# United States Bankruptcy Court <br> Eastern District Of Missouri 

In re Patriot Coal Corporation et al.,
Case No. 12-51502
Chapter 11, Jointly Administered

## TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

## Fulcrum Distressed Opportunities Fund I, LP

Name of Transferee

Name and Address where notices to transferee should be sent:

Fulcrum Distressed Opportunities
Fund I, LP
111 Congress Avenue, Suite 2550
Austin, Texas 78701
Attn: General Counsel
Tel: (512) 473-2776
Fax: (512) 473-2772

## Kessel Forest Products, LLC

Name of Transferor

Name and Current Address of Transferor:

Kessel Forest Products, LLC
HC 84 Box 4
Keyser, WV 26726
Attn: Jyme M. Stevey
Tel: (304) 788-3371

Amount of Claim: \$113,322.28**
Claim No. Unknown (See Exhibit C)
Date Claim Filed: December 12, 2012

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By: $\frac{\text { /s/ Matthew W. Hamilton }}{\text { Transferee/Transferee's Agent }}$
Date: _ December 28, 2012
**See Evidence of Transfer, attached as Exhibit A hereto, and Schedule of Transferred Claims, attached as Exhibit B hereto, for complete description of amount and nature of claims assigned**

## EXHIIBIT A

EVIDENCE OF TRANSFER

## TO: THE DEBTOR AND THE BANKRUPTCY COURT

Kessel Forest Products, LLC, with an address at HC 84 Box 4, Keyser WV 26726 ("Seller") transfers unto Fulcrum Distressed Opportunities Fund I, LP, its successors and assigns ("Buyer"), pursuant to the terms of that certain Purchase and Sale Agreement For Certain Claims In The Chapter 11 Cases', of even date herewith (the "Agreement"), all of its right, title and interest in and to the claims, identified on the attached Schedule (the "Claims"), against Eastern Associated Coal, LLC (the "Debtor"), in proceedings for reorganization (the "Proceedings") in the United States Bankruptcy Court for the Eastern District of Missouri (the "Court"), jointly administered under In re Patriot Coal Corporation et al, Chapter 11 Case No. 12-51502 (KASS).

Seller hereby waives to the fullest extent permitted by law any notice or right to a hearing as may be imposed by Rule 3001 of the Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, applicable local bankruptcy rules or applicable law. Seller acknowledges and understands, and hereby stipulates, that an order of the Bankruptcy Court may be entered without further notice to Seller transferring to Buyer the foregoing Claims and recognizing the Buyer as the sole owner and holder of the Claims. Seller further directs the Debtor, the Bankruptcy Court and all other interested parties that all further notices relating to the Claims, and all payments or distributions of money or property in respect of the Claims, shall be delivered or made to the Buyer.

IN WITNESS WHEREOF, the Seller and the Buyer have caused this Evidence of Transfer to be duly executed as of December 28, 2012.


[^0]EXHIBIT B
SCHEDULE OF TRANSFERRED CLAIMS

| Transferor <br> Name | Transferee <br> Name | POC <br> Number | POC <br> Amount | Amount <br> Transferred |
| :---: | :---: | :---: | :---: | :---: |
| Kessel Forest <br> Products, LLC | Fulcrum Distressed <br> Opportunities Fund <br> I, LP | Unknown | $\$ 113,322.28$ | $\$ 113,322.28$ |

You may only check one Debtor box. If you have a claim against multiple Debtors listed below you must complete a separate proof of claim form for each such Debtor.


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| Name of Debtor: | Case |
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| E Eastern Royalty, LLC | 12-12936 |
| ก Emerald Processing, L.L. | 12-12937 |
| [. Gateway Eagle Coal Company, |  |
| $\square$ Grand Eagle Mining, LLC | 12-12939 |
| $\underline{\text { r Heritage Coal Company LL }}$ | 12-12940 |
| $\square$ Highland Mining Company, LLC | 12-12941 |
| $\square^{\square}$ Hillside Mining Company | 12-12942 |
| Hobet Mining, LLC | 12-12943 |
| $\square$ Indian Hill Company LLC | 12-12944 |
| $\square$ Infinity Coal Sales, LLC | 12-12945 |
| C Interior Holdings, LLC | 12-12946 |
| $\square \mathrm{IO} \mathrm{Coal} \mathrm{LLC}$ | 12-12947 |
| $\square$ Jarrell's Branch Coal Company | 12-12948 |
| - Jupiter Holdings LLC | 12-12949 |
| $\underline{\square}$ Kanawha Eagle Coal, LLC | 12-12950 |
| Kanawha River Ventures I, LLC | 12-12951 |
| $\square$ Kanawha River Ventures II, LLC | 12-12952 |
| - Kanawha River Ventures III, LLC | 12-1295 |
| - KE Ventures, LLC | 12-12954 |
| $\square$ Little Creek LLC | 12-12955 |
| - Logan Fork Coal Company | 12-12956 |
| [ Magnum Coal Company LLC | 12-12957 |
| $\square$ Magnum Coal Sales LLC | 12-12958 |
| - Martinka Coal Company, LLC | 12-12959 |
| $\square$ Midland Trail Energy LLC | 12-12960 |
| - Midwest Coal Resources II, LLC | 12-1296 |
| - Mountain View Coal Company, LLC | 12-12962 |
| 드 New Trout Coal Holdings II, LLC | 12-12963 |
| $\square$ Newtown Energy, Inc. | 12-12964 |
| $\square$ North Page Coal Corp. | 12-12965 |
| $\square$ Ohio County Coal Company, LLC | 12-12966 |
| $\square$ Panther LLC | 12-12967 |
| - Patriot Beaver Dam Holdings, LLC | 12-12898 |
| $\square$ Patriot Coal Company, L.P. | 12-12968 |
| $\square$ Patriot Coal Corporation | 12-12900 |


| Name of Debtor | Case No. |
| :---: | :---: |
| $\square$ Patriot Coal Sales LLC | 12-12969 |
| $\underline{\square}$ Patriot Coal Services LLC | 12-12970 |
| IV Patriot Leasing Company LLC | 12-12971 |
| $\square$ Patriot Midwest Holdings, LLC | 12-12972 |
| $\square$ Patriot Reserve Holdings, LLC | 12-12973 |
| - Patriot Trading LLC | 12-12974 |
| $\square$ PCX Enterprises, Inc. | 12-12899 |
| 5 Pine Ridge Coal Company, LLC | 12-12975 |
| E Pond Creek Land Resources. LLC | 12-12976 |
| $\underline{\square}$ Pond Fork Processing LLC | 12-12977 |
| - Remington Holdings LLC | 12-12978 |
| $\square$ Remington II LLC | 12-12979 |
| - Remington LLC | 12-12980 |
| [ Rivers Edge Mining, Inc. | 12-12981 |
| $\square$ Robin Land Company, LLC | 12-12982 |
| $\square{ }^{\square}$ Sentry Mining, LLC | 12-12983 |
| $\square$ Snowberry Land Company | 12-12984 |
| $\square$ Speed Mining LLC | 12-12985 |
| $\square$ Sterling Smokeless Coal |  |
| Company, LLC | 12-12986 |
| $\square$ TC Sales Company, LLC | 12-12987 |
| [ The Presidents Energy |  |
| Company LLC | 12-12988 |
| $\underline{\square}$ Thunderhill Coal LLC | 12-12989 |
| - Trout Coal Holdings, LLC | 12-12990 |
| - Union County Coal Co., LLC | 12-12991 |
| ㅁ Viper LLC | 12-12992 |
| $\square$ Weatherby Processing LLC | 12-12993 |
| - Wildcat Energy LLC | 12-12994 |
| $\square$ Wildcat, LLC | 12-12995 |
| - Will Scarlet Properties LLC | 12-12996 |
| $\square$ Winchester LLC | 12-12997 |
| ㅁ Winifrede Dock Limited Liability |  |
| Company | 12-12998 |
| $\square$ Yankeetown Dock, LLC | 12-12999 |


4. Secured Claim (See instruction \#4)

Check the appropriate box if the claim is secured by a lien on property or a right of sctoff, attach required redacted documents, and provide the requested information.

| Nature of property or right of setoff: | $\square$ Real Estate | $\square$ Equipment |
| :--- | :--- | :--- |
| Describe: | $\square$ Other |  |

Value of Property: $\$$ $\qquad$
Annual Interest Rate $\qquad$ \% $\square$ Fixed or
$\square$ Variable (when case was filed)

Amount of arrearage and other chargets, as of the time case was filed, included in secured claim, if any:
$\$$
Basis for perfection:
Amount of Secured Claim: \$
Amount Unsecured: \$
$\qquad$
$\qquad$
5. Amount of Claim Entitled to Priority under 11 U.S.C. $\$ 507$ (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. (See instruction \#5)
$\square$ Domestic support obligations under 11 U.S.C. § $507(\mathrm{a})(1)(\mathrm{A})$ or $(\mathrm{a})(1)(\mathrm{B})$.
$\square$ Up to $\$ 2,600^{*}$ of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. $\$ 507$ (a)(7).
$\square$ Wages, salaries, or commissions (up to $\$ 11,725^{*}$ ) earned within 180 days before the case was filed or the Debtor's business ceased, whichever is earlier 11 U.S.C. §507(a)(4).
$\square$ Taxes or penalties owed to govemmental units - 11 U.S.C. § 507 (a)(8).

Contributions to an employee benefit Amount entitled to priority: plan-11 U.S.C. § 507 (a)(5).
$\square$ Other - Specify applicable paragraph of 11 U.S.C. § 507 (a)( ).
\$ $\qquad$

* Amounts are subject to adjustment on 4/1/13 and every, 3 years thereafier with respect to cases conmenced on or after the date of adjustment.

6. Claim Pursuant to 11 U.S.C. $\S 503$ (b)(9). (Sec inst/wction \#6) Indicate the amount of your claim arising from the valuc of any goods received by the Debtor within 20 days before July 9, 2012, the date of commencement of the aboye case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim. $\$ 6-3,3.59 .84$
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction \#7)
8. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing cvidence of perfection of a security interest are attached. (See instruction \#8, and the definition of "redacted".)
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
If the documents are not available, please explain:
9. Signature: (See instruction \#9)

Check the appropriate box.
$\sigma$
I am the creditor 1 am the creditor's authorized agent.
(Attach copy of power of attomey, if any.)

I am the trustee, or the Debtor, or its authorized agent. (See Bankruptcy Rule 3004.)

I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, infornation, and reasonable belief.
primeme Laurence R. Kessel
Title:
Company:


Address and telephone number (if different from notice address above):

$\qquad$
Telephone number: $304-788-33 M 1$ e-mail: Kesselforestoroduptse gmail.com
Penalty for presenting fraudulent claint: Fine of up to $\$ 500,000$ or imprisonment for up to 5 years, or both. 18 U.S.C. $\S \S 152$ and 3571 .

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the lav. In certain circumstances, such as bankuptcy cases not fled voluntarily by the Debtor; exceptions to these general rules may apply. The attomeys for the Debtor and its Court-appointed claims agen, GCG, Inc. ("GCG"), are not authorized to provide you, and are not providing you, with any legal advice.

PLEASE SEND YOUR ORIGNAL, COMPLETED CLAIM FORM AS FOLLOWS: IF BY FIRST CLASS MAIL: Patriot Coal Claims Processing Center, c/o GCG, P.O. Box 9898, Dublin, Ohio 43017-5798. IF BY HAND DELIVERY OR OVERNIGHT MAIL: Patriot Coal Claims Processing Center, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, Ohio 43017. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.

## THE GENERAL BAR DATE IS DECEMBER 14, 2012 AT 5:00 P.M. (PREVAILING EASTERN TIME) AND

 THE GOVERNMENTAL BAR DATE IS JANUARY 21, 2013 AT 5:00 P.M. (PREVAILING EASTERN TIME)December 12, 2012

To whom it may concern:
Kessel Forest Products, LLC is a creditor to Eastern Associated Coal (Patriot Coal). We ship lumber from our sawmill in Keyser, WV, to Federal II Mine site in Fairview, WV.

Eastern Associated Coal is indebted to Kessel Forest Products, LLC for mine materials delivered. *See attached invoices and delivery tickets

Sincerely,


Lawrence R. Kessel Member

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KESSEL FOREST PRODUCTS, LLC
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FAX\# (304) 788-5468
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DELIVERY TICKET
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Truck No.
$\xlongequal{\text { Order No } 52016404550069}$ Date $5-25-12$


Date $\qquad$ By

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KESSEL FOREST PRODUCTS, LLD
TELEPHONE 788-3371
FAX\# (304) 788-5468
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TELEPHONE 788-3371
FAX\# (304) 788-5468
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TELEPHONE 788-3371
FAX\# (304) 788-5468
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Delivered To: Fairview, WV


Date $\qquad$ By


KESSEL FOREST PRODUCTS, LLC
TELEPHONE 788-3371
FAX\# (304) 788-5468
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FAX\# (304) 788-5468
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FAX\# (304) 788-5468
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[^0]:    'Capitalized terms not otherwise defined herein, have those meaning ascribed to such terms in the Agreement.

