

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PATRIOT COAL CORPORATION, et al.,

Debtors.

Chapter 11

Case No. 12-12900 (SCC)

(Jointly Administered)

EASTERN ROYALTY LLC f/k/a EASTERN
ROYALTY CORP.,

Plaintiff,

v.

BOONE EAST DEVELOPMENT CO.,
PERFORMANCE COAL CO., and NEW RIVER
ENERGY CORP.,

Defendants.

Adv. Pro. No. 12-01786 (SCC)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : ss
COUNTY OF NEW YORK)

Robert L. Jones, being duly sworn, deposes and says:

I am over the age of 18 years, am not a party to this action and am employed by
Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, New York 10017;

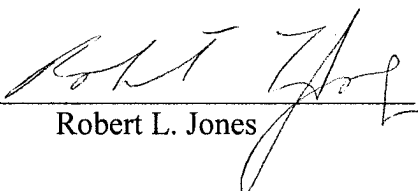
On November 5, 2012, I served a true and correct copy of the Plaintiff's Reply
Memorandum of Law in Further Support of Its Motion for Judgment on the Pleadings by hand
delivery upon:

Luke Barefoot, Esq.
Cleary Gottlieb Steen & Hamilton LLP
1 Liberty Plaza
New York, NY 10006

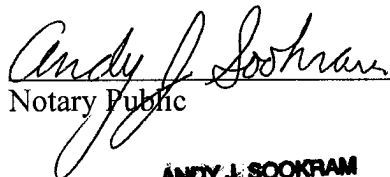
On November 7, 2012, I served a true and correct copy of the aforementioned
document by Federal Express overnight mail upon:

Andrea B. Schwartz and Paul K. Schwartzberg
Office of the U.S. Trustee for the Southern District of New York
271 Cadman Plaze East, Suite 4529
Brooklyn, NY 11201

in light of the weather-related closure of the U.S. Trustee's office at 33 Whitehall Street in lower
Manhattan and the resumption of operations out of the Brooklyn office.


Robert L. Jones

Sworn to before me this
7th day of November, 2012.


Notary Public

ANDY J. SOOKRAM
Notary Public, State of New York
No. 01SO6259678
Qualified in Queens County
Certificate Filed in New York County
Commission Expires April 16, 2016