

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

HAROLD D. WARD, Director, Division of
Mining and Reclamation, West Virginia
Department of Environmental Protection

Plaintiff,

v.

Civil Action No. 20-C-282
Presiding Judge: Christopher C. Wilkes
Resolution Judge: James H. Young, Jr.

ERP ENVIRONMENTAL FUND, INC.,

Defendant.

**ORDER GRANTING MOTION OF RECEIVER FOR ENTRY OF ORDER
AUTHORIZING SALE CERTAIN PIECES OF EQUIPMENT FREE AND
CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

By motion of May 13, 2021, the Special Receiver sought permission of the Court to sell a Komatsu 5500 Hydraulic Excavator, VIN 15018 (ERP Asset 147/150, Company No. 22007) (referred to hereinafter as "Excavator"), which is located at the Guyan Mine in Logan County, free and clear of liens, claims and encumbrances.

The Special Receiver represents that is has performed a commercially reasonable search for liens and encumbrances on the Excavator and that the Excavator is potentially subject to liens held by Appalachian Headwaters, Inc., Cramer Security & Investigations, and the Logan County Taxing Authorities. The Special Receiver advised the Court that it has reached an agreement with Appalachian Headwaters, Inc., Cramer Security & Investigations, and the Logan County Taxing Authorities with respect to their claims against the Excavator and that none of the aforementioned parties objects to the motion.

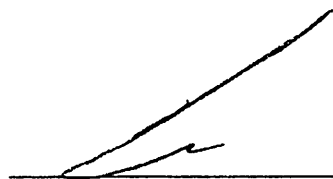
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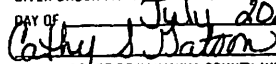

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CATHY S. GIBSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Having reviewed the motion and heard such parties as desired to be heard, the Court hereby GRANTS the motion and FINDS and ORDERS as follows:

As to the Excavator listed in the Special Receiver's *Motion Of Receiver For Entry Of Order Authorizing Sale Certain Pieces Of Equipment Free And Clear Of Liens, Claims And Encumbrances* filed by letter dated May 13, 2020, the Court finds that the Special Receiver has undertaken a commercially reasonable review of liens and encumbrances and has notified all lienholders of the pending Motion. Accordingly, the Special Receiver may sell the Excavator free and clear of all liens and encumbrances.

ENTERED this 15 day of July, 2021.


CHRISTOPHER WILKES
Presiding Judge

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 15th
DAY OF July 2021

CATHY S. GATSON
CLERK


Date: 7/15/21
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