UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

In re:

Chapter 11

PATRIOT COAL CORPORATION, et al.,

Debtors.

Case No. 12-51502-659 (Jointly Administered)

CORKY WELLS ELECTRIC, INC. D/B/A C.W. ELECTRIC, INC.'S NOTICE OF PERFECTION UNDER SECTION 546(b) OF THE BANKRUPTCY CODE

PLEASE TAKE NOTICE that, pursuant to Section 546(b)(2) of the United States

Bankruptcy Code, Corky Wells Electric Inc. d/b/a C.W. Electric, Inc. ("C.W. Electric") has

recorded its Notice of Mechanic's Lien in accordance with the laws of the State of West Virginia

for work performed by C.W. Electric as follows:

Notice of Mechanic's Lien pursuant to West Virginia Code 38-2-1 *et seq.*, to Hobet Mining, LLC for work performed in the amount of \$139,604.94. A copy of the Notice of Mechanic's Lien at attached as Exhibit 1.

The Notice of Mechanic's Lien was filed with the Clerk of the County Commission of Boone County, West Virginia, in Mechanic's Lien Book 6 at Page 472 on August 23, 2012; and with the Clerk of Lincoln County, West Virginia in Mechanic's Lien Book 3 at Page 525 on August 30, 2012.

Under West Virginia law, C.W. Electric is required to commence suit within six months

after filing the notice of its mechanic's lien to maintain or continue the perfected status of its

mechanic's lien. Pursuant to Section 546(b) of the Bankruptcy Code, C.W. Electric gives notice,

in lieu of commencement of an action to maintain or continue perfection, of its mechanic lien

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interest in all of the property that is subject to the lien, within the time fixed by West Virginia law for the commencement of such an action.

DELCOTTO LAW GROUP PLLC

Dated: February 4, 2013.

/s/ T. Kent Barber, Esq. 200 North Upper Street Lexington, KY 40507 Telephone: (859) 231-5800 Facsimile: (859) 281-1179 kbarber@dlgfirm.com COUNSEL FOR C.W. ELECTRIC, INC.

CERTIFICATE OF SERVICE

In addition to the parties who will be served electronically by the Court's ECF System, the undersigned certifies that a true and accurate copy of the foregoing will be served on the Master Service List (updated as of January 31, 2013) on February 5, 2013.

/s/ T. Kent Barber, Esq. DelCotto Law Group PLLC 200 North Upper Street Lexington, KY 40507 Telephone: (859) 231-5800 Facsimile: (859) 281-1179 kbarber@dlgfirm.com COUNSEL FOR C.W. ELECTRIC, INC.

Z:\Clients\Patriot Coal Corporation\CW Electric\Pleadings\Notice of Perfection Hobet 20130204.doc

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Exhibit 1

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and a s

NOTICE OF MECHANIC=S LIEN

HOBET MINING, LLC A subsidiary of Patriot Coal Corporation PO Box 66823 St. Louis, MO, 63166-6823

TO:



HOBET MINING, LLC Hobet 21 Mud River Route 119, Mud River Exit Madison, WV 25130

NOTICE IS HEREBY GIVEN, in accordance with the laws of the State of West Virginia, that the undersigned claims a lien to secure the payment of the sum of \$139,604.94 upon your interest in and to all those certain tracts or parcels of land located in Washington and Scott Districts, Boone County, and Jefferson District, Lincoln County, West Virginia. The improvements are located on and improve Hobet Mining, LLC's real property interests consisting of all leasehold interests, fee simple surface interests and mineral interests that comprise the surface coal mine known as Hobet 21 Mine, which mine site covers many thousands of acres and exists to the east of the Big Ugly Wildlife Management Area; to the west of U.S. Rt. 119 where the said Route exists near the Cities of Danville and Madison, WV; to the south of West Virginia Route 3 and County Highway 62 (Bulger Road); and to the north of County Route 15 (Big Ugly Creek Road).

The lien is also asserted against the Berry Branch Selenium Plant, which was improved by the work and materials furnished by Corky Wells Electric, Inc., and is located in Lincoln County, on the Berry Branch of the Mud River. The lien is also asserted against the electric line itself, and all fixtures, materials, poles, transformers and equipment associated with the electric line, and the line extends from the Berry Branch Selenium Plant in a southeasterly

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direction into and through Boone County, along County Route 10, to its intersection with U.S. Route 119. The locations of the Selenium Plant and the electric line are depicted generally on the map attached hereto as <u>Exhibit A</u>.

Corky Wells Electric states that its lien is pursuant to a contract directly with Hobet Mining, LLC, pursuant to the Purchase Order # 616929-2290, attached hereto at Exhibit B, issued by Hobet Mining, LLC to Corky Wells Electric, Inc., and pursuant to the invoices issued by Corky Wells Electric directly to Hobet Mining, also attached at Exhibit B.

The contract between Hobet Mining and Corky Wells Electric was solicited by Patriot Coal Services, LLC pursuant to a request for bids prepared by Patriot Coal Services, LLC, attached at Exhibit C. Corky Wells Electric's proposal, in response to the request for bids, is also attached at Exhibit C. This information is provided in the event Corky Wells Electric could be considered a subcontractor, and thus to satisfy the notice requirements of W.Va. Code §38-2-9.

Lien claimant is aware that Hobet Mining, LLC has filed bankruptcy in the United States Bankruptcy Court for the Southern District of New York. The filing of this Notice of Mechanic=s Lien on the real property and any subsequent filing of a Notice of Lis Pendens is merely intended as a measure to protect and perfect the lien claimant=s rights pursuant to W.Va. Code ' 38-2-1, et seq., which rights arose prior to the bankruptcy and which rights are allowed by 11 U.S.C. ' 362(b)(3) and 546(b). Corky Wells Electric's ability and deadline to file suit to enforce its mechanic=s lien is both stayed and tolled by the United States Bankruptcy Code, at ' 362 and ' 108 respectively. NEVERTHELESS, Corky Wells Electric, Inc. continues to claim and assert a valid and perfected mechanic=s lien against the subject property, which shall be enforced within the bankruptcy case, or upon termination of the automatic stay of bankruptcy or upon the dismissal of the bankruptcy case, if it is not sooner resolved. All parties dealing with the subject property are hereby notified that Corky Wells Electric, Inc.=s Mechanic=s Lien is continuing, valid and enforceable, even though Corky Wells Electric has not and cannot commence suit for the enforcement of the lien within six (6) months of the recording of the Notice of Mechanic=s Lien in the aforesaid Clerk=s office.

Given under my hand this 21^{5+} day of August, 2012.

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Corky Wells Electric, Inc.

By: MUR Its President

State of <u>KY</u>, County of <u>Boyd</u>;

<u>Shannon Wells</u>, being first duly sworn and under oath says that he is the of Corky Wells Electric, Inc. and that the statements in the foregoing Notice are true as he verily believes.

Taken, subscribed and sworn to before me this 21^{5+} day of August, 2012.

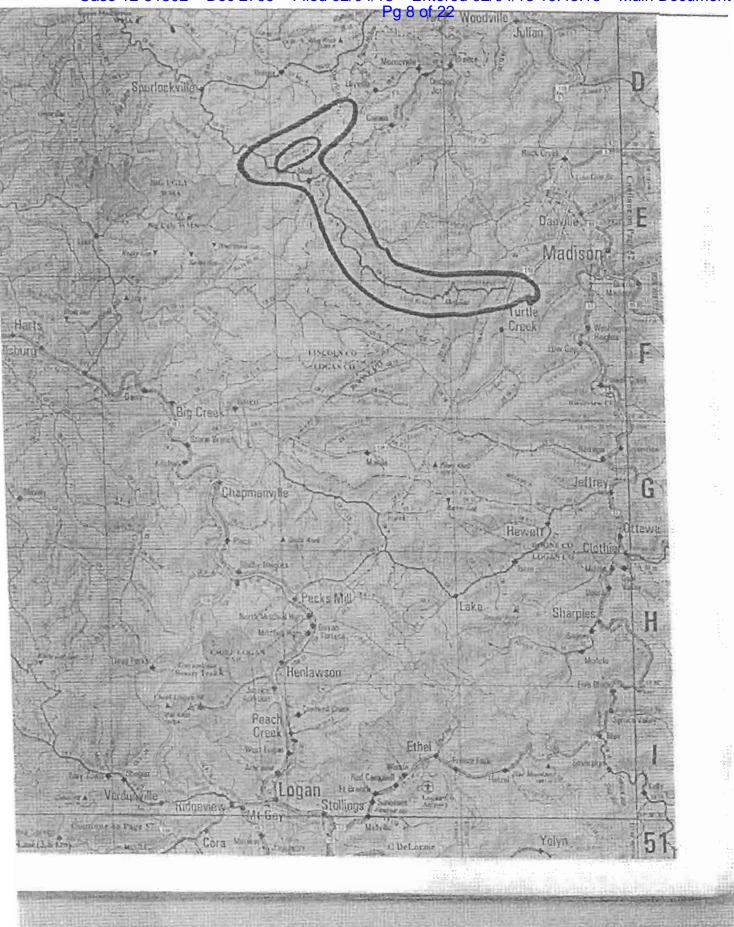
My commissioner expires: 4/7/13

seal:

Vorya aunstrong 394028 Notary

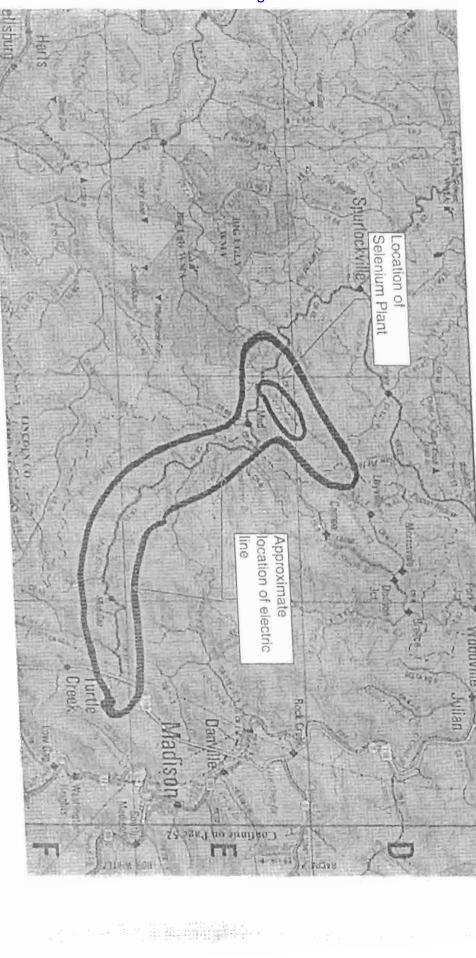
Instrument prepared by:

James W. Lane, Jr. (#6483) P.O. Box 11806 Charleston, WV 25339 (304) 342-0081 EXHIBIT A



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EXHIBIT B

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NT DATE: 05/14/12 12:41- P	URCHASE ORDER		ORDI	ER DATE: 05/14/12
NVOICE TO:	HIP TO:			
A SUBSIDIARY OF PATRIOT COAL CORPORATION P.O. BOX 66823	HOBET MINING, LIC HOBET 21 MUD RIVER ROUTE 119. MUD RIVER MADISON	EXIT	801 6	ORDER NUMBER 16929-2290 HERA D. AL UNITOR, LAURING AUTO ALLING BLIM, ACTANES AND COMPLEXING
PHONE: (314) 275-3600	PHONE: (304) 369-81	15		
VENDOR ADDRESS:		TERMS; MUTUAL INVOIC	LY DEF1 E DATE	IED
CW ELECTRIC INC PO BOX 203		NET 11	4 30 DAY	15
RUSH ATTN, JERRY WILKINSON	KY 41168	FR1 CHARGES: FOB:		BUI CHARGED TO
FAX: 1-606-928-7790				
		TRANS METHOD	: SUPPLI	ER TRUCK
LINE UNIT QUANTITY NO. ORDERED	DESCRIPTIO	N		UNIT PRICE
LH 1 EA 1 SERVICE SERVICE	<37020 DNS1TE ELECIRICAL	CONTRACT		116,250.00
AND UPC 7KV AND	LABOR AND MATERIAL RADE APPROXIMATELY 12KV POWER LINE FO SELENIUM PLANT.	7500 F1 UF		
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AS PER	PRE BID MEETING DA			
	PATRIOT WILL FURNIS			
3 TNC EXTEN REPLA	NO.1 ABANDON THE H PVC HIGH VOLLAGE DING UNDER THE LAND CE 11 WITH AN AERIA OVER THE MOADWAY:	CONDUIT RUN BRIDGE AND	k	
REQUIN	ED: NEXT SCHEDULED	DEL IVERY		
5.9 L	END OF FURCHASE ORD	DER		
			PAGE	101-1
SEND ORIGINAL INVOICE SHOW	ING DUR PURCHASE OF SHIPPING RECEIPT /	THER NUMBER WITH	PAID	THURHA JATOL
FREIGHT BILL THIS PURCHASE ORDER IS SUL ON WWW.patriotcoal.com/in WHICH HAY CHANGE WITHOUT FROM TIME TO TIME.	lsz.php7view=purchas	se-ordersEp=28s	-66	116.250.0
PLEASE DIRECT QUE	STIONS TO THE PURCH	ASING CONTACT I	ISTED BE	L QW
		TELEPHONE		FAX NUMBER

Corky Wells Electric, Inc P.O. Box 203 Rush, KY 41168 608-928-2074

STATEMENT

Date:

Account ID: HOBETM01

8/9/2012

Hobet Mining A Subsidiary of Patriot Coal C P.O. Box 66823 St Louis, MO 63166

Retained	Balance	Pald	Amount Billed	Days Past Due	Job #	Due Date	iv. Date	voice # Inv.
	75,565.00 40,685.00 13,410.00 9,944,94		75,565.00 40,685.00 13,410.00 9,944.94	28 (3) (3) (3) (3)	12-0770 12-0770 12-0770 12-0770	7/12/12 8/12/12 8/12/12 8/12/12	6/12/12 7/12/12 7/12/12 7/12/12 7/12/12	3276 7/ 3278 7/
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Carky Wells Electric, Inc.

Page 1 of 1

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Corky Wells Electric, Inc

Phone: 606-928-2074 Fax: 606-928-0093 P.O. Box 203 Rush, KY 41168

INVOICE 253160

Invoice Date: 06-12-2012 Due Date: 07-12-2012 Purchase Order: 616929-2290 Customer ID: HOBETM01 Project Manager: JERRY WILKINSON

Job: 12-0770 Patriot Coal-Berry Branch 12 K , WV

To: Hobet Mining A Subsidiary of Patriot Coal C P.O. Box 66823 St Louis, MO 63166

Description

12 KV Powerline Berry Branch Selenium Plant

This is a Progress Invoice for all labor completed and material delivered to the jobsite through June 12, 2012, for the Installation of the 12 KV powerline and transformer facilities for the Berry Branch Selenium Plant located at Hobet Mining, LLC, near Madison WV. The 12 KV powerline is complete and the transformer installations are framed and we are waiting for the delivery of the 25 KVA pole mounted transformers. This project was authorized by Mr. Gary Creech and Mr. Toby Waller.

Contract Price - \$116,250.00 6/12/2012 Progess Invoice (65%) <u>Unit Price Net</u>

75,565.00

Amount Billed: \$75,565.00

Total:

Retainage Held:

\$75,565.00

Corky Wells Electric, Inc

Phone: 606-928-2074 Fax: 606-928-0093 P.O. Box 203 Rush, KY 41168

INVOICE 253276

Involce Date:	07-12-2012
Due Date:	08-12-2012
Purchase Order:	616929-2290
Customer ID:	HOBETM01
Project Manager:	JERRY WILKINSON

Job: 12-0770

To: Hobet Mining A Subsidiary of Patriot Coal C P.O. Box 66823 St Louis, MO 63166

Description	Unit	Price	Net
12 KV Powerline Berry Branch Selenium Plant			
This is the Final Invoice for all labor completed and all material delivered to the jobsite through June 22, 2012, for the installation of the 12 KV powerline and transformer facilities (1- 3 phase 500 KVA pad and 4-cluster mounted 3-25 KVA) for the Berry Branch Selenium Plant located at Hobet Mining LLC, near Madison WV. This project was authorized by Mr. Gary Creech and Mr. Toby Waller.			
Contract Price - \$116,250.00			

Less previous invoice - \$75,565,00 Net Invoice Amount

40,685.00

Amount Billed: \$40,685.00

Retainage Held:

Total;

\$40,685.00

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Corky Wells Electric, Inc

Phone: 606-928-2074 Fax: 606-928-0093 P.O. Box 203 Rush, KY 411

INVOICE 253278

Rush, KY 41168	Invoice Date Due Date Purchase Order Customer ID Project Manager	08-12-2012	
To: Hobet Mining A Subsidiary of Patriot Coal C P.O. Box 66823 St Louis, MO 63166	Job: 12-0770		
Description	Unit	Price	Net
Attn: Mr. Gary Creech			
Projec Extra - Berry Branch Land Bridge			
High Voltage Cable Replacement as authorized by Mr. Toby Waller			
We furnished all labor, material and equipment required to remove the defective MPF cable in the 3 inch conduit under the Berry Branch Land Bridge and replaced it with new #2 15 KV MPF cable as authorized by Mr. Toby Waller.			
Total Amount Due			13,410.00
		Amount Billed:	\$13,410.00
		Retainage Held:	

Total: \$13,410.00

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Corky Wells Electric, Inc.

Phone: 606-928-2074 Fax: 606-928-0093 P.O. Box 20 Rush, KY

INVOICE 253279

P.O. Box 203 Rush, KY 41168	Due Purchase Custon	Date: Order: ner ID:	07-12-2012 08-12-2012 HOBETM01 JERRY WILKINSON	
To: Hobet MinIng A Subsidiary of Patriot Coal C P.O. Box 66823 St Louis, MO 63166			al-Berry Branch 12 K	
Description		Unit	Price	Net
Attn: Mr. Gary Creech Fax #: 304-380-0355				
Project Extras - at the Berry Branch Selenium Plant				
Project Extra #1: Office Trailer Power for Bowen Engineering as authorized by Mr. Rick Beckett, Total Cost for Project Extra #1				3,026.94
Project Extra #2 - One (1) Additional Pump Installation: 3-25 KVA transformers as authorized by Mr. Mike Beckett				
Total Cost for Project Extra #2				4,119.92
Project Extra #3 - Bowen Engineering 100 AMP 480 V Welding Service as authorized by Mr. Mike Beckett and Toby Walter Total Cost for Project Extra #3				2 709 09
Total Cost for Project Extra Ha				2,798.08

Amount Billed: \$9,944.94

Retainage Held:

Total:

\$9,944.94

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EXHIBIT C

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Patriot Coal Services, LLC would like to invite you to bid on furnishing labor, equipment and materials to install approximately 7,500 feet of 12KV power line and associated electrical equipment to provide power to the Berry Branch Selenium Plant and also to four (4) pump locations in Berry Branch. This will be at our Hobet operation in Boone County, WV.

Note: Please refer to the attached insurance requirements, Exhibit C, for any project exceeding \$250,000.00

Pre-Bid

Pre-bid meeting is scheduled for 10 a.m. on Thursday, May 3, 2012 at the Hobel Mud River office

Scope of Work

The Scope of Work is attached and will be discussed further at the meeting.

Bidding Instructions

Bidding instructions will be discussed at the meeting. Bids can be emailed to the following

geneech@tpatnotcoal.com

Or, bids can be faxed to: 304-380-0355

Or, mailed to

Patriot Coal Services LLC 500 Lee Street, E Suite 600 Charleston, WV 25301 Alth. Gary Creech

Should you have questions pertaining to the specifications of this project please contact Toby Walter at 304-380-0235 or twalter operiod com or Mike Beckett at 304-247-8319 or mbeckett operiod com. Should you have questions pertaining to purchasing, please contact Gary Creech at 304-380-0284

Please confirm your receipt of this email and your intentions for attending by sending a confirmation email to:

goreech@emiliotcomi.com

Thank you, Gary Creech Purchasing Agent Patriot Coal Services LLC Scope of Work Berry Branch Selenium Plant Project

Scope of work includes the following items:

- 1. Approximately 6,500 feet of existing 7KV power line with poles. Some poles will need relocated, existing wire removed, new 1/0 ACSR conductor installed with cross arms, some larger anchors installed.
- Approximately 1,000 feet of new 12KV power line including two 70 feet poles for road crossing.
- Install one (1) 15KV GOAB switch for line isolation.
- Install and wire one (1) 500KVA pad mount transformer including primary, secondary. and grounding connections. Hobet will furnish the transformer. ord 110
- Install service wiring to the plant which includes one (1) 70 feet pole, the parallel 4/0quadraplex service wire and connections on both ends.
- 6. Install four (4) 75KVA transformer banks on pole mounts including wiring and grounding. Hobet will furnish the twelve (12) 25KVA transformers needed.
- 7. Install four (4) 600V, 100A, fusible disconnect switches (one for each transformer bank at the pump locations).
- Install PVC conduit and high voltage wiring through the culvert below the haul road; install stress cone kits, fusible cutout switches, and connections on ends.

Toby Waller 304-380-07:35 John 304-539-0623 Cell

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OFFICE (606) 928-2074 FAX (606) 928-0093

V Elec ELECTRICAL CONTRACTORS LICENSED . INSURED P.O. Box 203 . Rush, KY 41168

Kentucky License #CE6839

279 CW Avenue • Ashland, KY 41102

May 10, 2012

Patriot Coal Services, LLC 500 Lee Street E Suite 600 Charleston, WV 25301

Attn: Mr. Gary Creech Email: Arenchempatriotconi com

> Re: Berry Branch Selenium Plant 12 KV Powerline

Dear Mr. Creech:

Per your welcomed request, we are pleased to herein submit for your consideration our proposal to install approximately 7500 ft of 12.47 KV distribution powerline to feed the Berry Branch Selenium Plant and four (4) pump locations located on Berry Branch.

We have visited the proposed project site, and have completed the necessary preliminary engineering required to determine the scope of work, bill of material and etc.

Per your bid specifications and drawings, our proposal and related comments are as follows:

- A) We will furnish all labor, material and equipment required to up-grade the approximately 6500 ft of existing 7.2 KV single phase powerline to 12.47 KV 3 phase 4 wire wye and including approximately 1000 ft of new 12.47 KV powerline.
- B) We will furnish and install three (3) new 70 ft class 2 syp penta treated wood poles, complete with all required crossarms, braces, insulators, anchor/down guys, 1/0 ACSR phase conductor and misc mounting hardware to up-grade 28 existing 45/4 single phase power poles along with the new 70/2 power poles.
- C) We plan to re-use the existing pole top pins, and the #2 ACSR neutral wire on the new 12.47 KV powerline.

- D) We will furnish all labor, material and equipment required to tap the existing 12.47 KV powerline up on the right hillside and will install a new 540 ft span down to a new 70/2 pole <u>"PA"</u>. From pole <u>"PA"</u> ----- we will tie-into the existing power poles feeding up Berry Branch and will install 6300 ft of new 12.47 KV powerline. From pole <u>"PA"</u> we will install 450 ft of new 12.47 KV powerline back toward the Guard House to feed a 500 KVA pad mounted transformer. This line will include a second 70/2 <u>"PB"</u> pole and a reclaimed 45/4 abandoned pole.
 - E) We will furnish and install one (1) 15 KV 600 A GOAB Switch on the first pole feeding up Berry Branch, 3 – 15 KV 100 A fuse disconnects and lightning arresters on the first pole just before the land bridge, and 3 – 15 KV 100 A fuse disconnects and lightning arresters on pole <u>"PB"</u> to feed the 500 KVA pad mounted transformer.
 - F) We will furnish all labor material and equipment required to install the 500 KVA pad mounted transformer including the following:
 - 1. 7ft x 5ft x 6 inch thick concrete foundation.
 - 2. Ground grid using 1/0 copper and 5/8 x 8ft ground rods.
 - #2 copper 15KV shielded EPR high voltage cable complete with HV stress cone terminations and 4 inch PVC conduit.
 - 4/0 copper THHN 600 V secondary cable in 2 inch PVC conduit to feed a 1/0 AL quad aerial cable which will feed from pole <u>"PB"</u> over the roadway 80 ft to a third 70/2 pole <u>"PC"</u>.
 - G) We will furnish all labor, material and equipment required to remove the 1 - #2 copper 15 KV high voltage cable in the 3 inch PVC conduit buried under the land bridge. We will replace this single HV cable with 3 new #2 copper 15 KV shielded HV cables in the existing 3" PVC conduit a distance of approximately 340 ft including up both poles. The new cable will include high voltage stress cone terminations on both ends.
 - H) We will furnish all labor, material and equipment required to install four (4) banks of 3 25 KVA pole mounted transformers complete with the cluster mount, 3 fuse disconnects, 3 lightning arresters, 1 Nema 3 R 600 V 100 A fuse disconnect switch and the 2 inch PVC conduit and #2 copper THHN wire required as a service point for each of the four (4) pump locations.
 - Please Note: The existing 7.2 KV powerline is de-energized and will remain de-energized during the installation of this project.
 - 1) Hobet Mining will do the following:

- Furnish 12 25 KVA pole mounted transformer.
- Furnish 1 500 KVA pad mounted transformer and a Boom Truck sized to set the transformer.
- K) All work will be done by experienced high voltage electrical journeymen in a first class workmanship manner and in accordance with the applicable codes.
- L) This project will be designed and installed under the direction of a professional electrical engineer registered in the State of WV to insure a complete and satisfactory installation.

Our price to complete this project per the Bid Specifications and per the above is One hundred sixteen thousand two hundred fifty and no/100 dollars (\$116,250.00).

OPTION No. 1 - Abandonment of High Voltage

Conduit Run Under the Land Bridge

It is our recommendation that abandoning the underground 3 inch PVC high voltage conduit run extending under the Land Bridge and replacing it with an aerial 12.47 KV powerline crossing over the roadway would be the most efficient method of eliminating any potential failures in the 12.47 KV distribution system. This method will include the installation of a 70/2 pole double dead-end structure on each side of the Land Bridge. The 12.47 KV powerline would extend from the two (2) existing 3 inch conduit poles with appropriate anchor/down guying. The 3 aerial 1/0 ACSR phase wires and one #2 ACSR neutral wire will be installed on 10ft crossarms. This work be completed during a Sunday shift when the Rock Trucks are idle. The 70/2 poles will provide adequate vertical clearance over the roadway. The total <u>Additional Cost</u> for this work is \$5,310.00.

We can begin construction upon authorization to proceed and anticipate a complete dte to meet your production schedule.

We appreciate the opportunity of submitting our proposal and guarantee this project. will be installed by professionals having our goals and objectives utmost in mind.

If you should have any questions, please contact us accordingly.

Sincerely

Aerry B. Wilkinson PE CW Electric, Inc.

LINCOLN COUNTY COUNTY, WV FILED August 30, 2012 10:37:10 MYRL GUE COUNTY CLERK TRANSACTION NO: 2012006589 MECHANICS LIEN BOOK Book: 00003 Page: 00525

STATE OF WEST VIRGINIA, Boone County Commission Clerk's Office 08/23/2012. The foregoing <u>Mechanics Lien</u> together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

Teste Sang Helling Clerk