IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA (1) (1) BUSINESS COURT DIVISION

GALANG, CHEELER FEEL N TOMANNA OCULTA CHEOUT COURT

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

Plaintiff,

٧.

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

ERP ENVIRONMENTAL FUND, INC.,

Defendant.

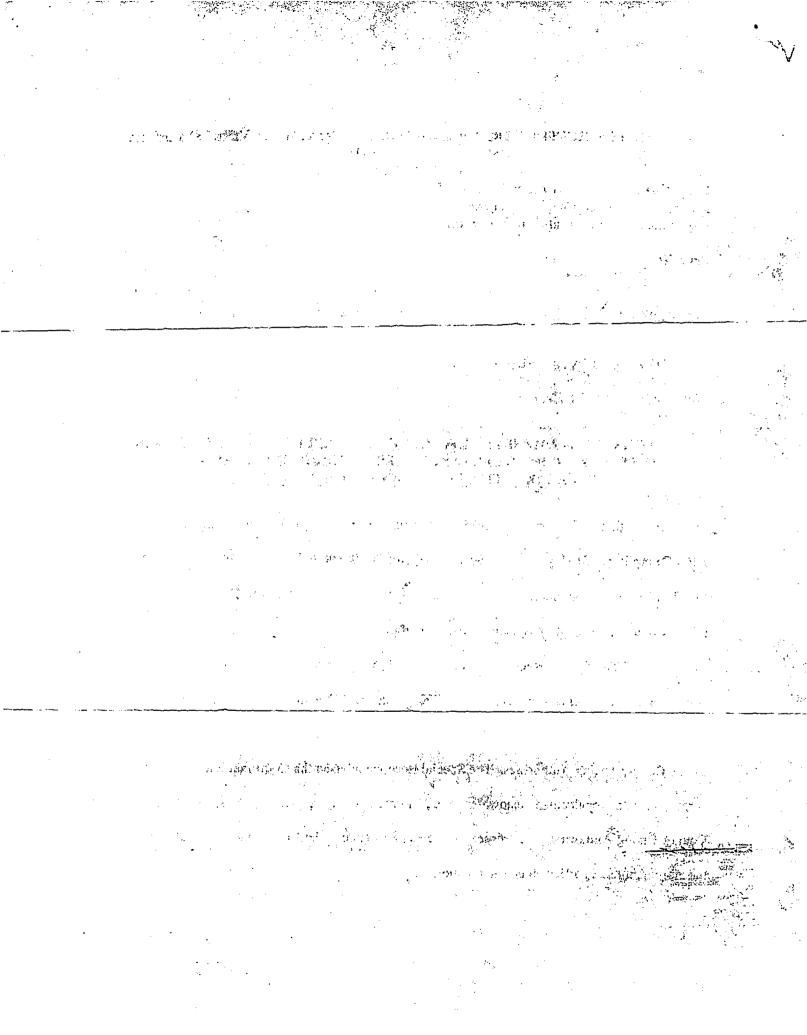
ORDER GRANTING AMENDED MOTION OF RECEIVER FOR ENTRY OF ORDER AUTHORIZING SALE CERTAIN PIECES OF EQUIPMENT FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES

By motion of December 22, 2021, the Special Receiver sought permission of the Court to sell a Caterpillar 993K Front End Loader, Serial No. 29K00308 (ERP Asset 208, Company No. 21556) (referred to hereinafter as "End Loader"), which is located at the Hill Fork Mine in Boone County, free of all liens, claims, and encumbrances.

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



1970 - MR



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 End Loader listed in the Special Receiver's Motion Of Receiver For Entry Of Order Authorizing Sale of Certain Equipment Free And Clear Of Liens, Claims And Encumbrances filed by letter dated December 15, 2021, 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 3 day of January, 2021.

CHRISTOPHER WILKES

Presiding Judge

STATE OF WEST VIRGINIA COUNTY OF KANAWHA, SS

CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA