

DOC # 0213347

06/24/2009

03:47 PM

Official Record

Recording requested By
CT LIEN SOLUTIONSEureka County - NV
Mike Rebaleati - Recorder

Fee: \$60.00

Page 1 of 4

RPTT

Recorded By FES

Book- 0487 Page- 0339



0213347

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

| | |
|---|---------------------------------|
| A. NAME & PHONE OF CONTACT AT FILER (optional) Phone (800) 331-3282 Fax (818) 662-4141 | |
| B. SEND ACKNOWLEDGEMENT TO: (Name and Mailing Address) 18047 THE BANK OF NE | |
| CT Lien Solutions P.O. Box 29071 Glendale, CA 91209-9071 | 19133548 NVNV FIXTURE |

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

| | | | | | |
|---|-----------------------------------|--------------------------|----------------------------------|--|---------------------|
| 1a. INITIAL FINANCING STATEMENT FILE # 155362 09/30/94 CC NV Eureka | | | | 1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS <input checked="" type="checkbox"/> | |
| 2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement | | | | | |
| 3. <input checked="" type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law. | | | | | |
| 4. <input type="checkbox"/> ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in 7c; and also give name of assignor in item 9. | | | | | |
| 5. AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> CHANGE name and/or address. Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b and also item 7c; also complete items 7d-7g (if applicable) | | | | | |
| 6. CURRENT RECORD INFORMATION: | | | | | |
| 6a. ORGANIZATION'S NAME Newmont Gold Company | | | | | |
| OR | | | | | |
| 6b. INDIVIDUAL'S LAST NAME | | FIRST NAME | | MIDDLE NAME SUFFIX | |
| 7. CHANGED (NEW) OR ADDED INFORMATION: | | | | | |
| 7a. ORGANIZATION'S NAME | | | | | |
| OR | | | | | |
| 7b. INDIVIDUAL'S LAST NAME | | FIRST NAME | | MIDDLE NAME SUFFIX | |
| 7c. MAILING ADDRESS | | CITY | | STATE | POSTAL CODE COUNTRY |
| 7d. SEE INSTRUCTION | ADD'L INFO RE ORGANIZATION DEBTOR | 7e. TYPE OF ORGANIZATION | 7f. JURISDICTION OF ORGANIZATION | 7g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE | |
| 8. AMENDMENT (COLLATERAL CHANGE): check only one box. Describe collateral <input type="checkbox"/> deleted or <input type="checkbox"/> added, or give entire <input type="checkbox"/> restated collateral description, or describe collateral <input type="checkbox"/> assigned. | | | | | |

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

| | | | | | |
|--|--|------------|--|--------------------|--|
| 9a. ORGANIZATION'S NAME Bank One, National Association f/d/a The First National Bank of Chicago, as Indenture Trustee | | | | | |
| OR | | | | | |
| 9b. INDIVIDUAL'S LAST NAME | | FIRST NAME | | MIDDLE NAME SUFFIX | |

10. OPTIONAL FILER REFERENCE DATA
19133548 Debtor Name: Newmont Gold Company 10211251 Sharon McGrath

UNIFORM COMMERCIAL CODE FINANCING STATEMENT CHANGE FORM N-UCC-2

This FINANCING STATEMENT is presented for filing pursuant to the Nevada Uniform Commercial Code

IMPORTANT:

Read instructions on back before filing out form.

Receipt No.

| | | | |
|---|--|---|---|
| 1. File No. of Orig. Financing Statement 155362 | 1A. Date of Filing of Orig. Financing Statement 9/30/1994 | 1B. Date of Orig. Financing Statement | 1C. Place of Filing Orig. Financing Statement NV-Eureka County |
| 2. DEBTOR (ONE NAME ONLY) <input checked="" type="checkbox"/> LEGAL BUSINESS NAME <input type="checkbox"/> INDIVIDUAL (LAST NAME FIRST) Newmont Gold Company | | 2A. SOCIAL SECURITY OR FEDERAL TAX NO. 13-2526632 | |
| 2B. MAILING ADDRESS One United Bank Center, 1700 Lincoln Street | | 2C. CITY, STATE Denver CO | 2D. ZIP CODE 80203 |
| 3. ADDITIONAL DEBTOR (if any) (ONE NAME ONLY) <input type="checkbox"/> LEGAL BUSINESS NAME <input type="checkbox"/> INDIVIDUAL (LAST NAME FIRST) | | 3A. SOCIAL SECURITY OR FEDERAL TAX NO. | |
| 3B. MAILING ADDRESS | | 3C. CITY, STATE | 3D. ZIP CODE |
| 4. <input type="checkbox"/> ADDITIONAL DEBTOR(S) ON ATTACHED SHEET | | | |
| 5. SECURED PARTY NAME First National Bank of Chicago, As Indenture Trustee No. 2 MAILING ADDRESS One First National Plaza, Suite 0126 CITY Chicago STATE IL ZIP CODE 60670 | | 5A. SOCIAL SECURITY NO. FEDERAL TAX NO. OR BANK TRANSIT AND A.B.A. NO. 36-0899825 | |
| 6. ASSIGNEE OF SECURED PARTY (if any) NAME MAILING ADDRESS CITY STATE ZIP CODE | | 6A. SOCIAL SECURITY NO. FEDERAL TAX NO. OR BANK TRANSIT AND A.B.A. NO. | |
| 7. A. <input checked="" type="checkbox"/> CONTINUATION—The original Financing Statement between the foregoing Debtor and Secured party bearing the file number and date shown above is continued. If collateral is crops or timber, fixtures, or oil, gas or minerals check here <input type="checkbox"/> and insert description of real property on which growing or to be grown or to which affixed or to be affixed or from which to be expected in item 8 below. If crops or fixtures, also insert name or record owner of real estate. Effective only if submitted within 6 months prior to expiration date. | | | |
| B. <input type="checkbox"/> RELEASE—From the collateral described in the Financing Statement bearing the file number shown above, the Secured Party releases the collateral described in item 8 below. Release does not terminate debt. | | | |
| C. <input type="checkbox"/> ASSIGNMENT—The Secured Party certifies that the Secured Party has assigned to the Assignee above named, all or part of the Secured Party's rights under the Financing Statement bearing the file number shown above in the collateral described in item 8 below. | | | |
| D. <input type="checkbox"/> TERMINATION—The Secured Party certifies that the Secured Party no longer claims a security interest under the Financing Statement bearing the file number shown above. | | | |
| E. <input type="checkbox"/> AMENDMENT—The Financing Statement bearing the file number shown above is amended as set forth in item 8 below. Any changes made to items 2 thru 6 above must be made in item 8 below. (Signature of Debtor(s) and Secured Party(ies) required on all amendments.) CSC ID:44590 NV-Eureka County | | | |
| 8. | | | |

THIS SPACE FOR USE OF FILING OFFICER

| | |
|--|--|
| 9. | 10. This Space for Use of Filing Officer: (Date, Time, File Number and Filing Officer) |
| (Date) _____ 19____ Newmont Gold Company By _____ (TITLE) TYPE NAME(S) First National Bank of Chicago, As Indenture Trustee No. 2 By <u>Sharon McGloth</u> (TITLE) SIGNATURE(S) OF SECURED PARTY(IES) <u>Sharon McGloth</u> TYPE NAME(S) | 329 425 CSC United States Corp 173.00 17.00 173.00 |
| 11. Return Copy to: ***PLEASE RETURN TO*** NAME ADDRESS CITY, STATE AND ZIP CSC 2730 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833 Acct. #P6-0000-743-9 Trust Account Number (If Applicable) | YELLOW Alphabetical; PINK-Acknowledgement; GREEN-Secured Party; BLUE-Debtor. (Filing Fees: See Instructions) |

UNIFORM COMMERCIAL CODE-FORM N-UCC-2 (REV. 11-83)

the Nevada Secretary of State



0213347

Book 487 06/24/2009
Page 340 Page 2 of 4

SCHEDULE A

ACKNOWLEDGEMENT COPY

Debtor:

Newmont Gold Company
One United Bank Center
1700 Lincoln Street
Denver, Colorado 80203

Secured Party:

SHAWMUT BANK CONNECTICUT, NATIONAL
ASSOCIATION, a national banking
association, not in its individual
capacity but solely as Owner Trustee
under that certain Trust Agreement No.
2, dated as of July 15, 1994, between it
and Philip Morris Capital Corporation

777 Main Street
Hartford, Connecticut 06115

Assignee of Secured Party:

THE FIRST NATIONAL BANK OF CHICAGO, a
national banking association, as
Indenture Trustee under the Trust
Indenture and Security Agreement, dated
as of July 15, 1994, between it and the
Secured Party

One First National Plaza
Suite 0126
Chicago, Illinois 60670-0126

Attention: Corporate Trust Services
Division

Description of
Collateral :

A 25% undivided interest in all of the
Debtor's right, title and interest in
and to the equipment, goods and other
tangible personal property (including
fixtures) which together comprise a
refractory gold ore treatment process
facility located near Carlin, Nevada,
all as more fully described in Annex 1
hereto, and any and all substitutions,
replacements and accessions thereto or
therefor and the proceeds thereof,
including, without limitation, insurance
proceeds.

The above-described collateral includes
goods which are or are to become
fixtures on the real estate described in
Schedule B attached hereto and
incorporated herein by this reference.
The record owner of the real estate
described in Schedule B is Debtor.

Book 329 page 426



0213347

ACKNOWLEDGEMENT COPY

The foregoing property has been leased by the Secured Party to the Debtor pursuant to a Lease dated as of September 30, 1994 between the Debtor and the Secured Party, which lease is intended to be a true lease. This financing statement is being filed only as a precautionary measure in the event that such lease is determined not to be a true lease and to perfect the lessor's interest under the lease described above in any of the collateral which is deemed to be fixtures within the meaning of Nevada Revised Statutes §104A.2309.

Book 329 Page 427



0213347

Book 487 06/24/2009
Page 342 Page 4 of 4