

APN: none

Recording requested by:

James M. Copenhaver, P.C.
950 Idaho Street
Elko, NV 89801
(775) 738-1951

Mail Tax Statements To:

Not applicable

BOOK 413 PAGE 177-180
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
James M. Copenhaver
2005 MAY 17 PM 2:04

EUREKA COUNTY, NEVADA
M.H. REBALEATI, RECORDER
FILE NO. 198490
FEES 17.00

**NOTICE OF DISMISSAL OF PLAINTIFF'S COMPLAINT AS TO
DEFENDANTS, NEWMONT GOLD COMPANY aka NEWMONT
MINING CORPORATION, FLORIDA POWER AND LIGHT
ENERGY and ADAM SMITH DBA ECHELON ENVIRONMENTAL
ENERGY AND NOTICE OF RELEASE OF LIEN AND NOTICE OF
PENDENCY OF ACTION AS TO ALL DEFENDANTS**

1 CASE NO. CV-C-05-205

2 DEPT NO. 1

FILED

2005 MAY 16 P 3:00

ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY SP

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6 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF ELKO
8

9 **MODERN CONCRETE, INC.,**
10 a Nevada corporation,

11 Plaintiff,

12 **NEWMONT GOLD COMPANY aka NEWMONT**
13 **MINING CORPORATION, FLORIDA**
14 **POWER AND LIGHT ENERGY, ADAM**
15 **SMITH DBA ECHELON ENVIRONMENTAL**
16 **ENERGY, FJN WORLDNET, INC. and**
17 **DOES 1-10, and any unknown heir**
18 **or heirs of any deceased person**
19 **named; and all persons,**
20 **partnerships, corporations or**
21 **other legal entities unknown**
22 **having any right, title, estate,**
23 **lien, or interest in the real**
24 **property described in the**
25 **Complaint;**

26 Defendants.

NOTICE OF DISMISSAL OF
PLAINTIFF'S COMPLAINT AS
TO DEFENDANTS, NEWMONT
GOLD COMPANY aka NEWMONT
MINING CORPORATION,
FLORIDA POWER AND LIGHT
ENERGY and ADAM SMITH DBA
ECHELON ENVIRONMENTAL
ENERGY AND NOTICE OF
RELEASE OF LIEN AND
NOTICE OF PENDENCY OF
ACTION AS TO ALL
DEFENDANTS

27 COMES NOW the Plaintiff, **MODERN CONCRETE, INC.**, acting by
28 and through its attorney, JAMES M. COPENHAVER of **JAMES M.**
29 **COPENHAVER, P.C.**, 950 Idaho Street, Elko, Nevada, and pursuant to
30 Nevada Rule of Civil Procedure 41(a)(1)(i), hereby files a Notice
31 of Dismissal as to Defendants, **NEWMONT GOLD COMPANY aka NEWMONT**
32 **MINING CORPORATION, FLORIDA POWER AND LIGHT ENERGY and ADAM SMITH**
33 **DBA ECHELON ENVIRONMENTAL ENERGY.** As of this date, none of these
34 Defendants nor any representatives of these Defendants has filed an

1 Answer or Motion for Summary Judgment in the above-entitled action.
2 Notice is hereby given that such dismissal, as to **NEWMONT GOLD**
3 **COMPANY aka NEWMONT MINING CORPORATION, FLORIDA POWER AND LIGHT**
4 **ENERGY and ADAM SMITH DBA ECHELON ENVIRONMENTAL ENERGY**, is with
5 prejudice.

6 On the 24th day of November, 2004, the Plaintiff recorded
7 in Book 400 of Official Records at Page 174-176, file number
8 193925, in the Office of the County Recorder of Eureka County,
9 Nevada, its Notice of Claim of Lien, by which it gave notice of its
10 intention to hold and claim a lien upon the following described
11 property, situate in the County of Eureka, State of Nevada, to-wit:

12 That certain tower site located at North 40°58'41.52" and
13 West 116°18'25.44" in Township 36 North, Range 50 East,
M.D.B.&M., Eureka County, Nevada.

14 Together with all buildings and improvements located
15 thereon.

16 The Plaintiff hereby releases and discharges the Notice
17 and Claim of Lien on the above-described real property.

18 On the 15th day of March, 2005, the Plaintiff recorded in
19 Book 408 of Official Records at Pages 013-014, file number 196552,
20 in the Office of the County Recorder of Eureka County, Nevada, its
21 Notice of Pendency of Action to Foreclose Lien on the above
22 described property, situate in the County of Eureka, State of
23 Nevada.

24 The Plaintiff hereby releases and discharges the Notice
25 of Pendency of Action To Foreclose Lien on the above-described real
26 property.

27 ///

28 ///

1 DATED this 16th day of May, 2005.

2 JAMES M. COPENHAVER, P.C.
3 950 Idaho Street
4 Elko, Nevada 89801
5 Telephone: (775) 738-1951

6 By James M. Copenhaver
7 JAMES M. COPENHAVER
8 One of Plaintiff's Attorneys
9 Nevada State Bar #485

10 CERTIFICATE OF MAILING

11 Pursuant to NRCP 5(b), I certify that I am an employee of
12 JAMES M. COPENHAVER, P.C., and that on this date I deposited for
13 mailing, in the United States Mail, at Elko, Nevada, postage fully
14 prepaid, a true copy of the within document addressed as follows:

15 NEWMONT GOLD COMPANY aka
16 NEWMONT MINING CORPORATION
17 P.O. Box 669
18 Carlin, NV 89822-8967

19 Florida Power and Light Energy
20 Attention: Rachel S. Budke, Esq.
21 700 Universe Boulevard
22 Juno Beach, FL 33408-0420

23 Adam Smith dba
24 Echelon Environmental Energy
25 311 Arcaro Lane
26 Solana Beach, CA 92075

27 DATED this 16th day of May, 2005.

28 Jody L. Copenhaver
JODY L. COPENHAVER

198490

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JAMES M. COPENHAVER
ATTORNEY AT LAW
950 IDAHO STREET
ELKO, NEVADA 89801

