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Official Record

Recording requested By  
SDT DIVERSIFIED TECHNOLOGIES

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$16.00

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RPTT:

Recorded By: FES

Book- 527 Page- 0338

Prepared by and after Recordation, Return To:

Michael A. Vilella  
SDT, Inc.  
PO Box 282  
La Veta, CO 81055



0219471

## RELEASE OF CLAIMS

**THIS RELEASE OF CLAIMS** (this "Release of Claims") is given by **SIERRA PACIFIC POWER COMPANY**, a Nevada corporation d/b/a **NV ENERGY** ("Buyer"), whose address is 6100 Neil Road, Reno, Nevada 89511, effective as of JANUARY 13, 2011,

WHEREAS, **AT&T CORP.**, a New York corporation, ("AT&T"), is contemporaneously herewith conveying to Buyer the Improvements (as defined in the Purchase and Sale Agreement between the parties dated SEPTEMBER 14, 2011, (the "Agreement"), located in the SW4 Section 28 & NW4 Section 33, Township 20N, Range 53E, on land owned and under the jurisdiction of the BLM (the "BLM") commonly known as the Eureka Optical Amplifier Site, Eureka County, State of Nevada, (the "Property") and

WHEREAS, a material inducement to AT&T to convey the Improvements to Buyer for the consideration agreed to by AT&T and Buyer was the agreement of Buyer to execute and record this Release of Claims in the official lands records of Eureka County, Nevada;

NOW, THEREFORE, in consideration of the mutual agreements of the parties, of the conveyance by AT&T of the Improvements for the consideration stated in the Bill of Sale, and for other good and valuable consideration, the receipt and adequacy of which are hereby conclusively acknowledged, Buyer hereby agrees as follows:

1. Buyer has inspected the Property and Improvements and accepts the Property and Improvements in their present condition, as is, as of the effective date of this Release of Claims, subject to all defects and conditions, both apparent and latent, if any.

2. To the extent permitted by law, Buyer, for Buyer and for Buyer's successors and assigns, and future grantees or holders of any interest in the Property and/or Improvements, forever waives, releases and agrees not to make any claim, whether directly or by way of contribution, for any relief whatsoever, against AT&T, any of its parent companies, and any subsidiaries of AT&T or any company directly or indirectly controlled by AT&T or any parent company of AT&T ("AT&T & Affiliates"), under the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act or any federal, state or local statute or regulation or any federal or state common law whether now existing or applicable or hereinafter enacted or applicable, providing for any right of recovery for any environmental matter relating to or arising out of the Property or Improvements.

3. This Release of Claims will be binding upon the Buyer and Buyer's executors, successors and assigns, and will inure to the benefit of AT&T and Affiliates and their respective successors and assigns.

4. From and after the date hereof, Buyer will indemnify, defend and hold harmless AT&T & Affiliates from and against all claims, liabilities, losses, damages, costs and expenses (including reasonable attorney's fees, expert witness fees and other costs of defense) for injury, including death to any person, or damage or loss of any kind to the Property and/or Improvements, that may arise out of or in connection with any conditions that exist on or around the Property and/or Improvements, including all environmental conditions, on the date hereof or subsequent to the date hereof.

5. This Release of Claims does not apply to the acts or omissions of AT&T & Affiliates that occur after the Closing (as that term is defined in the Agreement) has occurred.

6. This Release of Claims will be recorded in the official land records of Eureka County, Nevada upon conveyance of the Improvements to Buyer.

IN WITNESS WHEREOF, Buyer has signed, sealed and delivered this Release of Claims.

**Buyer: SIERRA PACIFIC POWER COMPANY, a Nevada corporation d/b/a NV ENERGY**

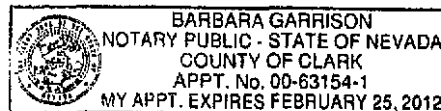
By: Mike Zaccagnino  
Name: Mike Zaccagnino  
Title: Director, Telecommunications

**ACKNOWLEDGMENT**

STATE OF Nevada )  
COUNTY OF Clark )

This instrument was acknowledged before me on June 22, 2011 by Mike Zaccagnino as Director of Telecom NV Energy.

Barbara Garrison  
Signature of Notarial Officer



Notary Statement and/or Seal

**EXHIBIT "A" TO RELEASE OF CLAIMS**

A portion of the Southwest Quarter of Section 28 & the Northwest Quarter of Section 33, Township 20 North, Range 53 East, M.D.M., Eureka County, Nevada; situated within that Parcel of land described on a Record of Survey & Topographic Map of Eureka Optical Amplifier Site for Sierra Pacific Communications, recorded as File Number 178085 on May 3, 2002, Official Records of Eureka County, Nevada.

Commencing at a Brass Cap Section Corner Reference Monument;

Thence North 26°36'51" East, 63.60 feet to the Southwest Corner of Section 28, Township 20 North, Range 53 East, monument not found;

Thence South 44°30'13" East, 67.88 feet;

Thence North 03°15'25" East, 140.50 feet to the POINT OF BEGINNING;

Thence continuing North 03°15'25" East, 133.77 feet;

Thence South 69°37'04" East, 250.00 feet;

Thence South 03°15'25" West, 134.10 feet;

Thence North 69°37'04" West, 250.00 feet to the POINT OF BEGINNING, containing 0.73 acres more or less.