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

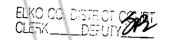
BOOK 4/3 PAGE /77-186
OFFICIAL RECORDS
RECORDED AT THE REQUEST OF
FAMES M. Caple shave
2005 MAY 17 PM 2: 04

EUREKA COUNTY, NEVADA M.H. REBALEATI, RECORDER M.H. REBALEATI, RECORDER FEES / 700

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



2005 MAY 16 P 3: 00



IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF ELKO

MODERN CONCRETE, INC., a Nevada corporation,

Plaintiff,

NEWMONT GOLD COMPANY aka NEWMONT CORPORATION, FLORIDA MINING POWER AND LIGHT ENERGY, ADAM SMITH DBA ECHELON ENVIRONMENTAL ENERGY, FJN WORLDNET, INC. and DOES 1-10, and any unknown heir or heirs of any deceased person named: and all persons, partnerships, corporations other legal entities unknown having any right, title, estate, lien, or interest in the real described property Complaint:

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

Defendants.

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and through its attorney, JAMES M. COPENHAVER of JAMES M. COPENHAVER, P.C., 950 Idaho Street, Elko, Nevada, and pursuant to Nevada Rule of Civil Procedure 41(a)(1)(i), hereby files a Notice of Dismissal as to Defendants, NEWMONT GOLD COMPANY aka NEWMONT MINING CORPORATION, FLORIDA POWER AND LIGHT ENERGY and ADAM SMITH DBA ECHELON ENVIRONMENTAL ENERGY. As of this date, none of these Defendants nor any representatives of these Defendants has filed an

JAMES M. COPENHAVER

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

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

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

Together with all buildings and improvements located thereon.

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

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

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

///

DATED this 16# day of May, 2005. 1 JAMES M. COPENHAVER, P.C. 2 950 Idaho Street Elko, Nevada 89801 3 Telephone: (775) 738-1951 COPENTAVER One of Plaintiff's Attorneys Nevada State Bar #485 7 CERTIFICATE OF MAILING 8 Pursuant to NRCP 5(b), I certify that I am an employee of 9 JAMES M. COPENHAVER, P.C., and that on this date I deposited for 10 mailing, in the United States Mail, at Elko, Nevada, postage fully 11 prepaid, a true copy of the within document addressed as follows: 12 NEWMONT GOLD COMPANY aka NEWMONT MINING CORPORATION 13 P.O. Box 669 Carlin, NV 89822-8967 14 Florida Power and Light Energy 15 Attention: Rachel S. Budke, Esq. 16 700 Universe Boulevard Juno Beach, FL 33408-0420 17 Adam Smith dba Echelon Environmental Energy 18 311 Arcaro Lane 19 Solana Beach, CA 92075 20 day of May, 2005. 21 22 23 24 25 26 27 198490 28

DOCUMENT ATTACHED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE **CLERK**

BOOK 4 1 3 PAGE 1 8 0

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

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