPRINGS GOLD PROJECT, Nevada per plans of Merit Consultants Limited and change orders for extra work in connection therewith for the amount of \$2,221,205.76 Dollars plus interest, with payment to be made by monthly progress payments, extra work and final payment per the contract specifications. The first work by the lien claimant commenced on October 17, 1988.

4. That work, labor and materials have been furnished to and actually used upon the above-described project in the total amount of \$2,221,205.76 Dollars, that to date the sum of \$1,890,179.55 has been paid and the sum of \$89,707.96 was due on August 20, 1989, the sum of \$200,119.22 was due on September 16, 1989 and the sum of \$41,198.94 will be due on October 8, 1989 for a total amount unpaid of \$331,026.21 plus interest as provided by the contract.

5. Lien claimant is informed and believes that the work of improvement was completed on August 26, 1989.

6. That a demand for payment has been made by lien claimant and that no part or portion of the amount due and owing has been paid: that there are no further offsets to the claim and that the sum of \$289,827.18 Dollars plus interest is now due and owing and the sum of \$331,026.21 plus interest will be due and owing as of October 8, 1989 to lien claimant on account of the work, labor and materials furnished as above specified and that the undersigned

claims a lien upon the real property particularly described herein for said sum, together with interest and attorney's fees as provided by law.

7. That the real property sought to be charged with this Claim of Lien upon which the above-described work of improvement has been made is located in the County of Eureka, State of Nevada, and is particularly described on exhibit "A" attached hereto and incorporated herein by this reference.

DATED this 22nd day of September 1987
MARTEL CONSTRUCTION, INC.

By Anthony Martel
ANTHONY MARTEL

Its Treasurer

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STATE OF MONTANA)
: SS
COUNTY OF GALLATIN)

ANTHONY MARTEL, being first duly sworn, deposes and says that:

I am the Treasurer of MARTEL CONSTRUCTION, INC., the company named as lien claimant in the foregoing Notice and Claim of Lien. I have read the above and foregoing Notice and Claim of lien, know the contents thereof and state that the same is true. I further state that it contains, among other things, a correct statement of the demand of said lien claimant, after deducting all just credits and offsets.



Anthony Martel
ANTHONY MARTEL

SUBSCRIBED AND SWORN to before me
this 22nd day of September 1957.

[Signature]
NOTARY PUBLIC in and for said
County of Gallatin
State of Montana
My commission expires: May 15, 1991

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EXHIBIT A

TONKIN SPRINGS GOLD PROJECT located in Eureka County, Nevada, more specifically described as follows:

A portion of Section 1, T. 23 N., R. 49 E., M.D.B.&M., Eureka County, Nevada.

RECORDED AT THE REQUEST OF

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Moricehan & SiGrazia.

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OFFICIAL RECORDS
EUREKA COUNTY, NEVADA
H.M. PEDALCATI, RECORDER
FILE NO. FEE \$9.00

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