COMMONWEALTH OF VIRGINIA VIRGINIA DEPARTMENT OF ENERGY MINED LAND REPURPOSING

3405 MOUNTAIN EMPIRE ROAD; BIG STONE GAP, VA 24219

TELEPHONE: (276) 523-8100

# Statement for Third Party Certificate of Deposit

, (herein “Third Party”), hereby deposits with the Viginia Department of Energy - Mined Land Repurposing (herein “MLR”) on behalf of the

Permittee, , the accompanying Certificate of Deposit

Number from in the amount of

Dollars ($ ), made payable to *“Commonwealth of Virginia, Director,*

*Mined Land Repurposing*” (Interest accrued under said Certificate of Deposit shall be paid directly to the Third Party, who shall assume any and all tax liability for said interest). This amount constitutes the performance bond required for the coal surface mining and reclamation operations to be conducted under Permit Number pursuant to § 45.2-1016 of the **Code of Virginia**, as amended, and SubChapter VJ of the **Virginia Coal Surface Mining Reclamation Regulations**.

Upon the faithful and satisfactory compliance by the aforementioned Permittee with its operations plan, including the drainage and reclamation plans, and all other obligations which may be required under Chapter 10, Title 45.2 of the **Code of Virginia**, as amended, and the regulations promulgated thereunder, the Certificate of Deposit shall be returned to the Third Party. In the event that the Permit is revoked and/or the performance bond forfeited pursuant to

§ 45.1-1023 of the **Code of Virginia**, the performance bond shall be utilized by the MLR in accordance with § 45.1-1024 of the **Code of Virginia**, to complete the reclamation plan and other regulatory requirements pertaining to the operation for which the forfeited bond had been posted.

The rights and obligations of all parties under this document shall be subject to, and if necessary adjudicated under the jurisdiction and authority of the Virginia Courts and the laws of the Commonwealth of Virginia.

**Agreed by Permittee:**

|  |  |  |  |
| --- | --- | --- | --- |
| Permittee: |  | | |
| Authorized  Representative: |  | Position/Title: |  |
| Signature: |  | Date: |  |

**Notarization:**

Subscribed and sworn/affirmed to before me by this

day of , 20 , in the City/County of .

|  |  |
| --- | --- |
| Notary Public’s  Signature**1**: |  |
| Notary Registration No. | My Commission Expires:  (Affix Seal) |

**Agreed by Third Party:**

|  |  |  |  |
| --- | --- | --- | --- |
| Third Party: |  | | |
| Authorized  Representative: |  | Position/Title: |  |
| Address: |  | | |
| Signature: |  | Date: |  |

**Notarization:**

Subscribed and sworn/affirmed to before me by this

day of , 20 , in the City/County of .

|  |  |
| --- | --- |
| Notary Public’s Signature: |  |
| Notary Registration No. | My Commission Expires:  (Affix Seal) |

# Accepted by MLR:

|  |  |  |  |
| --- | --- | --- | --- |
| Authorized Representative: |  | Position: |  |
| Signature: |  | Date: |  |

**1 Pursuant to §47.1-15(3) of the Code of Virginia, as amended, the notarial certificate wording must be contained on the same page as the signature being notarized**.