UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK	- V
In re:	- x : : Chapter 11
PATRIOT COAL CORPORATION, et al.,	; ;
Debtors.	: Case No. 12-12900 (SCC) : (Jointly Administered)
HIGHLAND MINING COMPANY, LLC, Plaintiff,	· x : : : : : : : : : : : : : : : : : :
- against -	: : Adv. Pro. No. 12-01792 (SCC)
TAMPA ELECTRIC COMPANY,	AFFIDAVIT OF SERVICE
Defendant.	: : :
STATE OF NEW YORK) : ss COUNTY OF NEW YORK)	Α

Tynslei Spence, 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 and that on August 30, 2012, I served a true and correct copy of the 1) Summons and Notice of Pretrial Conference in an Adversary Proceeding, 2) Complaint for Declaratory Relief, 3) Exhibits to the Complaint for Declaratory Relief, and 4) Plaintiff's Motion for an Order Authorizing Plaintiff to File Under Seal the Agreements

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as Exhibits to Plaintiff's Complaint for Declaratory Relief upon Elisabetta Gasparini by delivering a true copy of same by hand upon:

Office of the United States Trustee 33 Whitehall Street New York, NY 10004

On August 30, 2012, I served a true and correct copy of the aforementioned documents were served upon Rod Anderson of Holland & Knight, by Federal Express overnight delivery service by delivering a true copy of said documents enclosed in a properly addressed wrapper into the custody of the overnight delivery service prior to the latest time designated by that overnight delivery service for overnight delivery and arranging for payment of the appropriate fee upon:

Holland & Knight 100 North Tampa Street Suite 4100 Tampa, FL 33602,

Tynslei Spence

Sworn to before me this 30^{th} day of <u>August</u>, 2012.

Notary Public

CHARMAINE BARRETT Notary Public, State of New York No. 01BA6033297 Qualified in Bronx County Certificate Filed in New York County Commission Expires November 15, 20