

FILED
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION 2022 JUL 28 PM 3:13

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

CATHY S. LINDEN, CLERK
KANAWHA COUNTY CIRCUIT COURT

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 July 12, 2022, the Special Receiver sought permission of the Court to sell a Caterpillar D10R bulldozer, serial number AKT00249 (ERP Asset No. 175, Company 20529) (referred to hereinafter as "Dozer"), which is located Boone 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 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 Dozer and that none of the aforementioned parties objects to the motion.

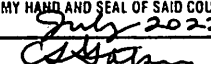
SCANNED

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 Dozer 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 July 12, 2022, 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 Dozer free and clear of all liens and encumbrances.

ENTERED this 28th day of July, 2022.


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. 28
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF July 2022
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Date: 7/28/22
Certified copies sent to:
☒ counsel of record C. Hunter
☐ parties T. Dixon
☐ other _____
(please indicate) B. Baile
By: D. Thompson
☐ certified/1st class mail Business Court
☐ fax
☐ hand delivery
☐ interdepartmental
Other: As directed
Deputy Circuit Clerk