# IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

In re:

Case No. 12-51502 (Jointly Administered) Chapter 11

PATRIOT COAL CORPORATION, et al.,

**Debtors.** 

# STRATA MINE SERVICES, LLC'S NOTICE OF PERFECTION OF MECHANICS' AND MATERIALMENS' LIENS

**NOTICE IS HEREBY GIVEN** that before the date of filing of the Petitions in these jointly-administered cases, Strata Mine Services, LLC, a subsidiary of Strata Worldwide, LLC ("<u>Claimant</u>"), furnished work and materials to Patriot Coal Corporation, Eastern Associated Coal, LLC, Gateway Eagle Coal Company, LLC, and/or other affiliates or subsidiaries of Patriot Coal Corporation (the "<u>Debtors</u>") for use in, *inter alia*, the erection, construction and/or improvement of real property and related facilities known as "Eastern Associated Coal, LLC – Campbells Creek 11B, 34521 Pond Fork Road, Wharton, Crook Magisterial District, Boone County, West Virginia" and more particularly described in Exhibit 1, attached hereto (the "<u>Property</u>"), for which Claimant has not been paid totaling \$14,719.70, exclusive of finance and other charges (the "<u>Debt</u>").

**NOTICE IS FURTHER GIVEN** that, to secure payment of the Debt, Claimant asserts mechanics' and materialmens' liens (the "<u>Liens</u>") against the Debtors' interest in the Property, including lots and tracts of land and upon the buildings, structure, and improvements thereon and proceeds, products, offspring, rents, and profits of such Property, pursuant to W. Va. Code § 38-2-1, *et seq.* (the "<u>West Virginia Mechanics' Lien Law</u>").

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**NOTICE IS FURTHER GIVEN** that Claimant recorded a Notice of Mechanics' Lien in the county or counties in which the work was performed within one hundred days of the service dates pursuant to the West Virginia Mechanics' Lien Law.

**NOTICE IS FURTHER GIVEN** of the perfection of the Liens in the Property, including lots and tracts of land and upon the buildings, structure, and improvements thereon and proceeds, products, offspring, rents, and profits of such Property. A true and correct copy of the Claimant's recorded Notice(s) of Mechanics Lien and claim are attached hereto as Exhibit "1."

**NOTICE IS FURTHER GIVEN** that Claimant has a right to assert the Liens and intends to assert and enforce the Liens. This Notice is being filed and served pursuant to 11 U.S.C. § 546(b)(2) in lieu of commencement of a suit in chancery pursuant to the West Virginia Mechanics' Lien Law.

Date: February 27, 2013

Respectfully submitted,

# POLSINELLI SHUGHART PC

/<u>s/ Sherry K. Dreisewerd</u> Sherry K. Dreisewerd (MO47908) <u>sdreisewerd@polsinelli.com</u> Matthew S. Layfield (MO57540) <u>mlayfield@polsinelli.com</u> 100 South Fourth Street, Suite 1000 St. Louis, Missouri 63102 (314) 889-8000 Fax No. (314) 231-1776

Attorneys for Strata Mine Services, LLC, a subsidiary of Strata Worldwide, LLC

# **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Strata Mine Services, LLC's Notice of Perfection of Mechanics' and Materialmens' Liens was served electronically through the Court's ECF system on all registered users on February 27, 2013:

Office of the U.S. Trustee 111 South 10<sup>th</sup> Street, Suite 6353 St. Louis, Missouri 63102

Patriot Coal Corporation 12312 Olive Blvd., Suite 400 St. Louis, MO 63141 ATTN: Marguerite O'Connell Reclamation Claims

Curtis, Mallet-Prevost, Colt & Mosle LLP 101 Park Avenue New York, NY 10178 ATTN: S. Reisman M. Cohen Conflicts Counsel for Debtors

Patriot Coal Corporation c/o GCG, Inc. 190 S. LaSalle Street, Suite 1520 Chicago, IL 60603 ATTN: Elizabeth Vrato *Claims and Noticing Agent for Debtors* 

Davis Polk & Wardwell LLP 450 Lexington Avenue New York, NY 10017 ATTN: Brian M. Resnick Marshall S. Huebner Davis Polk Counsel for Debtor

Marcia Goldstein Joseph Smolinsky Weil Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 *Counsel for Administrative Agents for Proposed Postpetition Lenders* 

Margot B. Schonholtz

# 

Ana Alfonso Jeffrey Goldfarb Willkie Farr & Gallagher LLP 787 Seventh Avenue New York, NY 10019 *Counsel for Administrative Agents for Proposed Postpetition Lenders* 

Thomas Moers Mayer Adam C. Rogoff Gregory G. Plotko Bradley O'Neill Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036 *Counsel for Official Committee of Unsecured Creditors* 

/s/ Rebecca M. O'Brien

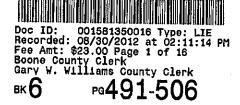
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# EXHIBIT 1

# **Notice of Mechanic's Lien**

 To: Chase Bank Corporation, f/k/a Bank One, f/k/a Charleston Natl. Bank, in its capacity as Trustee for D.D. Shepard
707 Virginia Street
Charleston, West Virginia 25301

Cole and Crane Real Estate Trust 848 4<sup>th</sup> Avenue, Suite 303 Huntington, West Virginia 25701



Patriot Coal Corporation 500 Lee Street, East, Suite 202 Charleston, WV 25301

Eastern Associated Coal, LLC 500 Lee Street, East, Suite 202 Charleston, WV 25301

You will please take notice that the undersigned, Strata Mine Services, LLC, a subsidiary of Strata Worldwide, LLC, 67925 Bay Berry Drive, Saint Clairsville, Ohio 43950, a Georgia corporation, has furnished work and materials to you, by and through your agents, Eastern Associated Coal, LLC and/or Gateway Eagle Coal Company, LLC, both of which are wholly owned subsidiaries of Patriot Coal Corporation, for the following project; Eastern Associated Coal, LLC - Campbells Creek 11B, 34521 Pond Fork Road, Wharton, Crook Magisterial District, Boone County, West Virginia, and more particularly described in Exhibit A, attached hereto, and the said work and materials were of the nature and were furnished on the dates and in the quantities and at the price as shown in the following invoices, attached hereto as Exhibit B.

You are further notified that the undersigned has not been paid the sum of \$14,719.70, exclusive of finance charges, and that it claims a lien upon your interest in the said lots or tracts of land and upon the buildings, structures and improvements thereon, to secure the payment of said sum.

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interest in the said lots or tracts of land and upon the buildings, structures and improvements thereon, to secure the payment of said sum.

STRATA MINE SERVICES, LLC

By:

Gerry Sutton, Accounting Asst., Finance Department, Strata Mine Services, LLC

State of Ohio,

County of BELMONIT:

Ms. Gerry Sutton, being first duly sworn, upon her oath says that the statements in the foregoing Notice of Mechanic's Lien contained herein are true, as she verily believes.

Accounting Assistant, Finance Department, Strata Mine Services, LLC

Taken, subscribed and sworn to before me this  $30^{4}$  day of August, 2012.

May 13, 2017 My odmmission expires: NANCY ELAINE EVERLY Notary Public Notary Public n and for the State of Ohlo My Commission Expires May 19, 2017

# Exhibit A

Please see Permit Details, attached hereto, setting forth the permit information issued to Eastern Associated Coal, LLC and more particularly describing the Wharton No. 4 Mine, in the Campbells Creek Coal Seam, Wharton, Crook Magisterial District, Boone County, West Virginia, as well as attachment 1, Environmental Resource Information, Wharton No. 4 Mine.

# **Permit Details**

	i		(1) Perm	nit			
PERMIT	TEE		EASTERN ASSOCIATED COAL, LLC				
DEP OF	FICE		OMR				
PERMIT	ID		U014382				
ISSUE D	ATE		12/17/82	12/17/82			
<b>EXPIRA</b>		-	12/17/12				
FACILIT	Y NAME	· · · · <b></b>					
ORIGINA	AL ACRES		22.4	•			
DISTUR	BED ACRE	S	42.1700				
RECLAI	MED ACRE	ES					
CURREN	NT ACRES		57.51				
			(1)Permit S	tatus			
OPEN/CLOSED O							
STATUS			AM-Active,	Moving Co	al		
		(3	8) Permit A	ctivities			
OFFICE	ACRES ADDED	ACRES DELETED	MILESTONE	DATE	COMMENT		
OMR	0	0	Renewal Letter	05/14/97			
OMR	0	0	Operator Assignment	08/27/97	Op Asgn - Panther Branch Dba Long Branch-1		
OMR	0.16	0	Incidental Boundary Revision	01/05/98	Incidental Boundary Revision		
OMR	0.22	0	Incidental Boundary Revision	01/05/98	Incidental Boundary Revision		
OMR	0	0	Renewal	01/28/98	Permit Renewed-1		
OMR	0	0	Permit Transfer	07/26/99	Transfer Ownership Only - Eastern Associated Coal		
OMR	0	0	Permit Transfer	09/20/99	Transfer Ownership Only - Eastern Associated Coal		
OMR	0	0	Permit Transfer	09/22/99	Transfer Ownership Only - Eastern Associated Coal		
OMR	0	0	Revision	10/26/99	Permit Revised-4		
OMR	0	0	Revision	01/11/00	Permit Revised-5		
OMR	0	0 .	Revision	08/06/01	Permit Revised-6		
OMR	0	0	Revision	02/05/02	Permit Revised-7		
OMR	0	0	Operator Assignment	02/26/02	Op Asgn - Rivers Edge Mining, Inc.		
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OMR	0	0	Renewal Letter	05/02/02	PRINTED RENEWAL		
OMR	0	0	Revision	07/10/02	Permit Revised-8		
OMR	0	0	Renewal	03/18/03	Permit Renewed-2		
OMR	0	0	Revision	08/11/03	Permit Revised-9		
OMR	3.73	0	Incidental Boundary Revision	03/14/06	Incidental Boundary Revision		
OMR	0	0	Permit Transfer	04/13/06	Transfer - Eastern Associated Coal, Llc		
OMR	0	0	Revision	06/01/06	Permit Revised		
OMR	0	0	Revision	07/11/06	Permit Revised		
OMR	0	0	Operator Assignment	08/03/06	Op Asgn - Laurel Coal Corp		
OMR	1	0	Incidental Boundary Revision	08/03/07	Incidental Boundary Revision		
OMR	0	0	Renewal	01/04/08	Permit Renewed		
OMR	0	D	Revision	05/08/08	Permit Revised		
OMR	0	0	Revision	06/26/08	Permit Revised		
OMR	0	0	Permit Transfer	07/23/08	Transfer Ownership Only - Eastern Associated Coal,		
OMR	0	0	Permit Transfer	09/05/08	Transfer Ownership Only - Eastern Associated Coal,		
OMR	0	0	Permit Transfer	10/14/08	Transfer Ownership Only - Eastern Associated Coal,		
OMR	0	0	Revision	02/06/09	Permit Revised		
OMR	6.35	0	Incidental Boundary Revision	02/25/10	Incidental Boundary Revision		
OMR	0	0	Revision	03/22/10	Permit Revised		
OMR	0	0	Revision	08/18/10	Permit Revised		
OMR	3.6	0	Incidental Boundary Revision	11/29/11	Incidental Boundary Revision		
OMR	0	0	Revision	03/22/12	Permit Revised		
OMR	0	0	Operator Assignment	06/04/12	Op Asgn - Gateway Eagle 🗕 Coal Company Llc		
OMR	0	0	Inactive Status	06/19/12	Inactive		
OMR	0	0	Renewal Letter	07/12/12	emailed - lpsmith@patriotcoal.com		
			(2) Varian	ces			
Permit	Variance		Acreage Limita	ation			
Permit '	Variance		Mithin 100 fee	Within 100 feet of a stream			

(1)	County / C	Juad			
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(14) lı	nspectable	Units			
INSPECTABLE UNIT CODE		TYPE			
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011		Water O	utfall		
012		Water O	utfall		
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009		Water O	Water Outfall		
002		Water O	utfall		
(1) Pe	ermit Geoç	graphy			
INSPECTABLE UNIT CODE:	ENTIF	RE		Show Map	
MAGISTERIAL DIST:	Crook				
NEAREST POST OFFICE:	Whart	on			
LATITUDE:	37° 55	6'9.0000"			
LONGITUDE:	81° 40	)'44.0000"			
COUNTY:	Boone	}			
USWRC WATERSHED:	Coal F	River			
SCS WATERSHED:	Upper	Pond Fork			
(1)	Strata Invo	olved		· .	
INSPECTABLE UNIT CODE			ENTIR		
STRATA NAME			Powellt	on	
STRATA TYPE			Coal Se	am	

**Click here to see Inspection Details** 

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#### ATTACHMENT 1 ENVIRONMENTAL RESOURCE INFORMATION WHARTON NO. 4 MINE

#### 1.0 SUMMARY AND CONCLUSIONS

The Wharton No. 4 Mine is an existing underground mine in the Campbell Creek coal seam. It is located in Boone County in southwestern West Virginia (Figures 1 and 2). This attachment presents environmental resource information for the permit and adjacent areas. Data utilized to prepare this attachment were gathered by field sampling and reconnaissance, literature review, and contact with personnel from Eastern Associated Coal Corp. and appropriate state and federal agencies.

Terrain in the study area is rugged with steep and narrow valleys; elevations range from about 800 to 2400 feet. Rock strata exposed are on the southeast limb of a broad northeast-trending syncline with a gentle dip to the northwest. Stratigraphic units belong mainly to the Kanawha Formation (Figure 3) and are composed mainly of sandstones, siltstones, and shales with coal seams distributed throughout. Regional stratigraphic relationships and geologic structure are shown in Cross Sections A-A' (Figure 4A) and B-B' (Figure 4B). Figure 5 illustrates stratigraphy at the surface disturbed areas.

Considerable surface and underground mining has occurred in the Wharton No. 4 Mine vicinity. Figure 1 identifies representative surface mining locations for major coal seams. The Hernshaw, Campbell Creek, and Powellton coals have been mined by underground methods.

To ascertain information on groundwater hydrology in the subject area, pertinent published water quality information was obtained, a groundwater usage inventory was conducted, potential aquifers were identified, and a groundwater monitoring program was completed. Both published information and the water usage inventory (Figure A-1, Sheet A) revealed that groundwater is not used over the projected limits of mining. The closest domestic groundwater usage is within one-half mile from the projected underground mining area, but not in a downdip direction. Water wells in proximity to the permit area (surface disturbed area) are in aquifers below the Campbell Creek Coal and have not been significantly affected by past mining operations.

Below the Campbell Creek Coal, a shale or underclay up to ten feet thick is often present which restricts hydraulic communication with lower aquifers. Based on this and the good quality of water generated during mining, no operational groundwater monitoring is planned other than at existing National Pollutant Discharge Elimination System (NPDES) locations.

Discharges from the Wharton No. 4 Mine flow into Pond Fork and Jarrell Branch in the Kanawha River drainage basin. Surface water information in the subject area was obtained from published sources and a baseline monitoring program was conducted for this investigation.

Published data provide an indication that local stream water quality is not significantly different now than it was at least six or seven years ago. Baseline monitoring sample points for this study are shown in Figure 1. Appendix C contains all surface water baseline data.

Surface water information collected during the baseline monitoring period shows that water quality within the watershed containing existing surface disturbed areas for proposed operations at the Wharton No. 4 Mine has been affected by past mining operations. Discharges from areas of current operations contribute only a small percentage of the total flow to their respective receiving streams. Neither surface water quality nor quantity should be significantly affected by proposed operations.

Soils in the study area were evaluated in consideration of topsoil requirements for reclamation. It was determined that by utilization of appropriate soil handling and reclamation techniques, sufficient soil is present in the permit and adjacent area for adequate reclamation of surface disturbed areas around the facility.

Vegetation and fish and wildlife were qualitatively characterized in the study area. Vegetation in the subject area is dominated by deciduous forest with residential and agricultural plantings confined largely to valley bottoms and

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some early successional communities in areas of land disturbances and subsequent abandonment. Terrestrial wildlife is characterized by species indigenous to deciduous forest associations. Because of prior environmental stresses from mining activities, the aquatic ecosystem in the area is characterized by poorly diversified and low-density benthic communities and fish populations. No federally or state-listed rare or endangered species have been recorded in the immediate study area.

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To facilitate determination of appropriate postmining land use, premining and existing land use, land capability and productivity, and occurrence of prime farmland were evaluated. Premining land use in the area was largely forestland with limited residential use along larger stream valley bottoms. Prior to existing mining-related operations, considerable surface and underground coal mining occurred, leaving characteristic highwalls and benches.

Presently, forestlands occupy approximately 83% of the land in Boone County. No residential land use currently exists in the permit area but it does occur in nearby areas; residential use occupies only 1% of the land area in Boone County. Active mining operations presently represent about 10% of land use in the county.

Land capability and productivity in the Wharton No. 4 Mine area are severely limited by steep topography. This also limits the potential for residential, commercial, or industrial development although limited residential and agricultural land utilization in larger valley bottoms is possible. No prime farmland was identified on or adjacent to existing or proposed surface disturbances within the permit area.

#### 2.0 STUDY AREA DESCRIPTION

#### 2.1 DESCRIPTION OF PERMIT AND ADJACENT AREA

The Wharton No. 4 Mine is an active underground mine in the Campbell Creek coal seam. It is located in southwestern West Virginia in Boone County (Figure 1). For descriptive purposes, Figure 1 identifies the permit area consisting of surface disturbed areas where mining-related facilities are located and adjacent areas including the five-year underground mining projections. Surface disturbed areas (e.g., portals, fans, access roads) are shown at a larger scale (1" = 500') in Figure 2 (Pre-Plan and Drainage Map). This larger-scale drawing is indexed in Figure 1 to facilitate the location of specific areas.

Adjacent areas are considered as both surface and underground areas occurring immediately next to permit areas. The size of adjacent areas is large enough to allow evaluation of the consequences of mining on local and/or regional environmental resources. Figure 1 presents elements of the permit and adjacent area considered including baseline groundwater and surface water sample locations, geologic cross section locations, and archaeological sites.

Terrain at the mine site and adjacent area is typical of the Appalachian Plateaus Physiographic Province, with a dendritic drainage pattern which has incised steep, narrow valleys. Elevations in the study area range from about 800 to 2400 feet. Topographic maps covering parts of the study area are the following U.S. Geological Survey (USGS) 7.5-minute series: Wharton, Whitesville, Pilot Knob, and Lorado.

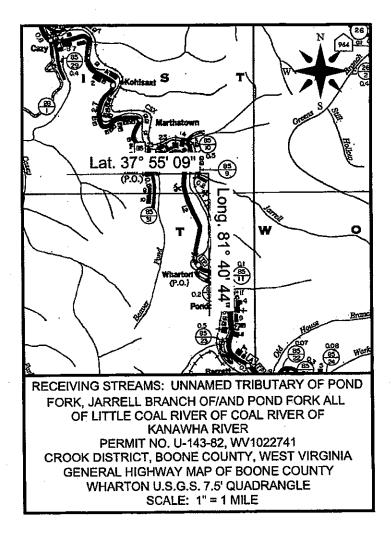
Although the Wharton No. 4 Mine extracts coal from the Campbell Greek seam, other coals have been mined by both surface and underground methods in the general study area. This will be discussed further in Section 3.2, Geology of the Permit Area, and Section 7.2, Previous Mining in the Permit Area.

# 2.2 CULTURAL, HISTORICAL, AND ARCHAEOLOGICAL RESOURCES

Several archaeological sites have been recorded in the general study area. The approximate locations of these sites are shown in Figure 1. These sites have not been professionally evaluated and, therefore, the locations may not be completely accurate. Contact with the West Virginia Department of Culture and History indicated that these sites should not be impacted by the proposed mining activity (Wise, 1981). This is based on the prior existence of most surface disturbances due to past and present mining operations, the small surface disturbed acreage involved, and archaeological sites not being in immediate proximity to surface disturbances. No unique cultural or historical resources were found in the area.

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# Exhibit B

Said Strata Mine Services, LLC, Invoices, denoting Purchase Order No. 616850-0739, dated May 11, 2012, and related Invoice No. SI13524, dated May 25, 2012, consisting of 2 pages, and Invoice No. SI13686, dated June 22, 2012, and including contract price, payments thereon and amounts owed, affixed hereto.

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Ship



Bill

Strata Mine Services, LLC. a subsidiary of Strata Worldwide, LLC 8995 Roswell Road Sandy Springs, GA 30350

#### 740.695.6880

To: Eastern Associated Coal, LLC

St. Louis, MO 63166-6823

PO Box 66823

A Subsidiary of Patriot Coal Corp

# INVOICE

Invoice Number: SI13524

Invoice Date: 05/25/12

Page: 1

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To: Eastern Associated Coal, LLC Long Branch 18 Campbells Creek 11B 34521 Pond Fork Road Wharton, WV 25208

Del. Ticket #		Customer ID	PATRIOT COAL-CAMPBEL
Ship Via	·	P.O. Number	616850-0739
Ship Date	05/16/12	P.O. Date	05/16/12
Due Date	06/24/12	Our Order No.	SO3562
Terms	Net 30 Days	SalesPerson Job #	Wendell Bias J3425
		600 <del>II</del>	00420

item/Description	Quantity	Unit Price	Total Price
MS GUNITE 50 Micro Silica Gunite 50 lb Bags	560	7.42	4,155.20
LBR-UG SUPER Underground Supervisor Shifts	2,38	400.00	952.00
LBR-UNG Underground Labor Shifts	6,5	277.00	1,800.50
LBR-MOTEL Motel/Per Diem	6	125.00	750.00
PUMP - GUNITE GUNITE PUMP	2	150.00	300.00
5MS-COMPRSR-DAY Compressor - Day	2	200.00	400.00
CONSUMABLES Consumables	2	100.00	200.00
admin/safety costs	1	354.00	354.00

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Strata Mine Services, LLC. a subsidiary of Strata Worldwide, LLC 8995 Roswell Road Sandy Springs, GA 30350

# INVOICE

Invoice Number: SI13524

Invoice Date: 05/25/12

Page: 2

Bill To: Eastern Associated Coal, LLC A Subsidiary of Patriot Coal Corp PO Box 66823 St. Louis, MO 63166-6823

740.695.6880

Ship To: Eastern Associated Coal, LLC Long Branch 18 Campbells Creek 11B 34521 Pond Fork Road Wharton, WV 25208

Del. Ticket #	E			Customer ID	PATRIOT COAL-CAMPBEL
Ship Via				P.O. Number	616850-0739
Ship Date	05/16/12	-	· · · ·	P.O. Date	05/16/12
Due Date	06/24/12			Our Order No.	SO3562
Terms	Net 30 Days			SalesPerson	Wendell Blas
	-			Job #	J3425

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Transferred from page 1 LBR-SHOP Shop Labor Hours	18	36.00	8,911.70 648.00

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lemit: Wires/ACH: Wire	Strata Mine Se U.S. Bank P.O. Box 8090 Chinago, IL 60 Info: SWIFT # 1	10. 680-9010	g # 09100002	Anount I	xempt from	Sales Tax: Sales Tax: Subtotal: Tax: otal In USD:	0.00 9,659.70 9,659.70 0.00 9,559.70
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Strata Mine Services, LLC. a subsidiary of Strata Worldwide, LLC 8995 Roswell Road Sandy Springs, GA 30350

740.695.6880

### Bill

To: Eastern Associated Coal, LLC A Subsidiary of Patriot Coal Corp FO Box 66823 St. Louis, MO 63166-6823

# INVOICE

Invoice Number: SI13686

Invoice Date: 06/22/12

Page: 1

Unit Price

1,290.00

**Total Price** 

5,160.00

Ship To: Eastern Associated Coal, LLC Long Branch 18 Campbelis Creek 11B 34521 Pond Fork Road Wharton, WV 25208

Quantity

4

Del. Ticket#		Customer ID	PATRIOT COAL-CAMPBEL
Ship Via		P.O. Number	616850-0739
Ship Date	05/16/12	P.O. Date	05/16/12
Due Date	07/22/12	Our Order No.	SO3562
Terms	Net 30 Days	SalesPerson	Wendell Blas
	-	Job #	J3425

#### tem/Description

#### FREIGHT FREIGHT

Remit	Strate Mine Service	es il C.		nount Subject to Sa		0.00
Wires(ACH	U.S. Bank P.O. Box 809010		Amo	unt Exempt from Sa S	es Tax: libtotal:	5,160.00 5,160.00 0.00