

LINCOLN COUNTY APNs

008-201-03
008-201-06
008-201-27
008-201-28

LINCOLN COUNTY, NV **2023-166007**
Rec:\$37.00
Total:\$37.00 **10/02/2023 02:20 PM**
COYOTE SPRINGS INVESTMENT Pgs=3 KC
LLC



OFFICIAL RECORD
AMY ELMER, RECORDER

When recorded return to:
Attn: E.Cargill
PO Box 37010
Coyote Springs, NV 89037

TO BE RECORDED IN OFFICIAL RECORDS , LINCOLN COUNTY, NEVADA

**CONFIRMATION OF DISMISSAL WITH PREJUDICE
AND RELEASE OF RECORDED INSTRUMENTS**

THIS CONFIRMATION OF DISMISSAL WITH PREJUDICE AND RELEASE OF RECORDED INSTRUMENTS ("Confirmation-Agreement") is made as of this 19th day of September 2023, by and between Coyote Springs Investment LLC, a Nevada limited liability company ("CSI"), and BrightSource Energy, Inc., a Delaware corporation ("BSE").

///

///

///

CDS/CSI/Title/2023
091223/csi_bse_term_release.docx/1CONFIRMATION OF DISMISSAL WITH PREJUDICE &
RELEASE OF RECORDED INSTRUMENTS

Recitals to that certain
Confirmation of Dismissal With Prejudice & Release of Recorded Instruments:

WHEREAS, CSI and BSE entered into a Reversionary Right Instrument recorded April 8, 2010, in Book 255, Page 447, as Document No. 135787, and re-recorded on April 26, 2010, in Book 255, Page 627, as Document No. 135862 ("Reversion"), and a Memorandum of Lease dated April 1, 2010, and recorded on April 8, 2010, in book 255, Page 455, as Document No. 135788, and re-recorded on April 26, 2010, in Book 255, Page 636, as Document No. 135863 ("Memorandum") in connection with the proposed development of a solar energy generation facility within the Coyote Springs Development located within Lincoln County, Nevada.

WHEREAS, as a result of a dispute that arose between CSI and BSE the following litigation proceeding occurred: (i) CSI v. BSE, Case No. A-11-651966-B in the Nevada 8th Judicial District ("Nevada Action"); (ii) BSE, CSI v. BSE, Case No. 72273 in the Nevada Supreme Court ("Nevada Appeal"); (iii) CSI v. BSE in the Superior Court of California, Alameda County, Case No. 17847134 ("California Action"); (iv) CSI, Plaintiff and Respondent v. BSE, Appellant; CMB Export LLC, Appellant, Case No. A156038 in the Court of Appeal State of California, First Appellate District, Division Five ("California Appeal"), and (v) CSI v. BSE, Case No. N17J-04914 in the Superior Court of the State of Delaware ("Delaware Action").

WHEREAS, CSI and BSE entered in a Settlement Agreement dates as of October 4, 2019 ("Settlement"), in which they resolved and settled all disputes and claims between them, including, without limitation, the Nevada Action, the Nevada Appeal, the California Action, the California Appeal and the Delaware Action all of which were dismissed with prejudice in consideration of the Settlement (collectively, the "Litigation").

WHEREAS, in furtherance of the Settlement, CSI and BSE terminated and released all of their respective obligations, rights and interests in and under the Reversion, Memorandum, and the Lease referenced in the Memorandum, and Dismissals of all the Litigation with prejudice were entered in the respective courts.

NOW, THEREFORE, CSI and BSE desire to ensure that the Reversion and the Memorandum are removed as an exception to title against CSI's real property in Lincoln County, Nevada, that was previously encumbered by the Reversion, the Memorandum, and the referenced Lease.

1. CSI and BSE hereby mutually confirm that all of the Litigation has been formally concluded, dismissed with prejudice, and the matters closed, and that they have terminated and released each other from the terms and conditions of the Reversion, the Memorandum, and the Lease referenced in the Memorandum all as more fully set forth in the Settlement.

①

CDS/CSI/Title/2023
091223/csi_bse_term_release.docx/1CONFIRMATION OF DISMISSAL WITH PREJUDICE &
RELEASE OF RECORDED INSTRUMENTS

2. This Confirmation-Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one agreement, and may be effectively and validly executed and delivered by facsimile or other electronic transmission.

3. Each person executing this Confirmation-Agreement warrants that they have the authority to execute this Confirmation-Agreement, and each person executing this Confirmation-Agreement on behalf of any entity specifically warrants that they have the authority to bind the entity by their signature.

IN WITNESS WHEREOF, this Confirmation-Agreement has been executed as of the date first written above.

COYOTE SPRINGS INVESTMENT LLC,
a Nevada limited liability company

By: Emilia K. Cargill
Its: Chief Operating Officer Sr. V.P. General Counsel
[ATTACH NOTARY BLOCKS] EMILIA Cargill

STATE OF NEVADA / COUNTY OF CLARK

This instrument was acknowledged before me on 28th day
of Sept. 2023 by Emilia K. Cargill
Date: 9-28-23 Notary Signature:

Amy Reams



KELVIN ENERGY, INC. f.k.a. BRIGHTSOURCE ENERGY, INC.

By: [Signature]
Name: Cory Steele
Its: General Manager
[ATTACH NOTARY BLOCKS]

[Signature]
AUGUST TRULEY
Notary Public, State of Texas
Comm. Expires 08-01-2027
Notary ID 134485706

9/19/2023