

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	Civil Action No. 12-cv-191-JMH
v.)	
)	
THE STEARNS COMPANY, LTD.,)	
AND STEARNS ENTERPRISES,)	
INC.,)	
)	
Defendants.)	
)	

CONSENT DECREE

I. BACKGROUND

A. The United States of America (the “United States”), on behalf of the Chief of the United States Department of Agriculture Forest Service (the “Forest Service”), filed a complaint in this matter pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9607, against The Stearns Company, Ltd., a Kentucky Limited Partnership, successor to the Stearns Coal and Lumber Company, and Stearns Enterprises, Inc., General Partner of The Stearns Company, Ltd. (collectively, the “Defendants”), seeking reimbursement of response costs incurred or to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at the Lower Rock Creek Mines Site (“Site”), McCreary County, Kentucky.

B. The Lower Rock Creek Mines Site is located in the Rock Creek watershed of the Daniel Boone National Forest. The Rock Creek watershed encompasses approximately 37,000 acres, 24,000 of which are federally-owned surface areas.

C. The Stearns Coal and Lumber Company or its predecessor companies began purchasing land in Kentucky and Tennessee in approximately 1901, and mining began shortly thereafter. These mining activities created underground entries along the various coal seam outcroppings in the steep slopes of the gorge of the Big South Fork of the Cumberland River and the River's tributaries. The waste materials from these mines were generally deposited in uncontrolled dumps near the mines. At one point, Stearns Coal and Lumber Company had total land holdings of more than 160,000 acres in Kentucky and Tennessee. In 1937, Stearns Coal and Lumber sold the surface estate on approximately 46,800 acres within the Daniel Boone National Forest to the United States, with the company reserving certain rights. On these acquired lands, a number of coal mines were inadequately reclaimed following closure. These sites were characterized by both open and collapsed underground mine portals, large acid-/toxic-forming mine waste piles, landslides, and acid mine drainage.

D. The Site consists of numerous locations of past mining activity from which there are releases and threatened releases of hazardous substances to the environment, including, but not limited to, the Cabin Branch Mines Site, the Jones Branch Mines Site, the Paint Cliff/Mine 16 Complex Site, the Poplar Spring Mines Site, the Big Momma Mine Site, the Grassy Fork Mines Site, the Cooperative South Mines Site, the Koger Fork Site, the Water Tank Hollow Site, and the Upper Rock Creek Mines Site. All of these sites are on surface property under the jurisdiction, custody, and control of the Forest Service. The Forest Service has completed Preliminary Assessment/Site Inspection ("PA/SI") reports on six of these sites - the Cabin Branch Mines Site, the Jones Branch Site, the Paint Cliff/Mine 16 Complex Site, the Poplar Spring Hollow Site, the Big Momma Site, and the Grassy Fork Site.

E. The Cabin Branch Mines Site consists of an abandoned coal mine complex and coal waste piles located on State Highway 1363 in McCreary County, about eight miles west of Stearns, Kentucky. The source area is within the Rock Creek watershed of the Daniel Boone National Forest, and has an approximate center point at N 36°41'40" and W 84° 37'28.3". Coal refuse piles at the Site encompass a total of 7.3 acres at three different locations. The PA/SI report for the Cabin Branch Mines Site was completed in November 2009. Hazardous substances released at the site include beryllium, cadmium, chromium, cobalt, copper, lead, nickel, and zinc. Seep water is discharging to Cabin Branch. As of September 30, 2010, the Forest Service has incurred at least \$59,310.50 in past response costs. The Forest Service estimates future response costs at the Cabin Branch Mines Site at \$1.5 million.

F. The Jones Branch Mines Site encompasses coal refuse piles, mine seeps, and waste materials from mining operations located near State Highway 1363 in McCreary County, approximately 8 miles west of Stearns, Kentucky, in the Rock Creek watershed of the Daniel Boone National Forest. The source area has an approximate center point at N 36°42'38.7" and W 84°36'47.5". The Site includes mine seeps and waste materials from mining operations that were deposited in uncontrolled dumps near the mines. Coal refuse piles at the Site encompass a total of approximately 14.7 acres at three different locations. These unlined, coal refuse piles have developed a vegetative cover and many have been sloped to provide for increased drainage off the top of the piles. In November 2009, a PA/SI report was completed for the Jones Branch Mines Site. Hazardous substances released at the site include beryllium, cadmium, chromium, copper, lead, manganese, nickel, and zinc. Seep water flows into Jones Branch. As of September 30, 2010, the Forest Service has incurred at least \$57,148.49 in past response costs.

The Forest Service estimates future response costs at the Jones Branch Mines Site at \$4.5 million.

G. The Paint Cliff/Mine 16 Complex Site consists of coal refuse piles and large flow seeps located near State Highway 1363 in McCreary County, approximately six miles west of Stearns, Kentucky, in the Rock Creek watershed of the Daniel Boone National Forest. The source area has an approximate center point at N 36°42'44" and W 84°35'2". Coal mining operations performed at this Site extended from Paint Cliff Mines, located adjacent to Rock Creek, and westward to Mines 16-1 and 16-2 in Roberts Hollow. In December 2009, a PA/SI report was completed. Hazardous substances released at the site include beryllium, cadmium, chromium, cobalt, copper, manganese, nickel, selenium, and zinc. Large flows exit the mine openings and large seeps discharge into Rock Creek. As of September 30, 2010, the Forest Service has incurred at least \$57,978.76 in past response costs. The Forest Service estimates future Site response costs for the Paint Cliff/Mine 16 Complex Site at \$12.3 million.

H. The Poplar Spring Mines Site consists of coal refuse piles covering approximately 4.3 acres located near State Highway 1363, approximately six miles west of Stearns, Kentucky, in McCreary County, in the Cumberland River watershed of the Daniel Boone National Forest. It straddles an unnamed stream that drains Poplar Spring Hollow and is a direct tributary to Rock Creek. The source area has an approximate center point at N 36°42'29" and W 84°34'6.4". In December 2009, a PA/SI report was completed. Hazardous substances released at the site include beryllium, cadmium, chromium, cobalt, copper, lead, manganese, and zinc. Seep water flows into Rock Creek. As of September 30, 2010, the Forest Service has incurred at least \$59,310.50 in past response costs. The Forest Service estimates future Site response costs for the Poplar Springs Mines Site at \$1.3 million.

I. The Big Momma Mine Site refers to seep outfalls from underground mines located off State Highway 1363, approximately four miles west of the Big South Fork of the Cumberland River in McCreary County, Kentucky. The approximate coordinates of the Site are N 36° 41' 41" and W 84° 36' 39". The site contains seep outfalls from an underground mine. These seeps drain down a steep grade north of Highway 1363. The source area encompasses approximately 4 acres. In January 2010, a PA/SI report was completed. Hazardous substances released at the site include cadmium, chromium, cobalt, copper, lead, manganese, and zinc. The seeps flow directly into White Oak Creek. As of September 30, 2010, the Forest Service has incurred at least \$42,098.91 in past response costs. The Forest Service estimates future Site response costs for the Big Momma Mine Site at \$4.5 million.

J. The Grassy Fork Mines Site consists of the coal refuse piles located off State Highway 1363 approximately one mile west of the Big South Fork of the Cumberland River in McCreary County, Kentucky. The approximate coordinates of the Site are N 36°42'18.5" and W 84°32'54.7". The site contains four mine portals that are located along Grassy Fork, a stream that discharges into Rock Creek. Coal refuse piles in the Grassy Fork area encompass approximately 4.6 acres, including a considerable amount of mine spoils around the mine openings and along the slopes of Grassy Fork. In January 2010, a PA/SI report was completed. Hazardous substances released at the site include arsenic and manganese. Seeps flow into Grassy Fork. As of September 30, 2010, the Forest Service has incurred at least \$57,000.00 in past response costs. The Forest Service estimates future Site response costs for the Grassy Fork Mines Site at \$2.0 million.

K. The Cooperative South Mines Site consists of an abandoned coal mine complex and coal waste piles located near State Highway 1363, approximately four miles west of the Big

South Fork of the Cumberland River in McCreary County, Kentucky. The source area is within the Rock Creek watershed of the Daniel Boone National Forest and has an approximate location of N 36°41'26.6" and W 84°36'30.5." Coal refuse piles at the Site encompass a total of 30 acres. Available water quality and coal refuse data indicate that seep water containing beryllium, cadmium, cobalt, copper, lead, manganese, nickel, and zinc is discharging into an unnamed stream. The Forest Service estimates future Site response costs for the Cooperative South Mines Site at \$1.9 million.

L. The Koger Fork Site consists of coal refuse piles from the Mine 16 Complex, and is located near State Highway 1363, approximately 1.5 miles west of the Big South Fork of the Cumberland River in McCreary County, Kentucky. The source area is within the Rock Creek watershed of the Daniel Boone National Forest and has an approximate location of N 36°41'50.8 and W 84°34'0.3". A substantial tonnage of coal refuse is located on the ridge over Koger Fork. Available water quality data indicate that beryllium, cadmium, cobalt, copper, lead, manganese, nickel, selenium, and zinc are discharging into Koger Fork. The Forest Service estimates future Site response costs for the Koger Fork Site at \$1.2 million.

M. The Water Tank Hollow Site consists of a 3-acre coal processing refuse dump located near State Highway 1363, approximately two miles west of the Big South Fork of the Cumberland River in McCreary County, Kentucky. The dump site is within the Rock Creek watershed of the Daniel Boone National Forest and has an approximate location of N 36°42'45.9" and W 84°34'4.1". Several seeps flow from the refuse and into the Water Tank Hollow unnamed tributary. The limited available data indicate that water containing lead is discharging into an unnamed tributary. The Forest Service estimates future Site response costs for the Water Tank Hollow Site at \$600,000.

N. The Upper Rock Creek Mines Site consists of several portals and a coal refuse area located along Rock Creek Road (Forest Roads 566 and 137) between White Oak Junction and southward to Great Meadows in McCreary County, Kentucky. It has an approximate location of N 36°39'55" and W 84°36'54.4". The source area is within the Rock Creek watershed of the Daniel Boone National Forest and is located upstream of the confluence of Lower Rock Creek and White Oak Creek. The limited available water quality data indicate that water containing cobalt, copper, lead, manganese, and zinc is discharging into Upper Rock Creek. The Forest Service estimates future Site response costs for the Upper Rock Creek Mines Site at \$700,000.

O. The Site, and each of the separate included Sites described in paragraphs E-N above, are depicted on the Rock Creek Mines Site Location Map attached as Attachment A.

P. The response costs incurred by the Forest Service in performing response actions at the Site have been incurred not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

Q. The United States alleges that Defendants are responsible parties at the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and are jointly and severally liable for response costs incurred and to be incurred at the Site.

R. The United States has reviewed the Financial Information submitted by Defendants to determine whether they are financially able to pay response costs incurred and to be incurred at the Site. Based upon this Financial Information, the United States has determined that Defendants have limited financial ability to pay for response costs incurred and to be incurred.

S. Defendants, given their financial state, desire and intend to wind up their affairs and to dissolve under applicable state law after entry of the Consent Decree.

T. Defendants deny any liability to the United States arising out of the transactions or occurrences alleged in the Complaint.

U. Defendants do not admit to any fact alleged in the Complaint or set forth in this Consent Decree relating to the Site.

V. The United States and Defendants agree, and this Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith, that settlement of this matter will avoid prolonged and complicated litigation between the Parties, and that this Consent Decree is fair, reasonable, and in the public interest.

THEREFORE, with the consent of the Parties to this Consent Decree, it is ORDERED, ADJUDGED, AND DECREED:

II. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. §§ 9607 and 9613(b) and also has personal jurisdiction over Defendants. Defendants consent to and shall not challenge entry of this Consent Decree or this Court's jurisdiction to enter and enforce this Consent Decree.

III. PARTIES BOUND

2. This Consent Decree is binding upon the United States and upon Defendants. Defendants shall be jointly and severally obligated to comply with the requirements of this Consent Decree unless otherwise specifically provided herein.

IV. DEFINITIONS

3. Unless otherwise expressly provided herein, terms used in this Consent Decree that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Consent Decree or in any appendix attached hereto, the following definitions shall apply:

- a. “CERCLA” shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*
- b. “Consent Decree” shall mean this Consent Decree and all appendices attached hereto. In the event of conflict between this Consent Decree and any appendix, the Consent Decree shall control.
- c. “Day” shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.
- d. “Defendants” shall mean The Stearns Company, Ltd., and Stearns Enterprises, Inc.
- e. “DOJ” shall mean the United States Department of Justice and any successor departments, agencies, or instrumentalities of the United States.
- f. “Effective Date” shall be the date upon which this Consent Decree is entered by the Court as recorded on the Court docket, or, if the Court instead issues an order approving the Consent Decree, the date such order is recorded on the Court docket.

- g. “Financial Information” shall mean the financial information submitted by Defendants to the United States on or about June 25 and 28, 2010, including Defendants’ respective 2007 through 2009 Federal Tax returns and Internal Financial Statements.
- h. “Forest Service” shall mean the United States Department of Agriculture Forest Service and any successor departments, agencies, or instrumentalities of the United States.
- i. “Insurance Policies” shall mean any and all liability insurance policies issued to or for the benefit of Defendants or either Defendant or any predecessor in interest to either Defendant, including all policies for which either Defendant or its predecessors are an “insured,” “named insured,” or “additional insured,” and including all policies for comprehensive general liability, primary, umbrella, or excess liability, pollution legal liability, or environmental impairment liability.
- j. “Interest” shall mean interest at the rate specified for interest on investments of the Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a). The applicable rate of interest shall be the rate in effect at the time the interest accrues. The rate of interest is subject to change on October 1 of each year.
- k. “Mineral Rights” shall mean any and all rights, title, and interests in the subsurface estate including, but not limited to, coal, oil, gas, stone, clay, sand, and any other similar materials, as well as any and all rights necessary or appurtenant

to the exploration, development, and transportation of minerals and mineral materials.

- l. “Paragraph” shall mean a portion of this Consent Decree identified by an Arabic numeral or an upper or lower case letter.
- m. “Parties” shall mean the United States and the Defendants.
- n. “Real Property Interests” shall mean any and all rights, title, and interests, including fee title parcels, easements, improvements, and appurtenant rights, if any, of either Defendant located in Wayne and McCreary Counties, Kentucky, including all surface and Mineral Rights.
- o. “Section” shall mean a portion of this Consent Decree identified by a Roman numeral.
- p. “Site” shall mean the Lower Rock Creek Mines Site, including the Cabin Branch Mines Site, the Jones Branch Mines Site, the Paint Cliff/Mine 16 Complex Site, the Poplar Springs Mines Site, the Big Momma Mine Site, the Grassy Fork Mines Site, the Cooperative South Mines Site, the Koger Fork Site, the Water Tank Hollow Site, and the Upper Rock Creek Mines Site, each as described above, including any associated mining facilities or features within the Rock Creek Watershed or on the Real Property Interests.
- q. “United States” shall mean the United States of America, including its departments, agencies, and instrumentalities.

V. STATEMENT OF PURPOSE

4. By entering into this Consent Decree, the mutual objectives of the Parties are to avoid litigation by resolving Defendants’ civil liability for the Site as provided in the Covenant

Not to Sue by the United States in Section IX (Covenant Not to Sue by the United States), and subject to the Reservations of Rights by the United States in Section X (Reservations of Rights by the United States), in return for Defendants' agreement to the entry of judgment under CERCLA Section 107, their cooperation with respect to the United States' pursuit of any recoveries available under any Insurance Policies, the conveyance of the Real Property Interests to the United States, and the withdrawal of Defendants' pending application to the U.S. Department of the Interior Office of Surface Mining Reclamation and Enforcement ("OSM") for a compatibility determination for underground mining at the Site pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. §§ 1201-1328 ("SMCRA").

VI. AGREEMENT TO AND SATISFACTION OF JUDGMENT

5. Each Defendant hereby agrees to entry of a judgment against itself and in favor of the United States in the amount of thirty one million eight hundred thousand dollars (\$31,800,000) for response costs incurred or to be incurred by the United States under CERCLA at the Site. Although the United States may file this judgment as and where necessary to preserve secured creditor status in favor of the United States, Defendants acknowledge that such filing is not a condition precedent to the United States' secured creditor status. Such judgment shall be satisfied solely through:

- a. The United States' recovery of insurance proceeds from any Insurance Policies;
- b. Defendants' transfer of the Real Property Interests pursuant to Paragraph 7 (Transfer of Real Property Interests); and
- c. The Defendants' withdrawal of its SMCRA Compatibility Determination Application.

Upon approval and entry, this Consent Decree shall constitute the final judgment for resolution of the United States' claims against Defendants, and no other form of judgment shall be required.

6. Insurance Claims. Defendants shall cooperate with the United States in any efforts the United States may pursue to satisfy the foregoing judgment from any available indemnification or recovery under any Insurance Policies, including cooperation in connection with the assertion, negotiation or litigation by the United States of claims for satisfaction of the foregoing judgment from the Insurance Policies to the fullest extent reasonable. Nothing in this Paragraph, however, shall require any dissolved Defendant to engage in any activity inconsistent with applicable state law regarding the activities of a dissolved corporation, company, or limited partnership.

7. Transfer of Real Property Interests. In consideration of the covenant not to sue by the United States set forth in Paragraph 23, Defendants will grant and convey to the "United States of America and its assigns" all the Real Property Interests at the Closing as scheduled pursuant to Paragraph 11. Defendants represent to the United States that, to the best of their knowledge, after reasonable inquiry, the Real Property Interests include all interests in real property that Defendants own and there are no current judgments, mortgages, leases, or rights of others on the Real Property Interests or any portion thereof other than the lease to McCreary County of a portion of the old Kentucky and Tennessee Railway right of way.

8. The conveyance of Real Property Interests in Wayne and McCreary Counties, Kentucky, shall be by quitclaim deeds (hereinafter the "Deeds") in the form set forth in Attachment B.

9. The Deeds shall be duly executed by Defendants in conformity with state law, and delivered to the authorized representative of the Forest Service at closing.

10. The Forest Service will cause the Deeds to be recorded and will pay all costs of recordation, including any applicable fees. At closing, Defendants shall deliver to the Forest Service, without cost to the United States, such other papers as may be required to convey the Real Property Interests, including powers of attorney, corporate resolutions, and similar instruments.

11. Closing on the Real Property Interests conveyances shall be held within 30 days of the Effective Date in the offices of the Supervisor, Daniel Boone National Forest, in Winchester, Kentucky, unless the parties mutually agree to a different time and location.

12. With respect to any of its Real Property Interests subject to this Consent Decree, Defendants warrant that to the best of their knowledge they have taken no action in the 10 years prior to the Effective Date, and agree they will take no action through the date of conveyance, to cloud or encumber the title, to cut timber, or to extract minerals, oil or gas, or otherwise to diminish the value of the lands, except: (a) negotiations with the United States with respect to proposed mining or mineral extraction activities at the Site, the sale of the Real Property Interests, and Defendants' SMCRA Compatibility Determination Application; and (b) the renewal of the lease to McCreary County of a portion of the old Kentucky and Tennessee Railway right of way for road purposes and the proposed thirty (30) year extension, until June 30, 2042, of that lease.

13. Withdrawal of SMCRA Compatibility Determination Application. Upon the Effective Date, Defendants shall be deemed to have withdrawn their pending application to OSM for a compatibility determination with respect to mining and related activities at the Site.

14. Transfer of Records. Prior to the Closing, Defendants shall provide the United States with access to Defendants' records storage vault located at Stearns, Kentucky, for the

purpose of inspecting, copying, taking possession of, or removing any and all deeds, abstracts of title, surveys, other records or documents of title, land descriptions, title exclusions and exceptions for the Real Property Interests, and any and all maps of Defendants' mining activities at the Site. Defendants shall cooperate with the United States with respect to identifying those records within the scope of the preceding sentence and segregating them from other records of Defendants in the vault, which Defendants will retain. Defendants may retain duplicates, or make and retain copies of, any records the United States takes possession of or removes from the vault.

VII. FAILURE TO COMPLY WITH CONSENT DECREE

15. Stipulated Penalties. If Defendants do not comply with any of the obligations set forth in Paragraphs 7 (Transfer of Real Property Interests) or 13 (Withdrawal of SMCRA Compatibility Determination) of the Consent Decree, Defendants shall be in violation of this Consent Decree and shall pay to the United States, as a stipulated penalty, \$500 per violation per day of such noncompliance thereafter.

16. Stipulated penalties are due and payable within 30 days of the date of the demand for payment of the penalties by the United States. All payments to the United States under this Section shall be identified as "stipulated penalties" and shall be made by certified or cashier's check made payable to "United States Treasury." The check, or a letter accompanying the check, shall reference the name and number of this civil action and DOJ File Number 90-11-3-10012, and shall be sent to:

United States Attorney's Office
Financial Litigation Unit
260 West Vine Street, Suite 300
Lexington, KY 40507-1612

17. Defendants shall send notice that payment has been made in accordance with Section XIII (Notices and Submissions).

18. Penalties shall accrue as provided in this Paragraph regardless of whether the Forest Service has notified Defendants of the violation or made a demand for payment, but need only be paid upon demand. All penalties shall begin to accrue on the day after payment or performance is due or the day a violation occurs, and shall continue to accrue through the date of payment or the final day of correction of the noncompliance or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Decree.

19. If the United States brings an action to enforce this Consent Decree, Defendants shall reimburse the United States for all costs of such action, including but not limited to costs of attorney time.

20. Payments made under this Section shall be in addition to any other remedies or sanctions available to the United States by virtue of Defendants' failure to comply with the requirements of this Consent Decree.

21. Notwithstanding any other provision of this Section, the United States may, in its unreviewable discretion, waive payment of any portion of the stipulated penalties that have accrued pursuant to this Consent Decree. Payment of stipulated penalties shall not excuse Defendants from performance of any other requirements of this Consent Decree.

VIII. CERTIFICATION

22. Defendants hereby certify that, to the best of their knowledge and belief, after thorough inquiry, they:

- a. Have not altered, mutilated, discarded, destroyed or otherwise disposed of any records, reports, or information relating to their potential liability regarding the Site since notification of potential liability by the Forest Service and that they have fully complied with any and all Forest Service requests for documents or information regarding the Site and Defendants' financial circumstances;
- b. Have submitted to the United States Financial Information that fairly, accurately, and materially sets forth their financial circumstances, and that those circumstances have not materially changed between the time the Financial Information was submitted to the Forest Service and the time Defendants executed this Consent Decree; and
- c. Have fully disclosed the existence of any known Insurance Policies, or evidence of such policies, that may cover claims relating to cleanup of the Site, that they have not taken action to affect their rights under any such Insurance Policies, and that they have not settled, compromised, or assigned any insurance rights, or assigned any such claims proceeds, prior to signing this Consent Decree.

IX. COVENANT NOT TO SUE BY THE UNITED STATES

23. Except as specifically provided in Section X (Reservation of Rights by the United States), the United States covenants not to sue or to take administrative action against Defendants pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), with regard to the Site. With respect to both present and future liability, these covenants not to

sue shall take effect on the conveyance of Real Property Interests. These covenants not to sue are conditioned upon the satisfactory performance by Defendants of their obligations under this Consent Decree. These covenants not to sue are also conditioned upon the veracity and completeness of the Financial Information provided to the Forest Service by Defendants. These covenants not to sue extend only to Defendants, and to their officers and directors in their capacity as such (but not to the extent of any liability with respect to the Site that is independent of their status as officers or directors), and do not extend to any other person.

X. RESERVATION OF RIGHTS BY THE UNITED STATES

24. The United States reserves, and this Consent Decree is without prejudice to, all rights against Defendants with respect to all matters not expressly included within the Covenant Not to Sue by the United States in Paragraph 23. Notwithstanding any other provision of this Consent Decree, the United States reserves all rights against Defendants with respect to:

- a. Liability for failure of Defendants to meet a requirement of this Consent Decree;
- b. Criminal liability;
- c. Liability for damages for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments; and
- d. Liability arising from the past, present, or future disposal, release or threat of release of a hazardous substance, pollutant, or contaminant outside of the Site.

25. Notwithstanding any other provision of this Consent Decree, the United States reserves, and this Consent Decree is without prejudice to, the right to reinstitute or reopen this action, or to commence a new action seeking relief other than as provided in this Consent Decree, if any of the certifications made by Defendants in Paragraph 22 are false or, in any material respect, inaccurate.

XI. COVENANT NOT TO SUE BY DEFENDANTS

26. Defendants covenant not to sue and agree not to assert any claims or causes of action against the United States, or their contractors or employees, with respect to the Site, or this Consent Decree, including but not limited to:

- a. Any direct or indirect claim for reimbursement from the Hazardous Substance Superfund relating to the Site based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;
- b. Any claim arising out of response actions at or in connection with the Site, including any claim under the United States Constitution, the Kentucky Constitution, the Tucker Act, 28 U.S.C. § 1491, the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended, or at common law;
- c. Any claim against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site;
- d. Any claim against the United States under the United States Constitution, the Kentucky Constitution, the Tucker Act, 28 U.S.C. §1491, the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*, SMCRA, or any other law for any action taken by the United States pursuant to SMCRA or its implementing regulations at 30 C.F.R. Chapter VII; or
- e. Any claim arising from the administration of lands of the United States that may have affected the use or value of Defendants' Real Property Interests.

27. Except as provided in Paragraph 29 (Waiver of Claims by Defendants) and Paragraph 33 (Waiver of Claim-Splitting Defenses), these covenants not to sue shall not apply

in the event the United States brings a cause of action or issues an order pursuant to the reservations set forth in Paragraph 24.c and d, but only to the extent that Defendants' claims arise from the same response action or response costs that the United States are seeking pursuant to the applicable reservation.

28. Nothing in this Consent Decree shall be deemed to constitute approval or preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

29. Waiver of Claims by Defendants. Defendants agree not to assert, judicially or administratively, any CERCLA claims or causes of action that they may have for all matters relating to the Site, including for contribution, against any other person.

XII. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

30. Nothing in this Consent Decree shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Decree. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Decree may have under applicable law. Except as provided in Paragraph 29 (Waiver of Claims by Defendants), the Parties expressly reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action that they may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

31. The Parties agree, and by entering this Consent Decree this Court finds, that this settlement constitutes a judicially-approved settlement for purposes of Section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2), and that each Defendant is entitled, as of the Effective Date, to protection from contribution actions or claims as provided by Section 113(f)(2) of CERCLA,

42 U.S.C. § 9613(f)(2), or as may be otherwise provided by law, for “matters addressed” in this Consent Decree. The “matters addressed” in this Consent Decree are all response actions taken or to be taken and all response costs incurred or to be incurred, at or in connection with the Site, by the United States or any other person. The “matters addressed” in this Consent Decree do not include those response costs or response actions as to which the United States has reserved its rights under this Consent Decree (except for claims for failure to comply with this Decree), in the event that the United States asserts rights against Defendants coming within the scope of such reservations; provided, however, that if the United States exercises rights under the reservations in Section X (Reservation of Rights by the United States), other than in Paragraphs 24.a (liability for failure to meet a requirement of the settlement), or 24.b (criminal liability), the “matters addressed” in this Consent Decree will no longer include those response costs or response actions that are within the scope of the exercised reservation.

32. Defendants agree that, with respect to any suit or claim for contribution brought against them for matters related to this Consent Decree, they will notify the United States in writing within 10 days of service of the complaint or claim upon them. In addition, Defendants shall notify the United States within 10 days of service or receipt of any dispositive motion, and within 10 days of receipt of any order from a court setting a case for trial, for matters related to this Consent Decree.

33. Waiver of Claim-Splitting Defenses. In any subsequent administrative or judicial proceeding initiated by the United States or the Commonwealth of Kentucky for injunctive relief, recovery of response costs, recovery for natural resource damages, or other relief relating to the Site, Defendants shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion, claim-splitting, or

other defenses based upon any contention that the claims raised by the United States or the State in the subsequent proceeding were or should have been brought in the instant case; provided, however, that nothing in this Paragraph affects the enforceability of the Covenant Not to Sue by the United States set forth in Section IX.

XIII. NOTICES AND SUBMISSIONS

34. Whenever, under the terms of this Consent Decree, notice is required to be given or a document is required to be sent by one Party to another, it shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other Parties in writing. Written notice as specified herein shall constitute complete satisfaction of any written notice requirement of the Consent Decree with respect to the United States and Defendants, respectively.

As to the United States:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice (DJ # 90-11-3-10012)
P.O. Box 7611
Washington, D.C. 20044-7611

Steven F. Hirsch
USDA, Office of the General Counsel
Room 2344C South Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250

As to Defendants:

Robert E. Gable
Chairman of the Board and CEO
Stearns Enterprises, Inc.
200 West Vine Street, Suite 600
Lexington, KY 40507

Jack C. Bender
Bingham Greenebaum Doll LLP
Suite 1100 300 West Vine Street
Lexington, Kentucky 40507-1622

XIV. RETENTION OF JURISDICTION

35. This Court shall retain jurisdiction over this matter for the purpose of interpreting and enforcing the terms of this Consent Decree.

XV. INTEGRATION/APPENDICES

36. This Consent Decree and its appendices constitute the final, complete, and exclusive consent decree and understanding between the Parties with respect to the settlement embodied in this Consent Decree. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Decree.

XVI. LODGING AND OPPORTUNITY FOR PUBLIC COMMENT

37. This Consent Decree shall be lodged with the Court for a period of not less than 30 days for public notice and comment. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations that indicate that this Consent Decree is inappropriate, improper, or inadequate. Defendants consent to the entry of this Consent Decree without further notice.

38. If for any reason this Court should decline to approve this Consent Decree in the form presented, this Consent Decree is voidable at the sole discretion of any Party and the terms of the Consent Decree may not be used as evidence in any litigation between the Parties.

XVII. SIGNATORIES/SERVICE

39. The undersigned representatives of the Parties each certifies that he or she is authorized to enter into the terms and conditions of this Consent Decree and to execute and bind legally such Party to this document.

40. Defendants hereby agree not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent Decree, unless the United States has notified Defendants in writing that it no longer supports entry of the Consent Decree.

41. Defendants shall identify, on the attached signature page, the name and address of an agent who is authorized to accept service of process by mail on their behalf with respect to all matters arising under or relating to this Consent Decree. Defendants hereby agree to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including but not limited to, service of a summons.

XVIII. FINAL JUDGMENT

42. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute the final judgment between the Parties. The Court finds that there is no just reason for delay and therefore enters this judgment as a final judgment under Fed. R. Civ. P. 54 and 58.

SO ORDERED THIS ____ DAY OF _____, 2012.

Judge, United States District Court

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. The Stearns Company, Ltd., et al.

FOR THE UNITED STATES OF AMERICA

Dated: June 6, 2012

/s/Ignacia S. Moreno
IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural Resource Division

Dated: June 8, 2012

/s/Thomas P. Carroll
THOMAS P. CARROLL
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 514-4051

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. The Stearns Company, Ltd., et al.

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Dated: May 7, 2012

/s/Leslie A. Weldon
LESLIE A. WELDON
Deputy Chief, National Forest System
U.S. Department of Agriculture, Forest Service
1400 Independence Avenue, S.W.
Washington, D.C. 20250

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. The Stearns Company, Ltd., et al.

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Dated: April 10, 2012

/s/Elizabeth Agpaoa
ELIZABETH (LIZ) AGPAOA
Regional Forester, Southern Region
U.S. Department of Agriculture, Forest Service
1720 Peachtree Road, NW
Atlanta, GA 30309

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. The Stearns Company, Ltd., et al.

FOR THE STEARNS COMPANY, LTD.

Dated: March 19, 2012

/s/Robert E. Gable
ROBERT E. GABLE
Chairman of the Board and CEO
Stearns Enterprises, Inc.
General Partner

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Jack C. Bender, Esq.
Bingham Greenebaum Doll LLP
Suite 1100 300 West Vine Street
Lexington, Kentucky 40507-1622
Attorneys for The Stearns Company, Ltd.

THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of United States v. The Stearns Company, Ltd, et al.

FOR STEARNS ENTERPRISES, INC.

Dated: March 19, 2012

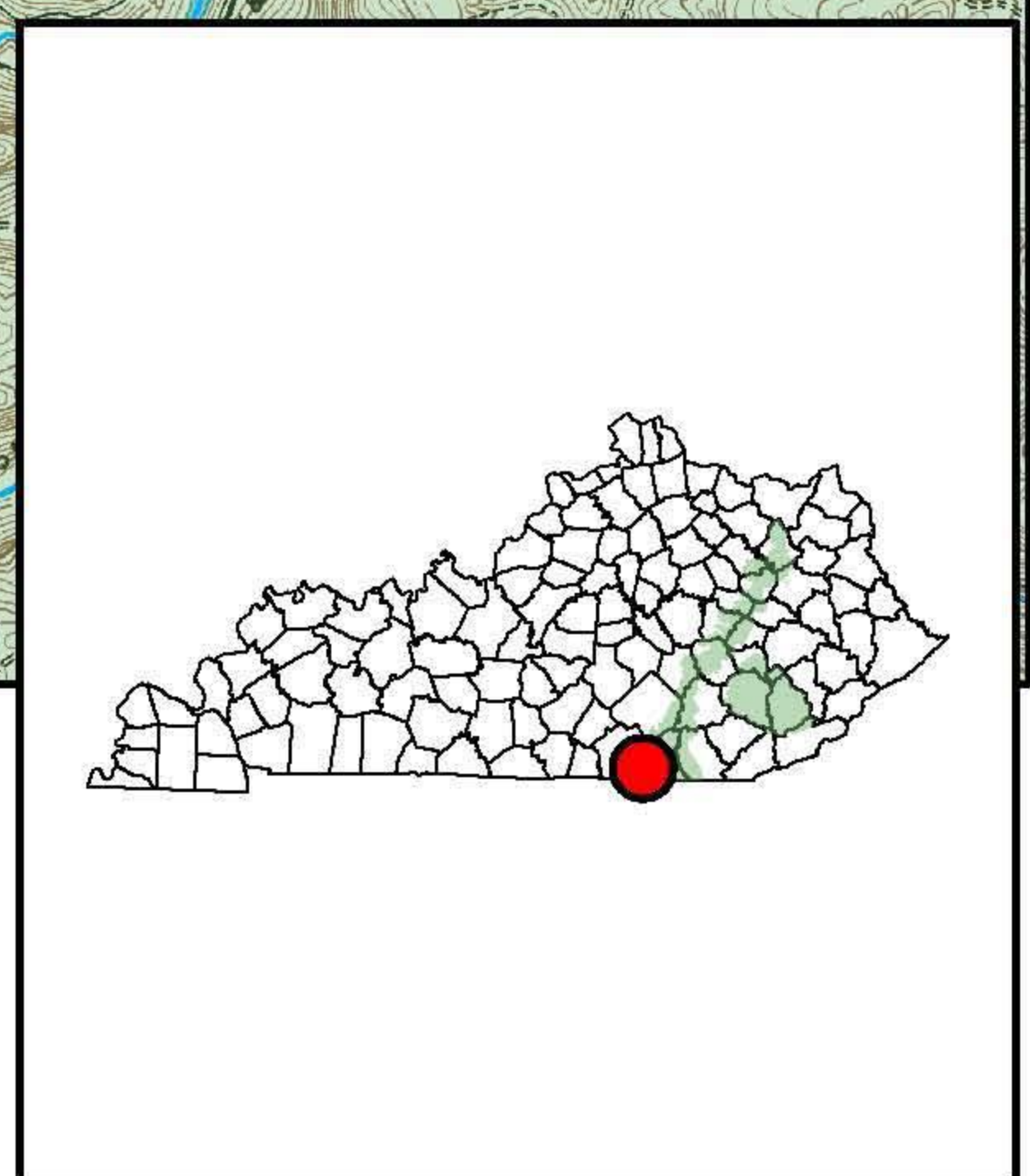
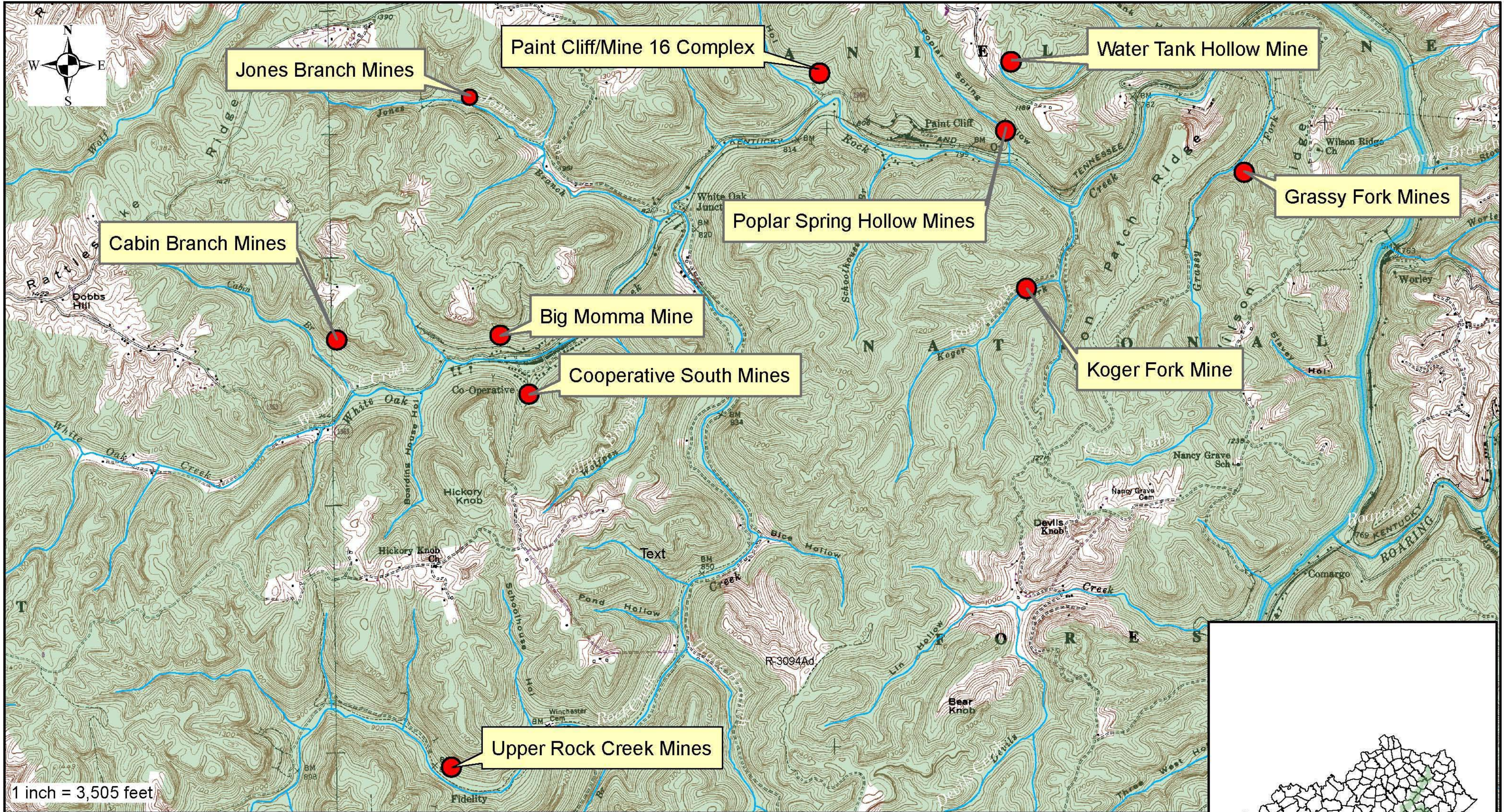
/s/Robert E. Gable
ROBERT E. GABLE
Chairman of the Board and CEO
Stearns Enterprises, Inc.

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Jack C. Bender, Esq.
Bingham Greenebaum Doll LLP
Suite 1100 300 West Vine Street
Lexington, Kentucky 40507-1622
Attorneys for The Stearns Company, Ltd.

ATTACHMENT A TO CONSENT DECREE

APPENDIX A ROCK CREEK MINES SITE LOCATION MAP



The USDA Forest Service makes no warranty, expressed or implied, regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

PLD
9/2011

Commonwealth of Kentucky
McCreary County
Forest Service Region 8
Daniel Boone National Forest
Stearns Ranger District

 National Forest System Land

ATTACHMENT B TO CONSENT DECREE

U.S. Department of Agriculture, Forest Service
1700 Bypass Road
Winchester, KY 40391

QUITCLAIM DEED

THIS QUITCLAIM DEED, made and entered into this the _____ day of _____, 2012, by and between **THE STEARNS COMPANY, LTD., A KENTUCKY LIMITED PARTNERSHIP, SUCCESSOR TO THE STEARNS COAL AND LUMBER COMPANY, AND STEARNS ENTERPRISES, INC., GENERAL PARTNER OF THE STEARNS COMPANY, LTD.,** having a mailing address of 200 West Vine Street, Suite 600, Lexington, KY 40507 hereinafter called **GRANTORS**, and the **UNITED STATES OF AMERICA AND ITS ASSIGNS**, having a mailing address of 1700 Bypass Road, Winchester, KY 40391, hereinafter called **GRANTEE**.

WITNESSETH:

WHEREAS, a Consent Decree entered on _____, 2012 in the case *UNITED STATES OF AMERICA v. THE STEARNS COMPANY, LTD. AND STEARNS ENTERPRISES, INC.*, in the United States District Court, Eastern District Of Kentucky, included as Exhibit A to this deed, sets forth the full and complete resolution of all disputes set forth therein; and

WHEREAS, it is the intention of the Grantors to convey to the Grantee all Grantors' lands and interests in lands in Wayne and McCreary Counties, Kentucky, including any and all surface and mineral rights, and all rights, title, and interests in fee title parcels, easements, improvements, and appurtenant rights, if any; and

WHEREAS, the acquiring federal agency is the Department of Agriculture, Forest Service, Daniel Boone National Forest;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That Grantors, for and in consideration of the covenant not to sue set forth in Exhibit A, received by Grantors before the sealing of these presents from the United States of America, the receipt of which is hereby acknowledged, have remised, released and forever quit-claimed and by these presents do remise, release and forever quit-claim, unto the said United States of America, its successors and assigns forever, all right, title, and interest, if any, in and to all of the Grantors' real property including surface and mineral rights in lands and interests in lands in Wayne and McCreary Counties, Kentucky, and also including, but not limited to the rights and interests listed in Exhibit B attached hereto and incorporated herein by this reference, and all the right, title and interest of the Grantors, if any, in and to any alleys, streets, ways, strips, or gores abutting or adjoining said surface and mineral rights. The legal descriptions set forth in the Deeds listed on Exhibit B are incorporated herein by references. By this deed, it is the intent of the Grantor to convey any and all of its real property to the United States located in Wayne and McCreary Counties.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said the United States of America, its successors and assigns forever, so that neither Grantors, nor their successors or assigns, nor any other person or persons, shall at any time hereafter, by any way or means, have, claim, or demand any right or title to the aforesaid property interests or appurtenances, or any part or parcel thereof, forever.

Grantors are quitclaiming the said premises and make no representations or warranties to Grantee with respect to said premises.

As required by KRS 382.135, Grantors hereby certify, and Grantee appears herein solely for the purpose of certifying, that the consideration reflected in the foregoing Deed is true and correct, and that this is a conveyance with nominal consideration to the United States of America and is therefore exempt from transfer tax pursuant to KRS 142.050(7)(a). The estimated fair cash value of the portion of the premises that is owned in fee simple by Grantors, which is referred to on the last page of Exhibit B hereto as "List C", "Stearns Tract No. 4230", containing 100.25 acres, is \$49,700.00, based on the current tax-assessed value of such tract. All of the remaining interests described on Exhibit B constitute mineral interests only, which are not currently being mined, and Grantor has not been assessed for any real estate taxes thereon for the past several years.

IN WITNESS WHEREOF, Grantors and Grantee have executed this deed on the day and year first above-written.

THE STEARNS COMPANY, LTD.

By: Stearns Enterprises, Inc., its General Partner

By: _____
Robert E. Gable, Chairman
("Grantors")

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF FAYETTE)

The foregoing Quitclaim Deed was subscribed, sworn to, and acknowledged before me this ____ day of _____, 2012, by Robert E. Gable as Chairman of Stearns Enterprises, Inc. the General Partner of **THE STEARNS COMPANY, LTD.**, a Kentucky limited partnership, on behalf of said limited partnership, as Grantor.

GIVEN under my hand and official seal, this the ____ day of _____, 2012.

Notary Public

My Commission Expires: _____

EXHIBIT B

Property Description

The Grantor hereby conveys all lands and interests in lands held by "The Stearns Company, Limited" in McCreary and Wayne Counties, Kentucky. A portion of those lands and interests in lands are delineated on a U.S. Forest Service map titled "United States of America v. The Stearns Company, Ltd., and Stearns Enterprises, Inc." dated October 20, 2011 and is hereby referenced as the "settlement map", and made part of this description. The Stearns Company tract descriptions listed below are listed in a document titled "Listing of Property Tracts and Exceptions The Stearns Company, Ltd", prepared by John T. Boyd Company Mining and Geological Consultants, dated February 2006, and is hereby referenced in the tract descriptions as the "Boyd Table". Those lands and interests in lands identified on the "settlement map" are described as follows:

Stearns Tract No.	Acreage	Description
	List A:	This list contains tracts where Stearns owns all mineral interests (except as noted) and the United States of America owns the surface interest.
7	594.80 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 7 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky
8	135.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 8 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
9	359.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky. Subject to exceptions listed as 20, 21, 22, 23, and 105 in the Boyd Table.
10	79.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 10 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky. Subject to exception listed as 92 in the Boyd Table.
11	25.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 11 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
12	30.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 12 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
13	110.30 Acres	Being all mineral interests acquired from Rock Creek Property Company, Georgia A. Lyday, and William A. Kinne, lying in Tract 13 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 555, Deed Book 11 Page 278, and Deed Book 11, Page 280 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed 74 in the Boyd Table.
13A	30.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Georgia A. Lyday, and William A. Kinne, lying in Tract 13A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 555, Deed Book 11 Page 278, and Deed Book 11, Page 280 in the Clerk's Office of McCreary County, Kentucky.
15	41.10 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 15 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky. Subject to exceptions listed as 72 and 73 in the Boyd Table.
16	135.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 16 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
17	10.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 17 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
18	165.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 18 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.

Stearns Tract No.	Acreege	Description
21	748.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Justus S. Stearns, and Stearns Cooperative Coal Co., lying in Tract 21 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310, and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
22	1,200.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 22 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
23	425.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 23 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
24	265.90 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 24 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 18, 25, and 26 in the Boyd Table.
25	165.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 25 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
26	135.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 26 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
27	570.30 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 27 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 96, 97, 98, and 101 in the Boyd Table.
28	155.00 Acres	Being all mineral interests acquired from William A. Kinne and Justus S. Stearns, lying in Tract 28 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 1, Page 625 and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
29	135.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 29 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
30	370.65 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 30 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as the "Hurstle Bell Parcel", USFS Tracts 982b and 982c in the Boyd Table.
31	130.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 31 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
32	130.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 32 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
33	40 Acres (Coal Only)	Being all coal interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 33 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
34	574.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 34 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as the 5, C539a, and a portion of 6 in the Boyd Table.

Stearns Tract No.	Acreege	Description
34A	95.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 34A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
35	1,670.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Justus S. Stearns, and Joe H. Gibson, lying in Tract 35 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 and Deed Book 30, Page 607 in the Clerk's Office of McCreary County, Kentucky.
35A	185.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Justus S. Stearns, and Joe H. Gibson, lying in Tract 35 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 and Deed Book 30, Page 607 in the Clerk's Office of McCreary County, Kentucky.
36A	20.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 36A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
36B	90.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 36B as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
36C	55.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 36C as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
36D	40.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 36D as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
36E	10.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 36E as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
37	120.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 37 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
38	240.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 38 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
40	110.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 40 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
41	1,135.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 41 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
42	10.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 42 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
43	55.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 43 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
44	20.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 44 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page

Stearns Tract No.	Acreage	Description
		310 in the Clerk's Office of McCreary County, Kentucky.
46	175.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 46 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
46A	230.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 46A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
47	80.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Bettie Strunk, and Justus S. Stearns, lying in Tract 46 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 3, Page 47, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
48	80.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 48 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
49	165.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 49 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
50	295.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 50 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
50A	40.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 50A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
50B	55.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 50B as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
50C	75.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 50C as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
50D	40.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 50D as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
51	1,064.70 Acres	Being all mineral interests acquired from Rock Creek Property Company, Sarah Ellen Burk, Burdell Blevins, and Justus S. Stearns, lying in Tract 51 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 and Deed Book 46, Page 557 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 629, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 3 in the Boyd Table.
53	280.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Sarah Ellen Burk, Burdell Blevins, and Justus S. Stearns, lying in Tract 51 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455, Deed Book 46, Page 557 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 629, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
55	20.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 55 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
56	115.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 56 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.

Stearns Tract No.	Acreage	Description
57	125.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 57 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
59	75.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 59 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
60	1,058.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Verdun Mineral Co., Corp., et al, lying in Tract 60 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 30, Page 609 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 88 and a portion of 90 in the Boyd Table.
61	5.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Verdun Mineral Co., Corp., et al, lying in Tract 61 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 30, Page 609 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 74 in the Boyd Table.
62	593.40 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky. Subject to exceptions listed as 61, 62, 64, 67, 68, 69, 70, 71, and a portion of 72 in the Boyd Table.
66	25.00 Acres	Being all mineral interests acquired from William A. Kinne and Justus S. Stearns, lying in Tract 66 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 47, Page 436 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
67	80.00 Acres	Being all mineral interests acquired from William A. Kinne, Justus S. Stearns, W.A. Kinne, and Albert Kidd, lying in Tract 67 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 47, Page 436 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310, Deed Book 7, Page 28, and Deed Book 30, Page 486 in the Clerk's Office of McCreary County, Kentucky.
69	5.00 Acres	Being all mineral interests acquired from Joe H. Gibson, lying in Tract 69 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 2, Page 3 in the Clerk's Office of McCreary County, Kentucky.
72	320.00 Acres	Being all mineral interests acquired from Laurel Creek Stave and Lumber Company, lying in Tract 72 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 1, Page 561 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 4 in the Boyd Table.
73	30.00 Acres	Being all mineral interests acquired from L.A. Davenport and Justus S. Stearns, lying in Tract 73 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 3, Page 427 and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
74	15.00 Acres	Being all mineral interests acquired from Rock Creek Property, Co., lying in Tract 74 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 3, Page 429 in the Clerk's Office of McCreary County, Kentucky.
76	30.00 Acres	Being all mineral interests acquired from John Swain and William A. Kinne, lying in Tract 76 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 607 and Deed Book 4, Page 504 in the Clerk's Office of McCreary County, Kentucky.
78	88.00 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 78 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 504 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 78A and 78B in the Boyd Table.
83	20.00 Acres	Being all mineral interests acquired from William Hill, lying in Tract 83 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 26 in the Clerk's Office of McCreary County, Kentucky.
84	201.00 Acres	Being all mineral interests acquired from William Waddle, lying in Tract 84 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 285 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 17 in the Boyd Table.
85	50.00 Acres	Being all mineral interests acquired from William Winchester, lying in Tract 85 as depicted on the

Stearns Tract No.	Acreage	Description
		settlement map and being a portion of those lands acquired in Deed Book 5, Page 318 in the Clerk's Office of McCreary County, Kentucky.
86	311.50 Acres	Being all mineral interests acquired from William Winchester, lying in Tract 86 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 320 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 27 in the Boyd Table.
86-new	23.03 Acres	Being all mineral interests acquired from Charlie Winchester, lying in Tract 86-new as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 320 in the Clerk's Office of McCreary County, Kentucky. This is a portion of Exception 27 listed in the Boyd Table.
87	25.00 Acres	Being all mineral interests acquired from William Winchester, lying in Tract 87 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 320 in the Clerk's Office of McCreary County, Kentucky.
88	38.00 Acres	Being all mineral interests acquired from William Winchester, Barbara Bell Boyatt, and Stearns Co-operative Coal Co. Corp., lying in Tract 88 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 326, Deed Book 30, Page 389, and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 18 in the Boyd Table.
92	10.00 Acres	Being all mineral interests acquired from TH Hancock and Lucy Hancock, lying in Tract 92 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 61 and Deed Book 10, Page 18 in the Clerk's Office of McCreary County, Kentucky.
93	10.00 Acres	Being all mineral interests acquired from TH Hancock and Lucy Hancock, lying in Tract 93 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 61 and Deed Book 10, Page 18 in the Clerk's Office of McCreary County, Kentucky.
982a	22.20 Acres	Being all mineral interests acquired from TB Dolen, lying in Tract 982a as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 191 in the Clerk's Office of McCreary County, Kentucky. This 22.20 Acres is a portion of Tract 151.
982b	7.89 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 982b as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
982c	3.46 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 982c as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
1047b	25.00 Acres	Being all mineral interests acquired from EW Knight and John L. Dickinson, lying in Tract 1047b as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 75, 82 and the Edgar Phillips Parcel in the Boyd Table.
1051f (Coal Only)	200.00 Acres	Being all coal interests acquired from HK Trammel, Jr., et al, lying in Tract 1051f as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121 in the Clerk's Office of McCreary County, Kentucky.
100	895.90 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 7, 8, 9, 10, and 11 in the Boyd Table.
101	2.00 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 101 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
102	80.00 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 102 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
103	20.00 Acres	Being all mineral interests acquired from W.A. Kinne, lying in Tract 103 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 28 in the Clerk's Office of McCreary County, Kentucky.
104	161.00 Acres	Being all mineral interests acquired from W.A. Kinne, lying in Tract 104 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 108 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
105	1.00 Acre	Being all mineral interests acquired from W.A. Kinne, lying in Tract 105 as depicted on the

Stearns Tract No.	Acreage	Description
		settlement map and being a portion of those lands acquired in Deed Book 7, Page 169 in the Clerk's Office of McCreary County, Kentucky.
106	2.00 Acres	Being all mineral interests acquired from W.A. Kinne, lying in Tract 106 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 169 in the Clerk's Office of McCreary County, Kentucky.
108	15.00 Acres	Being all mineral interests acquired from Joe H. Gibson, lying in Tract 108 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 369 in the Clerk's Office of McCreary County, Kentucky.
108A	2.00 Acres	Being all mineral interests acquired from Joe H. Gibson, lying in Tract 108A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 369 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
109	80.00 Acres	Being all mineral interests acquired from Joe H. Gibson, lying in Tract 109 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 369 in the Clerk's Office of McCreary County, Kentucky.
110		Being all mineral interests acquired from William A. Kinne and Stearns Co-operative Coal Co. Corp., lying in Tract 110 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 620 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 17 in the Boyd Table.
111	15.00 Acres	Being all mineral interests acquired from William Winchester and Perk Winchester, lying in Tract 111 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 7, Page 624 in the Clerk's Office of McCreary County, Kentucky.
112	181.00 Acres	Being all mineral interests acquired from J.H. Keeney and Timothy Cockill, lying in Tract 112 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 8, Page 206 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 17 in the Boyd Table.
113	75.00 Acres	Being all mineral interests acquired from J.H. Keeney, lying in Tract 113 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 8, Page 206 in the Clerk's Office of McCreary County, Kentucky.
116	125.00 Acres	Being all mineral interests acquired from Clabe Dolen, lying in Tract 116 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 36 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
117	26.00 Acres	Being all mineral interests acquired from William A. Hill, lying in Tract 117 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 26 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
118	3.00 Acre	Being all mineral interests acquired from Charles Hill, lying in Tract 118 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 28 in the Clerk's Office of McCreary County, Kentucky.
119	175.50 Acres	Being all mineral interests acquired from William A. Hill, lying in Tract 119 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 31 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 14 and 15 in the Boyd Table.
120	170.00 Acres	Being all mineral interests acquired from William A. Hill, lying in Tract 119 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 31 in the Clerk's Office of McCreary County, Kentucky.
121	235.00 Acres	Being all mineral interests acquired from William A. Kinne and William Waddle, lying in Tract 121 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 327, Deed Book 30, Page 254, and Deed Book 10, Page 241 in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 53 in the Boyd Table.
125	39.80 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 125 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 349 and Deed Book 9, Page 335, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 2 in the Boyd Table.
129	80.00 Acres	Being all mineral interests acquired from Stephen T. Dobbs, lying in Tract 129 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 93 in the Clerk's Office of McCreary County, Kentucky.
130	139.00 Acres	Being all mineral interests acquired from Stephen T. Dobbs and Solomon Gregory, et al, lying in Tract 130 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 93 and Deed Book 9, Page 582, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 103 in the Boyd Table.

Stearns Tract No.	Acreage	Description
131	15.00 Acres	Being all mineral interests acquired from Sherman Dobbs, lying in Tract 131 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 97 in the Clerk's Office of McCreary County, Kentucky.
145	10.00 Acres	Being all mineral interests acquired from Roscoe Watson, lying in Tract 145 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 245 in the Clerk's Office of McCreary County, Kentucky.
149	40.00 Acres	Being all mineral interests acquired from G.W. Watson, lying in Tract 149 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 223 in the Clerk's Office of McCreary County, Kentucky.
150	3,206.00 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 18, 19, 23, 24, 84, 87, 90, 93, 94, 95, 98, 99, and 100 in the Boyd Table.
151	107.80 Acres	Being all mineral interests acquired from T. B. Dolen, lying in Tract 151 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 191, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as Stearns Tract No. 982a in the Boyd Table.
152	251.00 Acres	Being all mineral interests acquired from Silas G. Kidd, et al, lying in Tract 152 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 292, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as Stearns Tract No. 152A & 152B in the Boyd Table.
155	65.00 Acres	Being all mineral interests acquired from Ambrose Spradlin, et al, lying in Tract 155 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 464, in the Clerk's Office of McCreary County, Kentucky.
156	5.00 Acres	Being all mineral interests acquired from Joe H. Gibson and Stearns Co-operative Coal Co. Corp., lying in Tract 156 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 580 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
158	105.00 Acres	Being all mineral interests acquired from James, S. Phipps, et al, lying in Tract 158 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 11, Page 223, in the Clerk's Office of McCreary County, Kentucky.
159	3.00 Acres	Being all mineral interests acquired from B.F. Cooper, lying in Tract 159 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 11, Page 367, in the Clerk's Office of McCreary County, Kentucky.
160	50.00 Acres	Being all mineral interests acquired from Willie Maxwell, et al, lying in Tract 160 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 12, Page 337, in the Clerk's Office of McCreary County, Kentucky.
163	10.00 Acres	Being all mineral interests acquired from W.S. Gregory, et al, lying in Tract 163 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 12, Page 378, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 15 in the Boyd Table.
164	10.00 Acres	Being all mineral interests acquired from George J. Kidd, lying in Tract 164 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 12, Page 374, in the Clerk's Office of McCreary County, Kentucky.
165	135.00 Acres	Being all mineral interests acquired from George J. Kidd, lying in Tract 165 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 12, Page 374, in the Clerk's Office of McCreary County, Kentucky.
178	390.00 Acres	Being all mineral interests acquired from George J. Kidd, et al, lying in Tract 178 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 285, in the Clerk's Office of McCreary County, Kentucky.
179	20.00 Acres	Being all mineral interests acquired from George J. Kidd, et al, lying in Tract 179 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 285, in the Clerk's Office of McCreary County, Kentucky.
180	55.00 Acres	Being all mineral interests acquired from George J. Kidd, et al, lying in Tract 180 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 285, in the Clerk's Office of McCreary County, Kentucky.

Stearns Tract No.	Acreage	Description
181	5.00 Acres	Being all mineral interests acquired from George J. Kidd, et al, lying in Tract 181 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 285, in the Clerk's Office of McCreary County, Kentucky.
182	65.00 Acres	Being all mineral interests acquired from James Laxton, et al, lying in Tract 182 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 16, Page 154, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 13 in the Boyd Table.
191	230.00 Acres	Being all mineral interests acquired from George J. Kidd, et al, lying in Tract 191 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 92, in the Clerk's Office of McCreary County, Kentucky.
193	20.00 Acres	Being all mineral interests acquired from Nola Fogg, et al, lying in Tract 193 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 112, in the Clerk's Office of McCreary County, Kentucky.
198	35.00 Acres	Being all mineral interests acquired from W.C. Bell, et al, lying in Tract 198 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 20, Page 69, in the Clerk's Office of McCreary County, Kentucky.
199	40.00 Acres	Being all mineral interests acquired from W.C. Bell, et al, lying in Tract 199 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 20, Page 69, in the Clerk's Office of McCreary County, Kentucky.
200	35.00 Acres	Being all mineral interests acquired from William A. Kinne, et al, lying in Tract 200 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 189, in the Clerk's Office of McCreary County, Kentucky.
203	85.00 Acres	Being all mineral interests acquired from Cansadia Kennedy, L.D. Marcum, and Dide Phipps, lying in Tract 203 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 22, Page 324, Deed Book 23, Page 240, and Deed Book 30, Page 309, in the Clerk's Office of McCreary County, Kentucky.
207	80.00 Acres	Being all mineral interests acquired from L.D. Marcum, et al, lying in Tract 207 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 214, in the Clerk's Office of McCreary County, Kentucky.
208	110.00 Acres	Being all mineral interests acquired from L.D. Marcum, et al, lying in Tract 208 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 214, in the Clerk's Office of McCreary County, Kentucky.
213	655.00 Acres	Being all mineral interests acquired from Jellico Property Co., lying in Tract 213 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 112, in the Clerk's Office of McCreary County, Kentucky.
224	112.93 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 224 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as Stearns Tract 224A and USFS Tract 1051f in the Boyd Table.
226	45.00 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 226 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky.
227	55.00 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 227 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky.
230	70.00 Acres	Being all mineral interests acquired from Golman Kidd, et al, lying in Tract 230 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 405, in the Clerk's Office of McCreary County, Kentucky.
231	4,231.70 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 231 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as the "Edgar Phillips Parcel", 82, and 75 in the Boyd Table.
231A	135.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 231A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky.
231B	70.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 231B as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the

Stearns Tract No.	Acreage	Description
		Clerk's Office of McCreary County, Kentucky.
232	90.50 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 232 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as the 83 in the Boyd Table.
233	785.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 233 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as the USFS Tract 1047b (25 Acres) in the Boyd Table.
234	65.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 232 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as the 83 in the Boyd Table.
235	60.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 235 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky.
236	336.10 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 236 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as the 201 in the Boyd Table.
237	75.00 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al and Laura J. Coffey, lying in Tract 237 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417 and Deed Book 30, Page 343, in the Clerk's Office of McCreary County, Kentucky.
243	10.00 Acres	Being all mineral interests acquired from Rachel Abbott et al, lying in Tract 243 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 30, Page 280, in the Clerk's Office of McCreary County, Kentucky.
244	15.00 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 244 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 533, in the Clerk's Office of McCreary County, Kentucky.
258	15.00 Acres	Being all mineral interests acquired from George P. Anderson, et al, lying in Tract 258 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 30, Page 398, in the Clerk's Office of McCreary County, Kentucky.
260	49.94 Acres	Being all mineral interests acquired from Harry B. Rowe, et al, lying in Tract 260 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 30, Page 500, in the Clerk's Office of McCreary County, Kentucky.
261	225.00 Acres	Being all mineral interests acquired from Harry B. Rowe, et al, lying in Tract 261 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 30, Page 500, in the Clerk's Office of McCreary County, Kentucky.
270	35.00 Acres	Being all mineral interests acquired from Florence Freeman Barthell, lying in Tract 270 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 30, Page 637, in the Clerk's Office of McCreary County, Kentucky.
303	1,933.00 Acres (Coal Only)	Being all mineral interests (except oil and gas) acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 303 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky. Tract acreage shown includes Tract 303A.
303A	(Coal Only)	Being all mineral interests (except oil and gas) acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 303a as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.

Stearns Tract No.	Acreage	Description
List B: This list contains tracts where Stearns owns all mineral interests (except as noted) but the United States of America does not own the surface interest.		
Edgar Phillips Parcel	83.10 Acres	Being all mineral interests acquired from E.W. Knight, et al, lying in Tract "Edgar Phillips Parcel" as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky. Subject to exception listed as 82 in the Boyd Table.
Hurstle Bell Parcel	8.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 22 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
54	70.00 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 54 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
78A	20.00 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 78A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 504 in the Clerk's Office of McCreary County, Kentucky.
78B	7.00 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 78B as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 504 in the Clerk's Office of McCreary County, Kentucky.
81	25.00 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 81 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 504 in the Clerk's Office of McCreary County, Kentucky.
82	160.00 Acres	Being all mineral interests acquired from Joe H. Gibson, lying in Tract 82 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 4, Page 585, in the Clerk's Office of McCreary County, Kentucky.
132	30.00 Acres	Being all mineral interests acquired from B.F. Dobbs, et al, lying in Tract 132 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 584, in the Clerk's Office of McCreary County, Kentucky.
144	95.00 Acres	Being all mineral interests acquired from Roscoe Watson, lying in Tract 144 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 245, in the Clerk's Office of McCreary County, Kentucky.
151		Being all mineral interests acquired from TB Dolen, lying in Tract 151 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 23, Page 191 in the Clerk's Office of McCreary County, Kentucky. This 22.20 Acres is a portion of Tract 982a.
152A	22.00 Acres	Being all mineral interests acquired from Silas G. Kidd, et al, lying in Tract 152A as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 14, Page 292, in the Clerk's Office of McCreary County, Kentucky.
152B	14.00 Acres	Being all mineral interests acquired from Silas G. Kidd, et al, lying in Tract 152B as depicted on the settlement map and being a portion of those lands acquired in Deed Book 14, Page 292, in the Clerk's Office of McCreary County, Kentucky.
216	56.20 Acres (Coal Only)	Being all coal interests acquired from Jellico Property Co., lying in Tract 216 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 112, in the Clerk's Office of McCreary County, Kentucky.
222	60.00 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 222 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky.
223	20.00 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 223 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky.
224A	135.00 Acres (Coal Only)	Being all coal interests acquired from H.K. Trammell, Jr., et al, lying in Tract 224A as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 121, in the Clerk's Office of McCreary County, Kentucky.
305	5.30 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 305 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43,

Stearns Tract No.	Acreage	Description
		Page 334, in the Clerk's Office of McCreary County, Kentucky.
306	4.70 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 306 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
307	3.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 307 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
308	2.50 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 308 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
309	10.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 309 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
310	110.50 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 310 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
312	10.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 312 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
314	125.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 314 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
315	131.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 315 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
318	13.00 Acres (Coal Only)	Being all coal interests acquired from 1 st National Bank of Somerset, Kentucky, lying in Tract 318 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 43, Page 334, in the Clerk's Office of McCreary County, Kentucky.
EX 2	0.20 Acres	Being all mineral interests acquired from William A. Kinne, lying in Tract 125 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 349 and Deed Book 9, Page 335, in the Clerk's Office of McCreary County, Kentucky.
EX 3	15.30 Acres	Being all mineral interests acquired from Rock Creek Property Company, Sarah Ellen Burk, Burdell Blevins, and Justus S. Stearns, lying in Tract 51 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 and Deed Book 46, Page 557 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 629, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 4	0	Being all mineral interests acquired from Laurel Creek Stave and Lumber Company, lying in Tract 72 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 1, Page 561 in the Clerk's Office of McCreary County, Kentucky.
EX 5	0	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 34 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 6	1.00 Acre	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 34 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 7	1.50 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
EX 8	3.60 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
EX 9	24.00 Acres	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
EX 10	0	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the

Stearns Tract No.	Acreage	Description
		settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
EX 11	0	Being all mineral interests acquired from George A. Bell, lying in Tract 100 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 6, Page 567 in the Clerk's Office of McCreary County, Kentucky.
EX 13	0	Being all mineral interests acquired from James Laxton, et al, lying in Tract 182 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 16, Page 154, in the Clerk's Office of McCreary County, Kentucky.
EX 14	11.50 Acres	Being all mineral interests acquired from William A. Hill, lying in Tract 119 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 9, Page 31, in the Clerk's Office of McCreary County, Kentucky.
EX 15	57.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, Justus S. Stearns, and Stearns Cooperative Coal Co., lying in Tract 21 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky and Deed Book 6, Page 310, and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky, and W.A. Kinne, lying in Tract 104 as recorded in Deed Book 7, Page 108 in the Clerk's Office of McCreary County, Kentucky, and Joe H. Gibson, lying in Tract 108A as recorded in Deed Book 7, Page 369 in the Clerk's Office of McCreary County, Kentucky, and Clabe Dolen, lying in Tract 116 as recorded in Deed Book 9, Page 36 in the Clerk's Office of McCreary County, Kentucky, and William A. Hill, lying in Tract 117 as recorded in Deed Book 9, Page 26 in the Clerk's Office of McCreary County, Kentucky, and William A. Hill, lying in Tract 119 as recorded in Deed Book 9, Page 31 in the Clerk's Office of McCreary County, Kentucky, and from W.S. Gregory, et al, lying in Tract 163 as recorded in Deed Book 12, Page 378 in the Clerk's Office of McCreary County, Kentucky.
EX 17	113.00 Acres	Being all mineral interests acquired from William Waddle, lying in Tract 84 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 285 in the Clerk's Office of McCreary County, Kentucky, and William A. Kinne and Stearns Co-operative Coal Co. Corp., lying in Tract 110 as recorded in Deed Book 7, Page 620 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky, and J.H. Keeney and Timothy Cockill, lying in Tract 112 as recorded in Deed Book 8, Page 206 in the Clerk's Office of McCreary County, Kentucky.
EX 18	105.80 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 24 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky, and William Winchester, Barbara Bell Boyatt, and Stearns Co-operative Coal Co. Corp., lying in Tract 88 as recorded in Deed Book 5, Page 326, Deed Book 30, Page 389, and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky, and J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as recorded in Deed Book 18, Page 1 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky. Subject to exceptions listed as 18, 25, and 26 in the Boyd Table.
EX 19	10.90 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 20	2.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 21	11.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 22	4.90 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 23	5.30 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as recorded in Deed Book 18, Page 1 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky.
EX 24	15.60 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.

Stearns Tract No.	Acreage	Description
EX 25	0.30 Acre	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 24 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 26	0.80 Acre	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 24 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 27	5.47 Acres	Being all mineral interests acquired from William Winchester and Charlie Winchester, lying in Tract 85 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 5, Page 320 in the Clerk's Office of McCreary County, Kentucky.
EX 50	24.60 Acres	Being all mineral interests acquired from William A. Kinne and William Waddle, lying in Tract 121 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 327, Deed Book 30, Page 254, and Deed Book 10, Page 241 in the Clerk's Office of McCreary County, Kentucky.
EX 51	4.70 Acres	Being all mineral interests acquired from William A. Kinne and William Waddle, lying in Tract 121 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 327, Deed Book 30, Page 254, and Deed Book 10, Page 241 in the Clerk's Office of McCreary County, Kentucky.
EX 53	5.10 Acres	Being all mineral interests acquired from William A. Kinne and William Waddle, lying in Tract 121 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 327, Deed Book 30, Page 254, and Deed Book 10, Page 241 in the Clerk's Office of McCreary County, Kentucky.
EX 54	0	Being all mineral interests acquired from Jellico Property Co., lying in Tract 216 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 112, in the Clerk's Office of McCreary County, Kentucky.
EX 55	1.00 Acre	Being all mineral interests acquired from Rock Creek Property Company, lying within Tract 7 as depicted on a settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 57	8.30 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying within Tract 7 as depicted on a settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 58	4.90 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying within Tract 7 as depicted on a settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 61	5.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 62	6.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 64	6.90 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 67	21.60 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 68	0	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 69	12.00 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 70	3.10 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.

Stearns Tract No.	Acreage	Description
EX 71	21.60 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 62 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 72	63.30 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 15 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 and from Rock Creek Property Company, lying in Tract 62 as recorded in Deed Book 45, Page 479 in the Clerk's Office of Wayne County, Kentucky.
EX 73	0.60 Acre	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 15 as depicted on the settlement map and being a portion of those lands acquired recorded in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 74	44.70 Acres	Being all mineral interests acquired from Rock Creek Property Company, Georgia A. Lyday, and William A. Kinne, lying in Tract 13 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 1, Page 555, Deed Book 11 Page 278, and Deed Book 11, Page 280 in the Clerk's Office of McCreary County, Kentucky, and Verdun Mineral Co., Corp., et al, lying in Tract 61 as recorded in Deed Book 30, Page 609 in the Clerk's Office of McCreary County, Kentucky.
EX 82	20.20 Acres	Being all mineral interests acquired from E.W. Knight, et al, lying in Tract 231 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky.
EX 83	64.50 Acres (Coal Only)	Being all coal interests acquired from E.W. Knight, et al, lying in Tract 231, 232, and 234 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417 in the Clerk's Office of McCreary County, Kentucky.
EX 84	47.50 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 87	16.80 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 89	0	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 90	14.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying within Tract 7, 60, and 150 as depicted on a settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 30, Page 609, Deed Book 18, Page 1 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky.
EX 92	1.00 Acre	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 10 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 93	10.00 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 94	15.00 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 95	17.50 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 96	14.40 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 27 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.

Stearns Tract No.	Acreage	Description
EX 97	1.10 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 27 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 98	10.10 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 27 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky, and from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as recorded in Deed Book 18, Page 1 and Deed Book 23, Page 183 in the Clerk's Office of McCreary County, Kentucky.
EX 99	12.30 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 100	6.30 Acres	Being all mineral interests acquired from J.H. Keeney, et al and Stearns Co-operative Coal Co. Corp., lying in Tract 150 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 18, Page 1 and Deed Book 23, Page 183, in the Clerk's Office of McCreary County, Kentucky.
EX 101	10.20 Acres	Being all mineral interests acquired from Rock Creek Property Company and Justus S. Stearns, lying in Tract 27 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky, and Deed Book 6, Page 310 in the Clerk's Office of McCreary County, Kentucky.
EX 103	18.00 Acres	Being all mineral interests acquired from Stephen T. Dobbs and Solomon Gregory, et al, lying in Tract 130 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 10, Page 93 and Deed Book 9, Page 582, in the Clerk's Office of McCreary County, Kentucky.
EX 105	1.20 Acres	Being all mineral interests acquired from Rock Creek Property Company, lying in Tract 9 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 45, Page 455 in the Clerk's Office of Wayne County, Kentucky.
EX 201	1.00 Acre	Being all mineral interests acquired from E.W. Knight, et al, lying in Tract 236 as depicted on the settlement map and being a portion of those lands acquired in Deed Book 27, Page 417, in the Clerk's Office of McCreary County, Kentucky.
	List C	A strip of land where Stearns owns full fee title interest in the following described property located in McCreary County, Kentucky.
4230	100.25 Acres	Being full fee title interest in that certain strip of land conveyed by Frank C. Thomas and Mary Thomas to The Stearns Company, Ltd., on November 13, 1996, recorded on November 18, 1996, in Book No. 139, Page 690 in the Clerk's Office of McCreary County, Kentucky. Said strip of land is delineated on a set of maps titled "Right of Way & Track Map The Kentucky and Tennessee Railway" prepared by the Office of Chief Engineer and dated May 18, 1926. The subject strip of land is also shown on the attached map titled "100.25 Acres by Deed McCreary County, Kentucky", dated October 21, 2011.