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| Permit No: (DMLR use only) | |
| Bond Applied To: (DMLR use only) | |

IRREVOCABLE STANDBY LETTER OF CREDIT

Irrevocable Standby Letter of Credit Number: _____ **Date:** _____

Commonwealth of Virginia
 Department of Mines, Minerals and Energy
 Division of Mined Land Reclamation
 Post Office Drawer 900
 Big Stone Gap, Virginia 24219

Bank Name

(Name
 Address
 &
 Telephone
 Number)

DMLR Representative:

In accordance with Section 45.1-241(C) of the **Code of Virginia**, we hereby issue our **Irrevocable Letter of Credit** (on certain designated funds) in your favor for the account of (must state the exact name that appears on the permit)

[CHECK ONE ONLY]: Permit Application Number or Permit Number _____

for the sum or sums not to exceed a total of _____
 U.S. Dollars (\$ USD _____) available by your draft(s) on us at sight.

This Letter of Credit will expire at our counters on _____

It is a condition of this Letter of Credit that it will be automatically extended for additional periods of one (1) year from the present or each future expiration date unless we have notified you in writing, not less than thirty (30) days before the annual expiration date, that we elect not to renew this Letter of Credit. The Notice of such election shall be sent by registered mail, return receipt requested, and received by the Director of the Division of Mined Land Reclamation (hereafter referred to as "DMLR"), Post Office Drawer 900; Big Stone Gap, Virginia 24219 (or any change of address provided by the DMLR hereafter to us); or we may hand deliver the written Notice to, and obtain a written, dated receipt from the Director of DMLR at the DMLR's Big Stone Gap office.

This credit is subject to the **Uniform Customs and Practice for Documentary Credits** (1993 Revision) International Chamber of Commerce (Publication No. 500).

We further agree that unless expressly stated otherwise herein, the terms and obligations represented by this credit shall be governed by the Uniform Commercial Code of the Commonwealth of Virginia and/or any other pertinent Virginia law. We agree that the proper forum for trial of any dispute involving our liability to the Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, on this Letter of Credit shall lie in the Wise County Circuit Court, Wise, Virginia pursuant to our intent hereby to do business in the Commonwealth of Virginia.

Attached hereto is a certified copy of the Corporation's Resolution authorizing the undersigned to execute this Letter of Credit on behalf of _____ (name of Bank).

All drafts drawn under this credit shall state that they are, "Drawn under Letter of Credit No. _____ dated _____ [CHECK ONE ONLY]: Permit Application No. or Permit No. _____

We hereby agree that drafts drawn under and in compliance with the terms of the Irrevocable Letter of Credit will be duly honored on due presentation to the Drawee.

By: _____ Title: _____
 Signature of Person Executing Instrument

Notarization:

Subscribed and sworn to before me by, _____, this _____ day of _____, 20____, in the State of _____, in the City/County of _____

_____, (Seal) _____, Notary Public
 Notary Public Name (printed or typed) **Notary Public Signature**
 My Commission Expires _____, 20____ Notary Registration No. _____

DMLR Approval Date: _____ **By:** _____