

SECOND AMENDED NOTICE AND CLAIM OF LIEN

THIS AMENDED NOTICE IS HEREBY GIVEN THAT FRENHER CONSTRUCTION CO., INC., CLAIMS A MECHANIC'S AND MATERIALMEN'S LIEN UPON THE PROPERTY HEREINAFTER MORE PARTICULARLY DESCRIBED, WHICH PROPERTY IS LOCATED IN ELKO COUNTY, NEVADA, ON 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, MATERIALS AND/OR SERVICES FURNISHED BY THE LIEN CLAIMANT FOR THE IMPROVEMENT OF REAL PROPERTY HEREINAFTER MORE PARTICULARLY DESCRIBED AND LOCATED IN THE COUNTY OF ELKO, STATE OF NEVADA.

THAT FRENHER CONSTRUCTION CO., INC. FILED ITS NOTICE OF CLAIM OF LIEN ON NOVEMBER 24, 1992 AT BOOK 804 PAGE 60 AS FILE #330359 OFFICIAL RECORDS OF THE ELKO COUNTY RECORDER'S OFFICE COUNTY OF ELKO, STATE OF NEVADA AND SAID NOTICE OF CLAIM OF LIEN WAS AMENDED TO CORRECT THE ACTUAL AMOUNT DUE AND FILED IN ITS AMENDED NOTICE AND CLAIM OF LIEN ON MARCH 9, 1993, AT BOOK 813 PAGE 966 AS FILE NUMBER 335773 AND NOW NEEDS TO FILE A SECOND AMENDMENT TO CORRECTLY DESCRIBE THE AREA WHERE THE WORK WAS PERFORMED IN ELKO COUNTY, NEVADA.

THAT THE REAL PROPERTY HEREINAFTER DESCRIBED HAS BEEN OR IS IN THE PROCESS OF IMPROVEMENT.

CLAIMANT FURTHER CLAIMS:

1. THAT THE NAME AND ADDRESS OF THE OWNERS OR REPUTED OWNERS OF THE PREMISES SOUGHT TO BE CHARGED IS NEWMONT GOLD COMPANY.

2. THAT THE NAME OF THE PERSON BY WHOM THE LIEN CLAIMANT WAS EMPLOYED AND TO WHOM THE LIEN CLAIMANT FURNISHED WORK, LABOR, MATERIALS AND/OR SERVICES IN CONNECTION WITH THE PROJECT WAS RUBY DOME, INC.

3. THAT THE TERMS, TIME GIVEN AND THE CONDITIONS OF THE CONTRACT WERE THAT THE LIEN CLAIMANT WAS TO BE PAID THE TOTAL SUM DUE AS OF THE DATE OF THE FINAL BILLING.

4. THAT WORK, LABOR, MATERIALS AND/OR SERVICES HAVE BEEN FURNISHED TO AND ACTUALLY USED UPON THE ABOVE DESCRIBED PROJECT IN THE TOTAL AMOUNT OF \$222,032.50. SAID SUM IS NOW DUE AND OWING TO THE LIEN CLAIMANT IN TOTAL PLUS INTEREST AS ALLOWED BY LAW FROM SEPTEMBER 30, 1992, UNTIL PAID.

5. THAT THE FIRST LABOR AND MATERIALS FURNISHED BY LIEN CLAIMANT TO INCORPORATE INTO THE PROJECT WAS IN JUNE, 1992, AND THAT THE LAST LABOR AND MATERIALS FURNISHED BY LIEN CLAIMANT AND INCORPORATED INTO THE PROJECT WAS ON OR ABOUT AUGUST 28, 1992; THAT THERE ARE NO OTHER CREDITS OR OFFSETS TO BE DEDUCTED AND THAT THE

total amount due and owing to the lien claimant is the sum of \$222,032.50, plus interest.

6. Lien claimant is informed and believes that the work of improvement was completed some time on or after August 28, 1992.

7. That a demand for payment has been made by lien claimant and no part or portion of the amount due and owing has been paid; that there are no offsets to the claim and the sum of \$222,032.50 plus interest from September 30, 1992, is now due and owing to the lien claimant on account of the work, labor, materials and/or services furnished as above specified, and the undersigned claims the lien upon the real property herein described for said sum, together with interest, attorney fees and costs as provided by law.

8. That the real property sought to be charged with this Amended claim of lien and upon which the above described work or improvements has been made and is located is as follows:

Refractory Ore Treatment Plant Access Road  
Newmont Gold Company Contract No. 21777-PR-  
01, located in Section 36, Township 34 North,  
Range 51 East, M.D.B. & M., Eureka County, Nevada  
and in Townships 33 and 34 North Range 51  
East, M.D. B. & M., Elko County Nevada.

DATED this 16th day of March, 1993.

JAMES M. COPENHAVER, P.C.  
950 Idaho Street  
Elko, Nevada 89801

By

*James M. Copenhaver*

JAMES M. COPENHAVER  
Attorney for FRENCH CONSTRUCTION  
CO., INC.

STATE OF NEVADA  
COUNTY OF ELKO

)  
) ss.  
)

JAMES M. COPENHAVER, being first duly sworn, deposes and says: that I am the attorney for FRENCH CONSTRUCTION CO., INC., the company named as lien claimant in the foregoing Amended Notice of Claim of Lien. I have read the above and foregoing Notice and Claim of Lien, am familiar with 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.

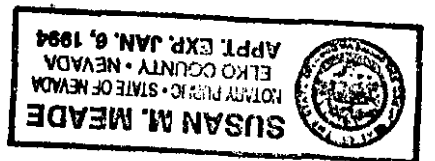
JAMES M. COPENHAVER

*James M. Copenhaver*

SUBSCRIBED and SWORN to before me

this 16th day of March, 1993.

~~NOTARY PUBLIC~~



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OFFICIAL RECORDS

RECORDED AT THE REQUEST OF

*James M. Copenhaver*

93 MAR 17 P1:53

EUREKA COUNTY, NEVADA  
M.N. REBALANTI, RECORDER  
FILE NO. FEE \$ 700

144947

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