

SCHULICH SEYMOUR E
Form 4
January 06, 2005

FORM 4

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person *
SCHULICH SEYMOUR E

2. Issuer Name and Ticker or Trading Symbol
NEWMONT MINING CORP /DE/ [NEM]

5. Relationship of Reporting Person(s) to Issuer
(Check all applicable)

(Last) (First) (Middle)
1700 LINCOLN STREET
(Street)

3. Date of Earliest Transaction (Month/Day/Year)
01/04/2005

Director 10% Owner
 Officer (give title below) Other (specify below)

DENVER, CO 80203
(City) (State) (Zip)

4. If Amendment, Date Original Filed(Month/Day/Year)

6. Individual or Joint/Group Filing(Check Applicable Line)
 Form filed by One Reporting Person
 Form filed by More than One Reporting Person

Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned

| 1. Title of Security (Instr. 3) | 2. Transaction Date (Month/Day/Year) | 2A. Deemed Execution Date, if any (Month/Day/Year) | 3. Transaction Code (Instr. 8) | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | 5. Amount of Securities Beneficially Owned Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) | | |
|---------------------------------|--------------------------------------|--|--------------------------------|---|---|--|-----------------------------------|-----|-------|
| | | | | (A) or (D) | Code | V | Amount | (D) | Price |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

SEC 1474 (9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

| 1. Title of Derivative Security | 2. Conversion or Exercise | 3. Transaction Date (Month/Day/Year) | 3A. Deemed Execution Date, if any | 4. Transaction Code | 5. Number of Derivative Securities | 6. Date Exercisable and Expiration Date (Month/Day/Year) | 7. Title and Amount Underlying Securities (Instr. 3 and 4) |
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|------------------------------------|--|--|
|---------------------------------|---------------------------|--------------------------------------|-----------------------------------|---------------------|------------------------------------|--|--|

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| (Instr. 3) | Price of Derivative Security | (Month/Day/Year) | (Instr. 8) | | Date Exercisable | Expiration Date | Title | Amount/Number of Shares |
|--------------------------------|------------------------------|------------------|---------------------------------|----------------------|------------------|-----------------|--------------|-------------------------|
| | | | Acquired (A) or Disposed of (D) | (Instr. 3, 4, and 5) | | | | |
| | | | Code | V (A) (D) | | | | |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 400,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 400,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 100,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 100,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 75,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 75,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 100,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 100,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 275,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 275,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 25,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 25,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 1,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 1,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 1,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 1,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 200 | 02/16/2002 | <u>(1)</u> | Common Stock | 200 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 4,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 4,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 3,500 | 02/16/2002 | <u>(1)</u> | Common Stock | 3,500 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 6,000 | 02/16/2002 | <u>(1)</u> | Common Stock | 6,000 |
| Exchangeable Shares <u>(1)</u> | \$ 0 | 01/04/2005 | S | 9,300 | 02/16/2002 | <u>(1)</u> | Common Stock | 9,300 |

Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---------------|-----------|---------|-------|
| | Director | 10% Owner | Officer | Other |
| SCHULICH SEYMOUR E 1700 LINCOLN STREET DENVER, CO 80203 | X | | | |

Signatures

Ardis Young, Assistant Secretary, as attorney-in fact for Seymour
Schulich

01/06/2005

**Signature of Reporting Person

Date

Explanation of Responses:

* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).

** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

- The Exchangeable Shares are shares of stock of Newmont Mining Corporation of Canada Limited, a corporation existing under the laws of Canada and wholly-owned subsidiary of the Issuer, that are convertible into common stock of the Issuer on a 1-for-1 basis at the option of the holder at any time after February 16, 2002. Pursuant to a voting and exchange trust agreement, the Exchangeable Shares are entitled to direct Computershare Trust Company of Canada ("Trustee") to cast the votes attaching to the shares of the Special Voting Stock of the Issuer held by the Trustee, on all matters submitted to the stockholders of the issuer. The Exchangeable Shares remain exchangeable at the option of the holder until redeemed by the Issuer.
- (1) The Exchangeable Shares are entitled to direct Computershare Trust Company of Canada ("Trustee") to cast the votes attaching to the shares of the Special Voting Stock of the Issuer held by the Trustee, on all matters submitted to the stockholders of the issuer. The Exchangeable Shares remain exchangeable at the option of the holder until redeemed by the Issuer.
 - (2) The price is listed in Canadian dollars.
 - (3) Since the Reporting Person's last report, 2,000,000 exchangeable shares previously held indirectly by Nevada Capital Corporation Ltd. have been transferred to 4000897 Canada Inc.
 - (4) The Reporting Person also holds the following securities: 4,000,158 exchangeable shares indirectly by Nevada Capital Corporation Ltd.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.