

## GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number 1141480 effective November 30, 2016  
issued by the Lexon Insurance Company  
in the amount of 487,800.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will increase the bond amount as follows:

Current Bond Amount: \$487,800.00

New Bond Amount: \$563,600.00

The acreage will increase from 121.50 acres to 140.17 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 17th day of August, 2018.

Signed, sealed and dated this 17th day of August, 2018.

<u>ICG Hazard, LLC</u>	<u>(Principal)</u>	<u>Lexon Insurance Company</u>	<u>(Surety)</u>
By: <u>D. Edward Brown, SVP</u>		By: <u>Theresa Pickerrell</u>	
		<u>Theresa Pickerrell</u>	<u>Attorney-in-Fact</u>

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

## POWER OF ATTORNEY

LX- 11078

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

**LEXON INSURANCE COMPANY**

BY \_\_\_\_\_

Brian Beggs  
President

**ACKNOWLEDGEMENT**

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY \_\_\_\_\_

Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17<sup>th</sup> Day of August, 2018.



BY \_\_\_\_\_

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shae  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 28

BOND SUBSTITUTION FOR EXISTING BOND # 1141480

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003766
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Five Hundred Sixty Three Thousand Six Hundred and 00/100 Dollars (\$ 563,600.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 140.17 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

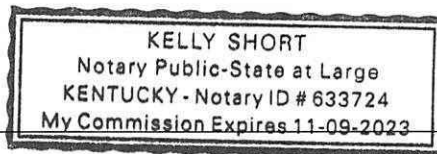
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC Kelly Shurt  
MY COMMISSION EXPIRES 11/19/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

**SME-44 Rev 06/2008**



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	28
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7003766	\$563,600		

If Certificate of Deposit or Letter of Credit

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By	_____	(Company Name)	Permit Number	_____
<input type="checkbox"/>	Complete	<input type="checkbox"/>	Partial	# of acres overlapped	_____
<input type="checkbox"/>	Transfer to	_____	(Company Name)	Permit Number	_____
<input type="checkbox"/>	Bond Substitution - replaced by bonds _____				
<input type="checkbox"/>	Reduction due to permitting action dated - _____				
<input type="checkbox"/>	Other _____				

Initial Encumbered Balance		\$	\$563,600
Final Release	\$		
Grading Release	\$	338,100	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	338,100
Remaining Encumbered Balance		\$	225,500
Remaining Balance on Bond #	N-7003766 (225,500)		

X Jim Ward  
by Kristin Hale

Director, Division of Mine Reclamation

**SME-44 Rev 06/2008**

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



Attachment to RFI 2-5, 000417 of 82

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

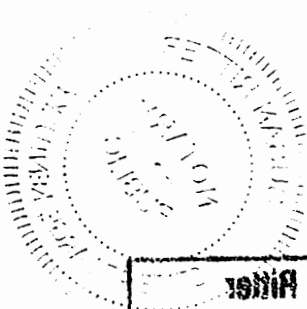
Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter





RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
JOHN H. HARRIS  
MY COMMISSION EXPIRES MARCH 4, 2025

Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

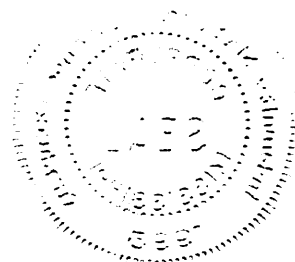
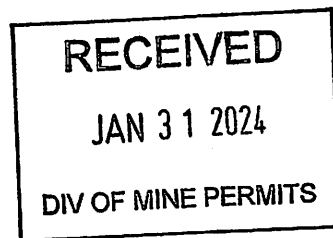
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary







**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 29

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

☐ 1. CASH BOND \_\_\_\_\_

☒ 2. SURETY BOND NUMBER 1141481

☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_

☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Five Hundred Ninety-One Thousand  
Six Hundred and 00/100----- Dollars (\$ 591,600.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 147.17 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

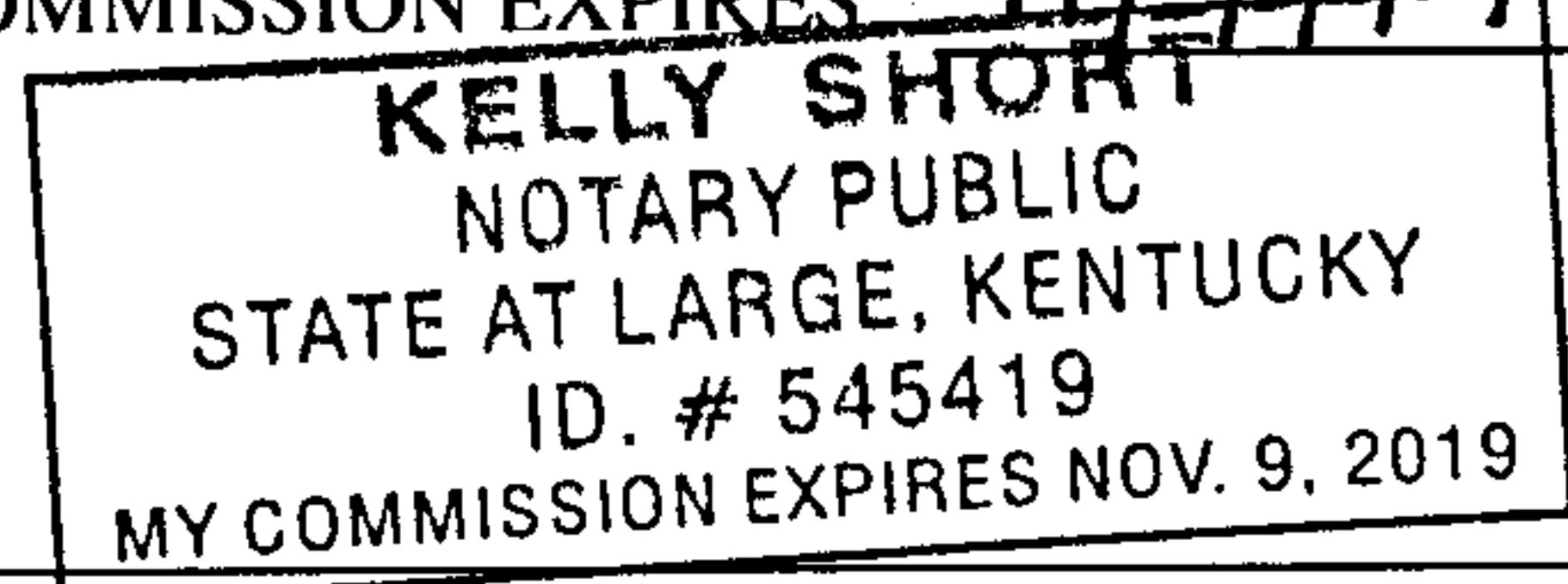
PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19



COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX- 291427

**Lexon Insurance Company**

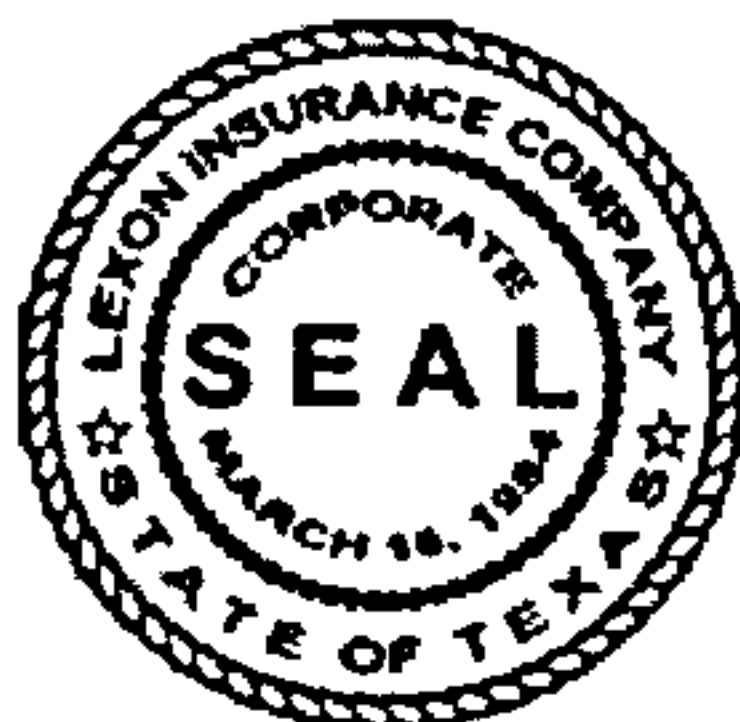
KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

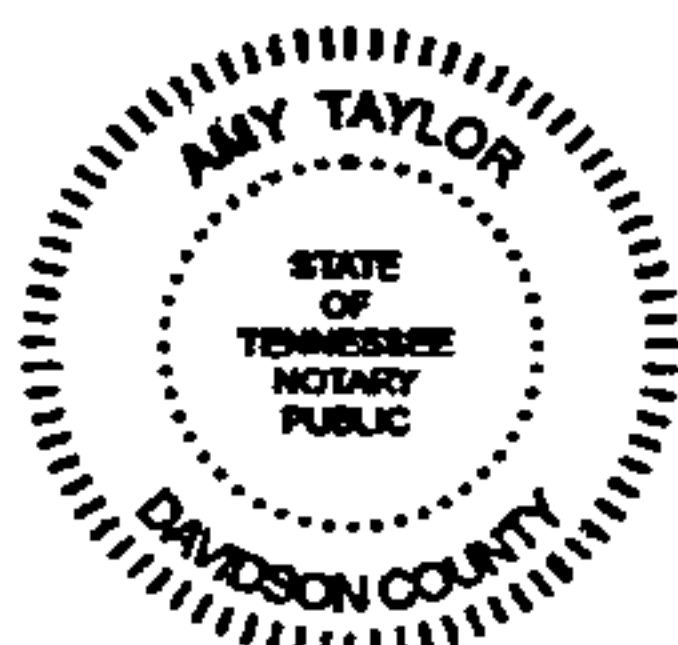
**LEXON INSURANCE COMPANY**

BY

*David E. Campbell*  
David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

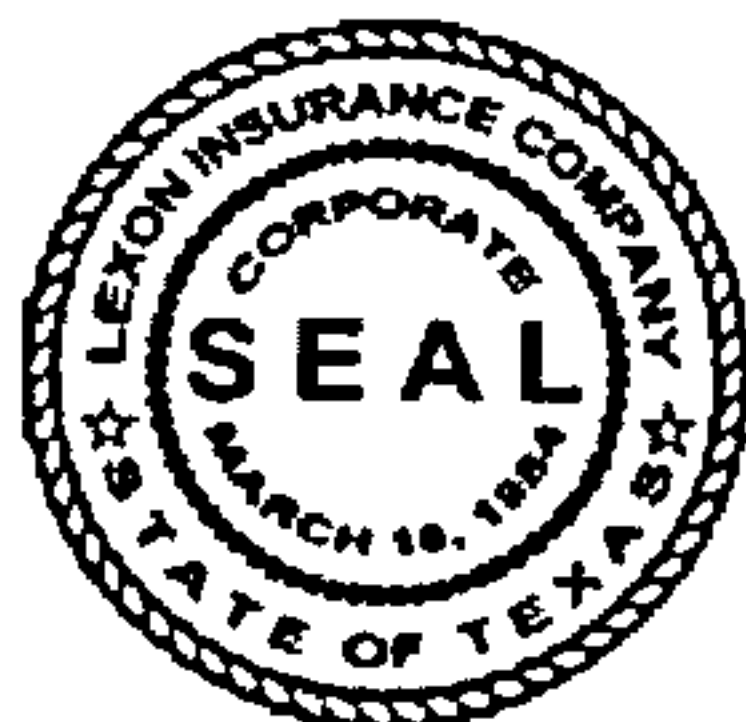
BY

*Amy Taylor*  
Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30th Day of November, 20 16.



BY

*Andrew Smith*  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 29

BOND SUBSTITUTION FOR EXISTING BOND # 1141481

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003767
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
One Hundred Eleven Thousand Eight Hundred and 00/100 Dollars (\$ 111,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 27.67 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

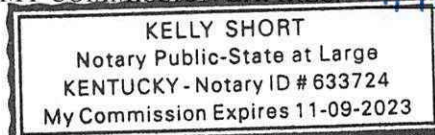
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC *Kelly Shao*  
MY COMMISSION EXPIRES *11/1/23*  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

*John M. Potter*  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	29
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141481	\$111,800		

Bank Name	_____	Address	_____
City	_____	State	ZIP _____

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete	<input type="checkbox"/> Partial	# of acres overlapped _____
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003767	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$111,800</u>
Final Release	\$	<u>          </u>	
Grading Release	\$	<u>          </u>	
Undisturbed	\$	<u>          </u>	
Administrative Release	\$	<u>111,800</u>	
Total Reduction		\$	<u>111,800</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

SME-44 Rev 06/2008



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

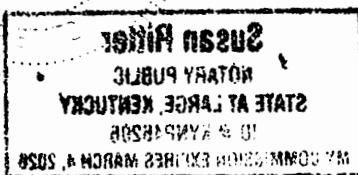
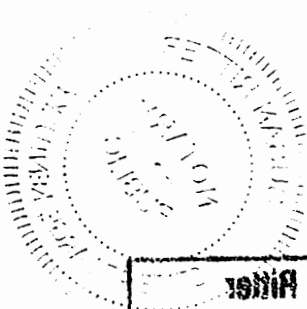
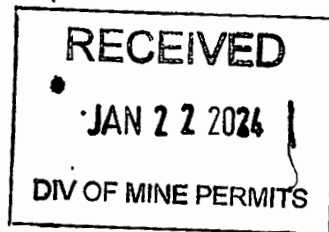
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

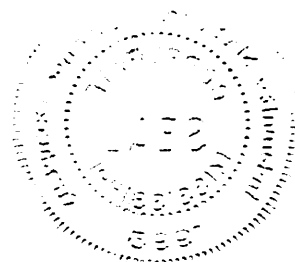
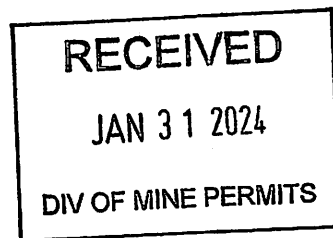
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 30

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

☐ 1. CASH BOND \_\_\_\_\_

☒ 2. SURETY BOND NUMBER 1141482

☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_

☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Two Hundred Seventy-One Thousand  
Nine Hundred and 00/100----- Dollars (\$ 271,900.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 67.7 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



POWER OF ATTORNEY

LX-291428

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.



LEXON INSURANCE COMPANY

BY [Signature]  
David E. Campbell  
President

ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY [Signature]  
Amy Taylor  
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30th Day of November, 2016.



BY [Signature]  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



## GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number 1141482 effective November 30, 2016  
issued by the Lexon Insurance Company  
in the amount of 271,900.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Oblige:

Now, Therefore, it is agreed that:

This rider will increase the bond amount as follows:

Current Bond Amount: \$271,900.00

New Bond Amount: \$291,900.00

The acreage will increase from 67.70 acres to 72.70 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 17th day of August, 2018.

Signed, sealed and dated this 17th day of August, 2018.

ICG Hazard, LLC (Principal) Lexon Insurance Company (Surety)  
By: D. Edward Brown, SVP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

## POWER OF ATTORNEY

LX- 11078

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that LEXON INSURANCE COMPANY, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of LEXON INSURANCE COMPANY on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, LEXON INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY



BY

Brian Beggs  
President

## ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of LEXON INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of LEXON INSURANCE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17th Day of August, 2018.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelley Shaw  
MY COMMISSION EXPIRES 9/19/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	30
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141482	\$291,900		

If Certificate of Deposit or Letter of Credit

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

☐ Overlap By \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Complete ☐ Partial # of acres overlapped \_\_\_\_\_  
☐ Transfer to \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Bond Substitution - replaced by bonds \_\_\_\_\_  
☐ Reduction due to permitting action dated - \_\_\_\_\_  
☐ Other \_\_\_\_\_

Initial Encumbered Balance		\$	\$291,900
Final Release	\$		
Grading Release	\$	175,100	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	175,100
Remaining Encumbered Balance		\$	116,800
Remaining Balance on Bond #	1141482		

Courtney Skaggs  
by Kristin Gale  
Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 30

BOND SUBSTITUTION FOR EXISTING BOND # 1141482

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003768
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Forty Three Thousand Eight Hundred and 00/100 Dollars (\$ 43,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 72.70 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

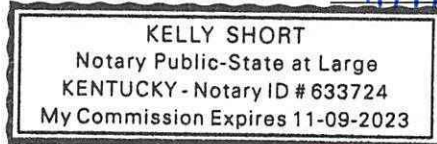
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 9/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	30
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1141482	\$43,800		

If Certificate of Deposit or Letter of Credit

Bank Name	_____	Address	_____
City	_____	State	_____ ZIP _____

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003768	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$43,800</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>43,800</u>	
Total Reduction		\$	<u>43,800</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

---

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	30
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7003768	\$43,800		

If Surety	INDEMNITY NATIONAL INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE, LLC DBA SMIHT MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name	Address		
City	State	ZIP	

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☒ Final Reclamation is complete and satisfactory

☐ Overlap By \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Complete ☐ Partial # of acres overlapped \_\_\_\_\_  
☐ Transfer to \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Bond Substitution - replaced by bonds \_\_\_\_\_  
☐ Reduction due to permitting action dated - \_\_\_\_\_  
☐ Other \_\_\_\_\_

Initial Encumbered Balance		\$	<u>43,800</u>	
Final Release	\$	<u>43,800</u>	Phase III	
Grading Release	\$	<u>          </u>		
Undisturbed	\$	<u>          </u>		
Administrative Release	\$	<u>          </u>		
Total Reduction		\$	<u>43,800</u>	
Remaining Encumbered Balance		\$	<u>0</u>	
Remaining Balance on Bond #				

X Jim Ward  
by Kristin Cole

Director, Division of Mine Reclamation

**SME-44 Rev 06/2008**



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 31

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141483
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of One Hundred Eighty-Three Thousand  
Seven Hundred & 00/100----- Dollars (\$ 183,700.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

**THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:**

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 45.3 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



POWER OF ATTORNEY

LX- 291429

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.



LEXON INSURANCE COMPANY

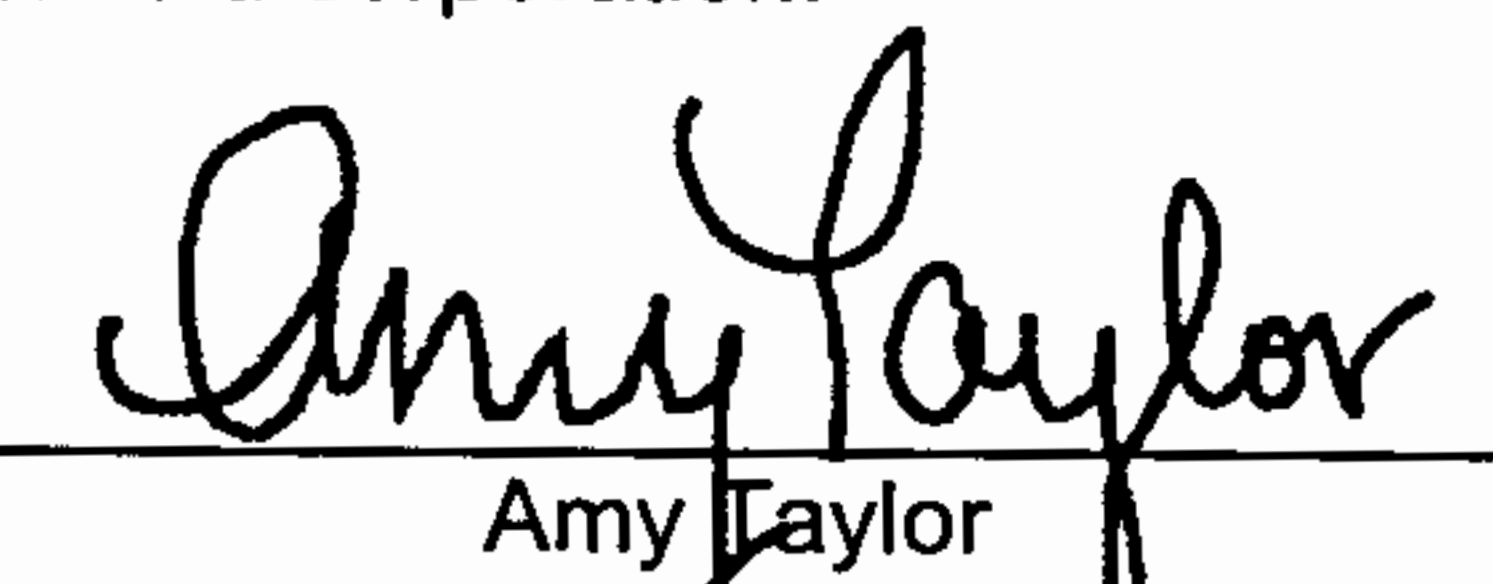
BY   
David E. Campbell  
President

ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



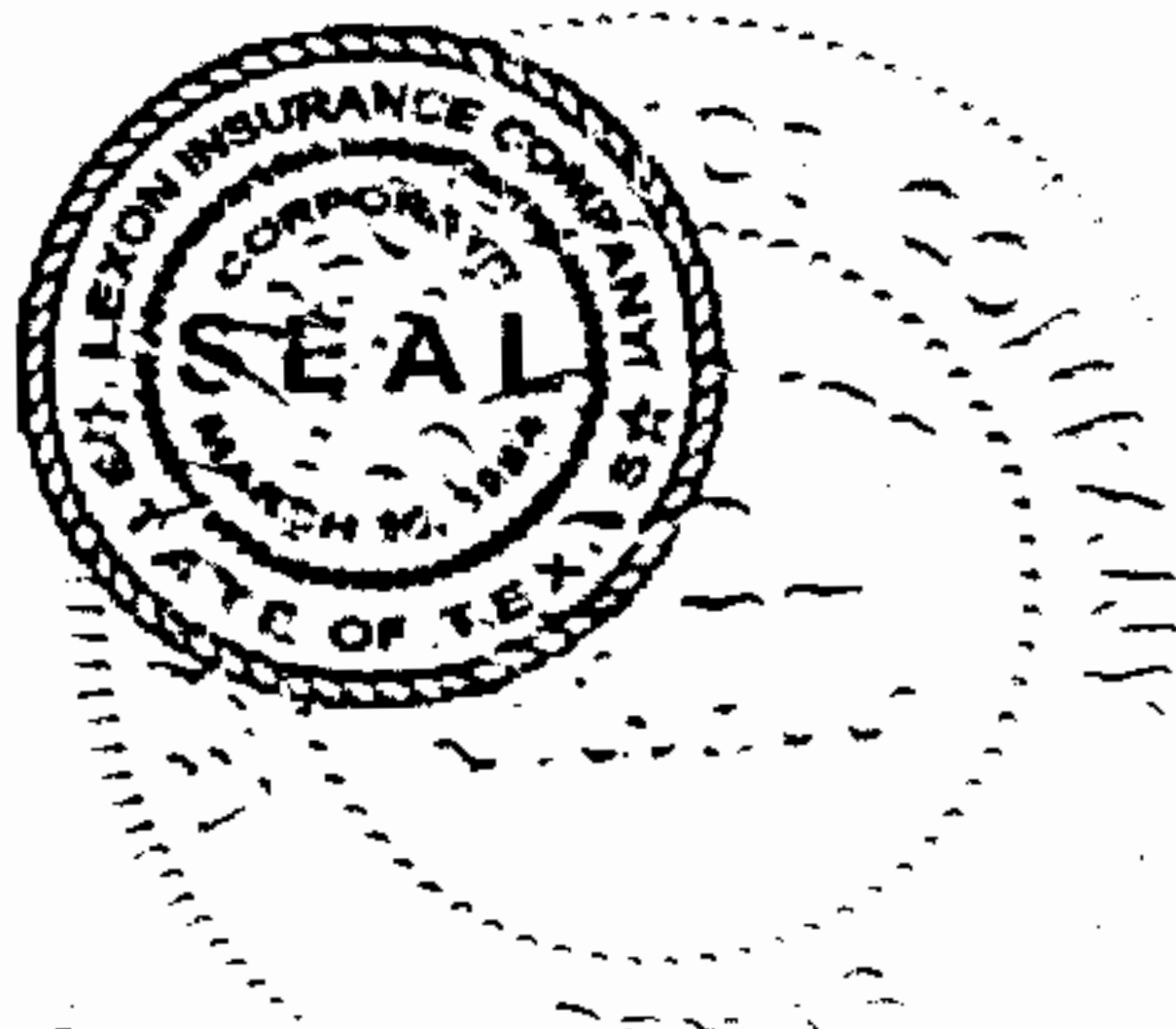
AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY   
Amy Taylor  
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 2016.



BY   
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**GENERAL PURPOSE RIDER**

To be attached to and form part of Bond Number 1141483 effective November 30, 2016  
issued by the Lexon Insurance Company  
in the amount of 183,700.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will decrease the bond amount as follows:

Current Bond Amount: \$183,700.00

New Bond Amount: \$163,700.00

The acreage will decrease from 45.30 acres to 40.30 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 17th day of August, 2018.

Signed, sealed and dated this 17th day of August, 2018.

ICG Hazard, LLC (Principal) Lexon Insurance Company (Surety)  
By: D. Edward Brown, SVP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

Martie Riddle



## POWER OF ATTORNEY

LX- 11078

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

**LEXON INSURANCE COMPANY**

BY

Brian Beggs  
President

**ACKNOWLEDGEMENT**

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17<sup>th</sup> Day of August, 2018.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelley Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 31

BOND SUBSTITUTION FOR EXISTING BOND # 1141483

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003769
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
One Million One Hundred Forty Three Thousand Nine Hundred and Dollars (\$ 1,143,900.00 ).  
00/100

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 285.70 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: *D. Edward Brown*

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: *Kelly Short* MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

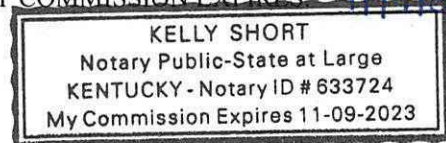
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: *Theresa Pickerrell* DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC Kyle Shang  
MY COMMISSION EXPIRES 11/19/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	31
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141483	\$1,143,900		

If Surety	LEXON INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name	_____	Address	_____
City	_____	State	_____
		ZIP	_____

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete	<input type="checkbox"/> Partial	# of acres overlapped _____
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003769	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$1,143,900</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>1,143,900</u>	
Total Reduction		\$	<u>1,143,900</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

Permit Number: 860-0542

Increment Number: 31

Mi-6

**GENERAL PURPOSE RIDER**

To be attached to and form part of Bond Number N-7003769 effective 7/1/2020  
issued by the Indemnity National Insurance Company  
in the amount of 1,143,900.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will decrease the bond amount as follows:

Current Bond Amount: \$1,143,900.00

New Bond Amount: \$615,900.00

The acreage will decrease from 285.70 acres to 153.70 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 8th day of March, 2021.

Signed, sealed and dated this 8th day of March, 2021.

ICG Hazard, LLC (Principal) Indemnity National Insurance Company (Surety)  
By: D. Edward Brown, SVP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8<sup>th</sup> day of March, 2021.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 9/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Jessie P. Lockett  
NOTARY PUBLIC



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	31
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7003769	\$764,000		

If Surety	INDEMNITY NATIONAL INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

If Certificate of Deposit or Letter of Credit

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Bond Substitution - replaced by bonds	_____	
<input type="checkbox"/>	Reduction due to permitting action dated -	_____	
<input type="checkbox"/>	Other	_____	

Initial Encumbered Balance		\$	\$764,000
Final Release	\$		
Grading Release	\$	458,400	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	458,400
Remaining Encumbered Balance		\$	305,600
Remaining Balance on Bond #	N-7003769 (\$305,600)		

X Jim Ward  
by Kristin Cole

Director, Division of Mine Reclamation

**SME-44 Rev 06/2008**

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

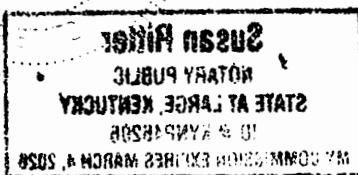
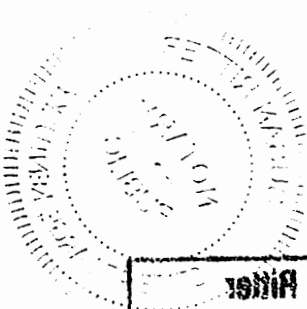
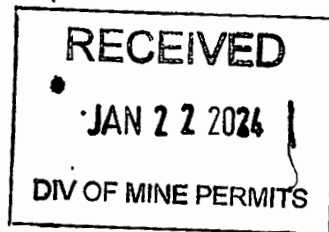
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

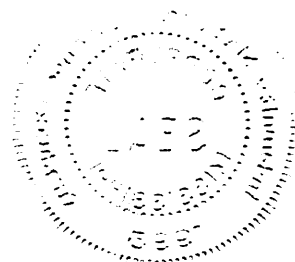
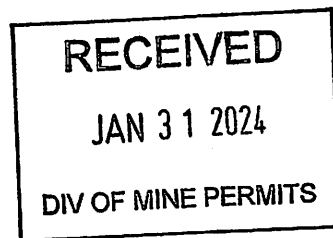
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary







**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 32

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141484
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of One Million Four Hundred Eight Thousand  
& 00/100----- Dollars (\$ 1,408,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 352 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30th day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX- 291430

**Lexon Insurance Company**

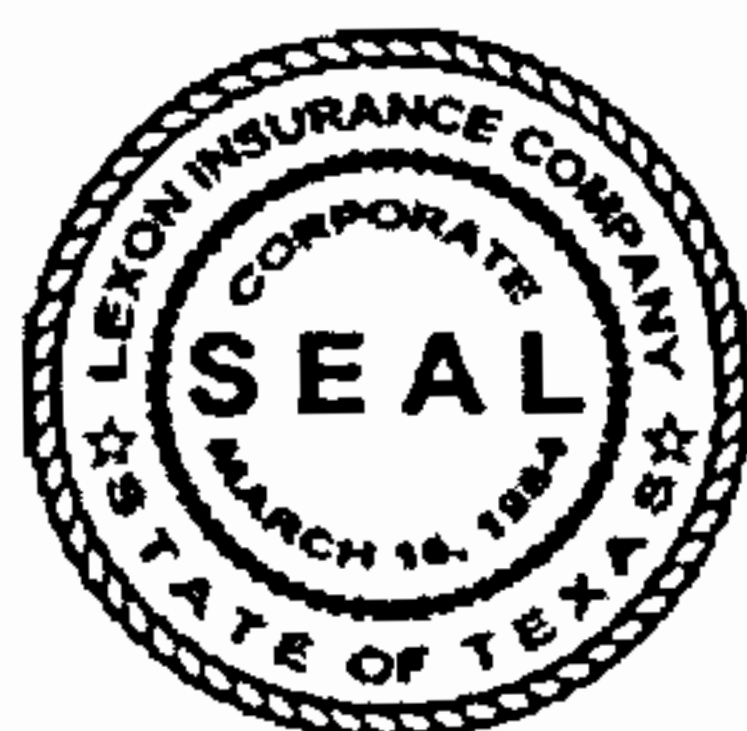
KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

**LEXON INSURANCE COMPANY**

BY

  
David E. Campbell  
President
**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

  
Amy Taylor  
Notary Public
**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November 2016.



BY

  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

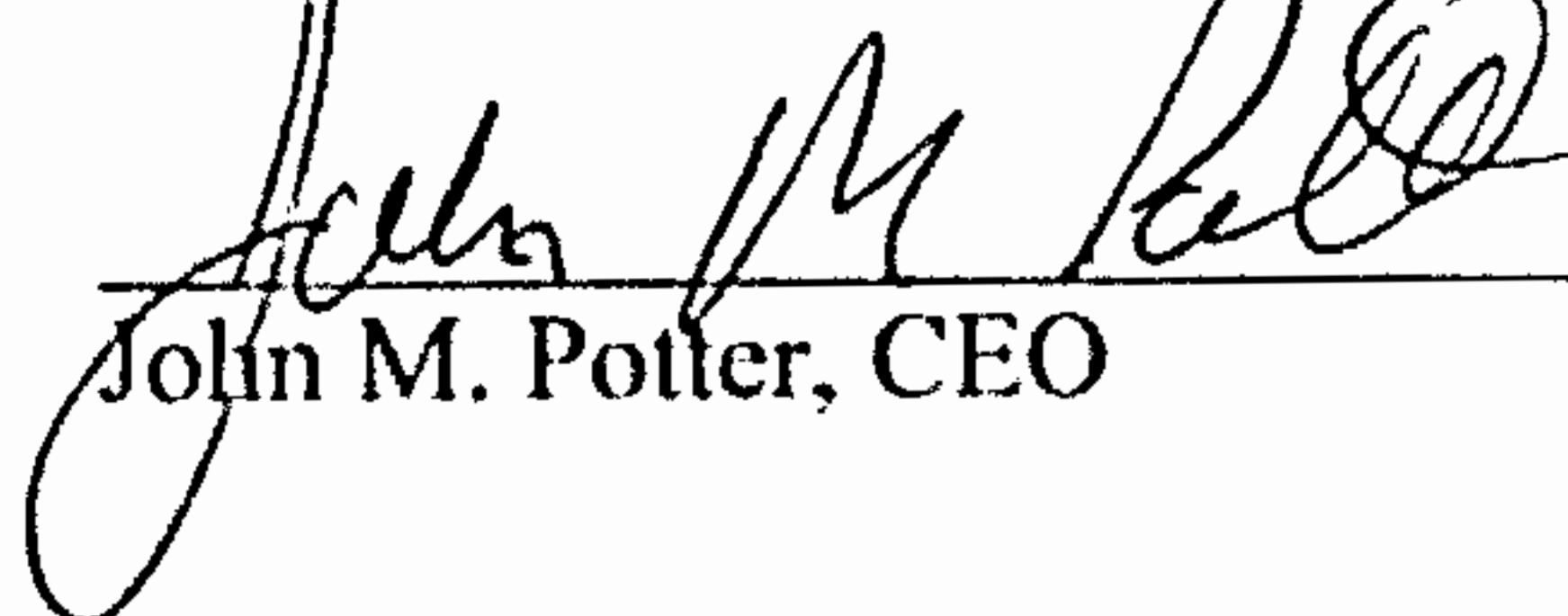
RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shott  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**GENERAL PURPOSE RIDER**

To be attached to and form part of Bond Number 1141484 effective November 30, 2016  
issued by the Lexon Insurance Company  
in the amount of 1,408,000.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will decrease the bond amount as follows:

Current Bond Amount: \$1,408,000.00

New Bond Amount: \$1,059,700.00

The acreage will decrease from 352 acres to 264.30 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 17th day of August, 2018.

Signed, sealed and dated this 17th day of August, 2018.

<u>ICG Hazard, LLC</u>	<u>(Principal)</u>	<u>Lexon Insurance Company</u>	<u>(Surety)</u>
By: <u>D. Edward Brown, SVP</u>		By: <u>Theresa Pickerrell</u>	
		<u>Theresa Pickerrell</u>	<u>Attorney-in-Fact</u>

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

Martie Riddle



## POWER OF ATTORNEY

LX- 11078

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY



BY

Brian Beggs  
President

## ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17th Day of August, 2018.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaefer  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 32

BOND SUBSTITUTION FOR EXISTING BOND # 1141484

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003770
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Three Hundred Seventy Five Thousand Six Hundred and 00/100 Dollars (\$ 375,600.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 93.10 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.

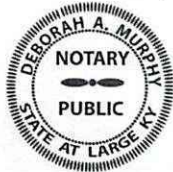


Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelly Shae  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	32
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141484	\$375,600		

Bank Name	Address		
City	State	ZIP	

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003770	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$375,600</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>375,600</u>	
Total Reduction		\$	<u>375,600</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

**SME-44 Rev 06/2008**

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

**BOND RELEASE**

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 32  
Address 250 WEST MAIN STREET, SUITE 2000  
City LEXINGTON State KY ZIP 40507

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>N-7003770</u>	<u>\$375,600</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety INDEMNITY NATIONAL INSURANCE COMPANY (Parent Company)  
Agent ACRISURE, LLC DBA SMIHT MANUS Address 2307 RIVER ROAD, SUITE 200  
City LOUISVILLE State KY ZIP 40206

If Certificate of Deposit or Letter of Credit  
Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☒ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☐ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☐ Bond Substitution - replaced by bonds   
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance	\$ <u>375,600</u>
Final Release	\$ <u></u>
Grading Release	\$ <u>225,300</u> PHASE I
Undisturbed	\$ <u></u>
Administrative Release	\$ <u></u>
Total Reduction	\$ <u>225,300</u>
Remaining Encumbered Balance	\$ <u>150,300</u>
Remaining Balance on Bond # <u>N-7003770 (150,300)</u>	

Given under my hand on this the 28TH Day of JANUARY, 20 21

*Jim Ward*  
**X** by *Kristin Gale*

Signed by: Kristin Gale

Director, Division of Mine Reclamation

Regional Office Hazard



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

Attachment to RFI 2-5, 000487 of 82

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

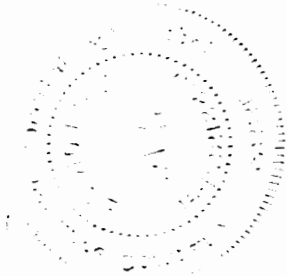
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter





RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2028



Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

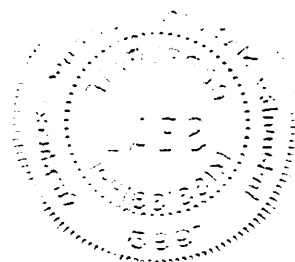
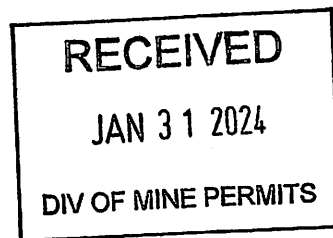
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 33

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141492
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Eight Hundred Ninety-Six Thousand  
Four Hundred & 00/100----- Dollars (\$ 896,400.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 226.7 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES 11/9/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX-291431

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.



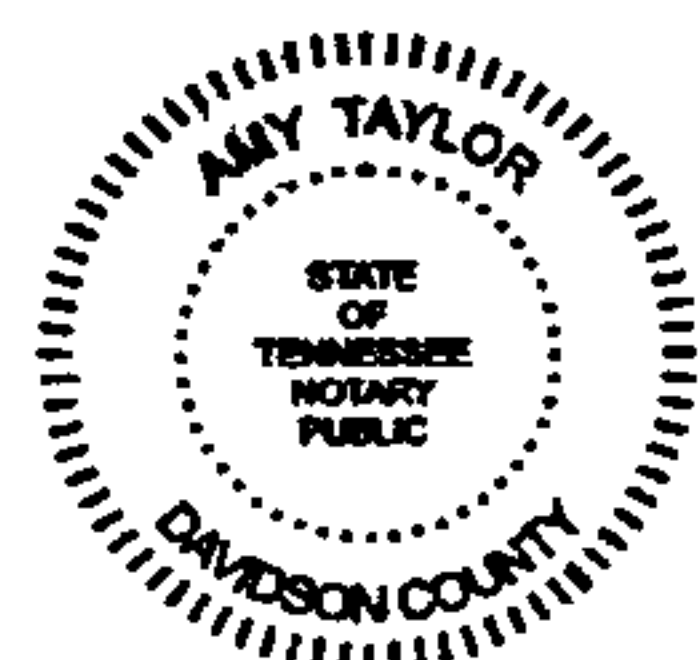
LEXON INSURANCE COMPANY

BY

*David E. Campbell*  
David E. Campbell  
President

## ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

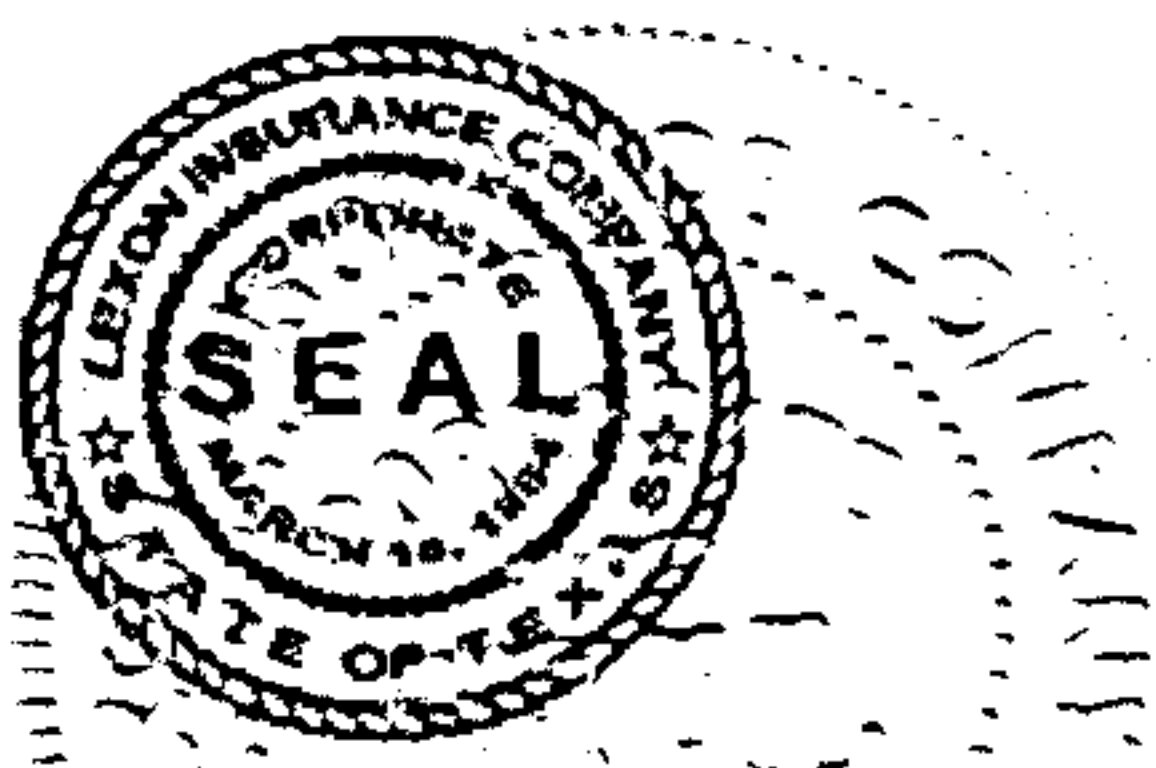
BY

*Amy Taylor*  
Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 20 16.



BY

*Andrew Smith*  
Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Short  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 33

BOND SUBSTITUTION FOR EXISTING BOND # 1141492

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003771
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Eight Hundred Ninety Six Thousand Four Hundred and 00/100 Dollars (\$ 896,400.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 226.70 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.


In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

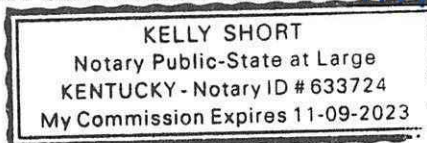
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



**SME-44 Rev 06/2008**

**GENERAL PURPOSE RIDER**

To be attached to and form part of Bond Number N-7003771 effective 7/1/2020  
issued by the Indemnity National Insurance Company  
in the amount of 896,400.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will decrease the bond amount as follows:

Current Bond Amount: \$896,400.00

New Bond Amount: \$508,500.00

The acreage will decrease from 226.70 acres to 129.90 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 8th day of March, 2021.

Signed, sealed and dated this 8th day of March, 2021.

ICG Hazard, LLC (Principal) Indemnity National Insurance Company (Surety)  
By: D. Edward Brown, SUP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars \*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8th day of March, 2021.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Susan P. Lachert  
NOTARY PUBLIC



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	33
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7003771	\$475,900		

If Surety	INDEMNITY NATIONAL INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Bond Substitution - replaced by bonds	_____	
<input type="checkbox"/>	Reduction due to permitting action dated -	_____	
<input type="checkbox"/>	Other	_____	

Initial Encumbered Balance		\$	\$475,900
Final Release	\$		
Grading Release	\$	285,500	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	285,500
Remaining Encumbered Balance		\$	190,400
Remaining Balance on Bond #	N-7003771 (\$190,400)		

X Jim Ward  
by Austin Cole

Director, Division of Mine Reclamation

Regional Office      Hazard

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

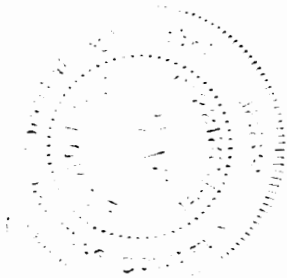
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2028

Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

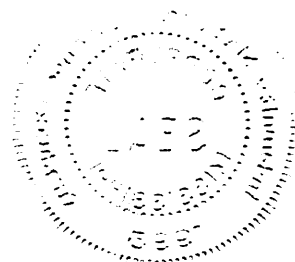
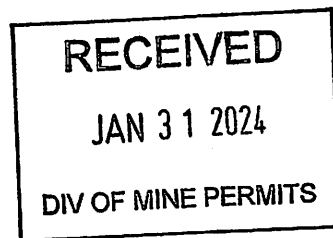
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary







**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542  
INCREMENT NUMBER (IF ANY) 34  
BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_  
☒ 2. SURETY BOND NUMBER 1141493  
☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_  
☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Eighty-Four Thousand and 00/100-----  
Dollars (\$ 84,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
☒ 2. For the payment of which sum is to be well and truly made  
☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_  
☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 20.9 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX- 291432

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

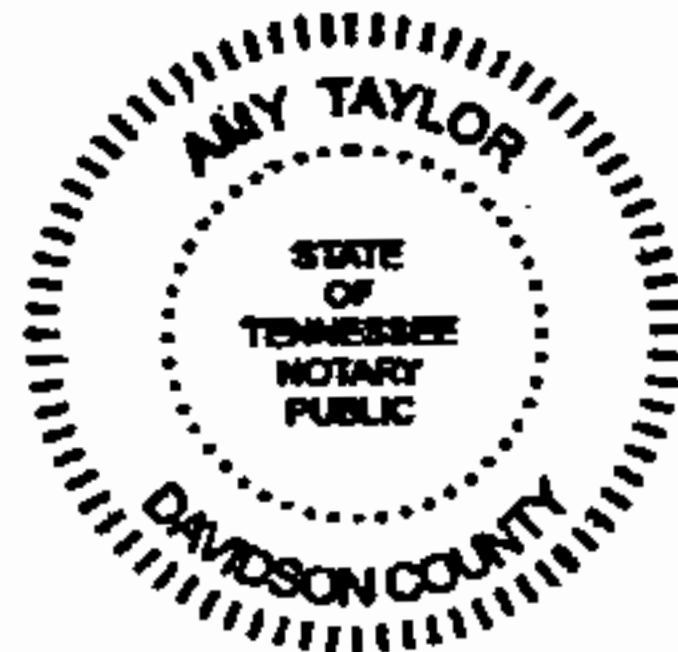
**LEXON INSURANCE COMPANY**

BY

*David E. Campbell*  
David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

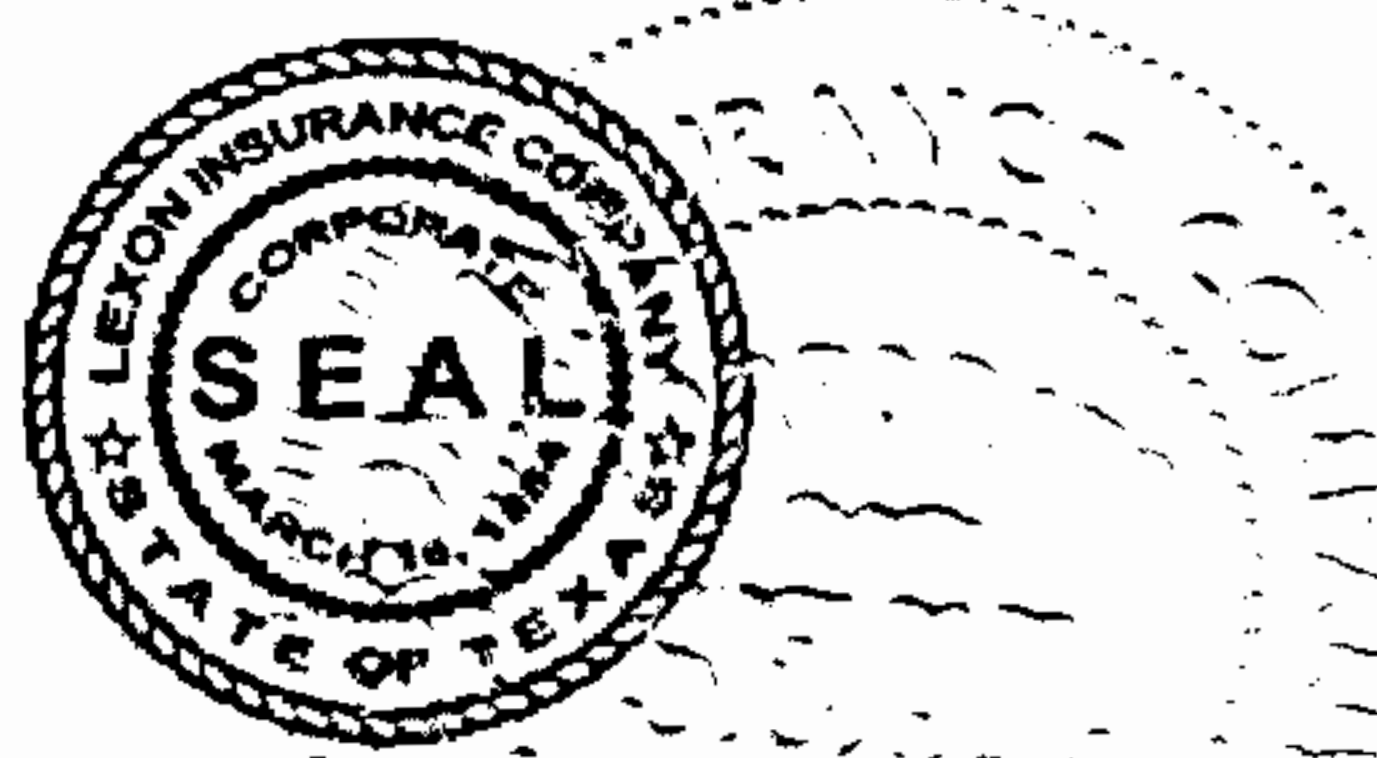
BY

*Amy Taylor*  
Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 2016.



BY

*Andrew Smith*  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

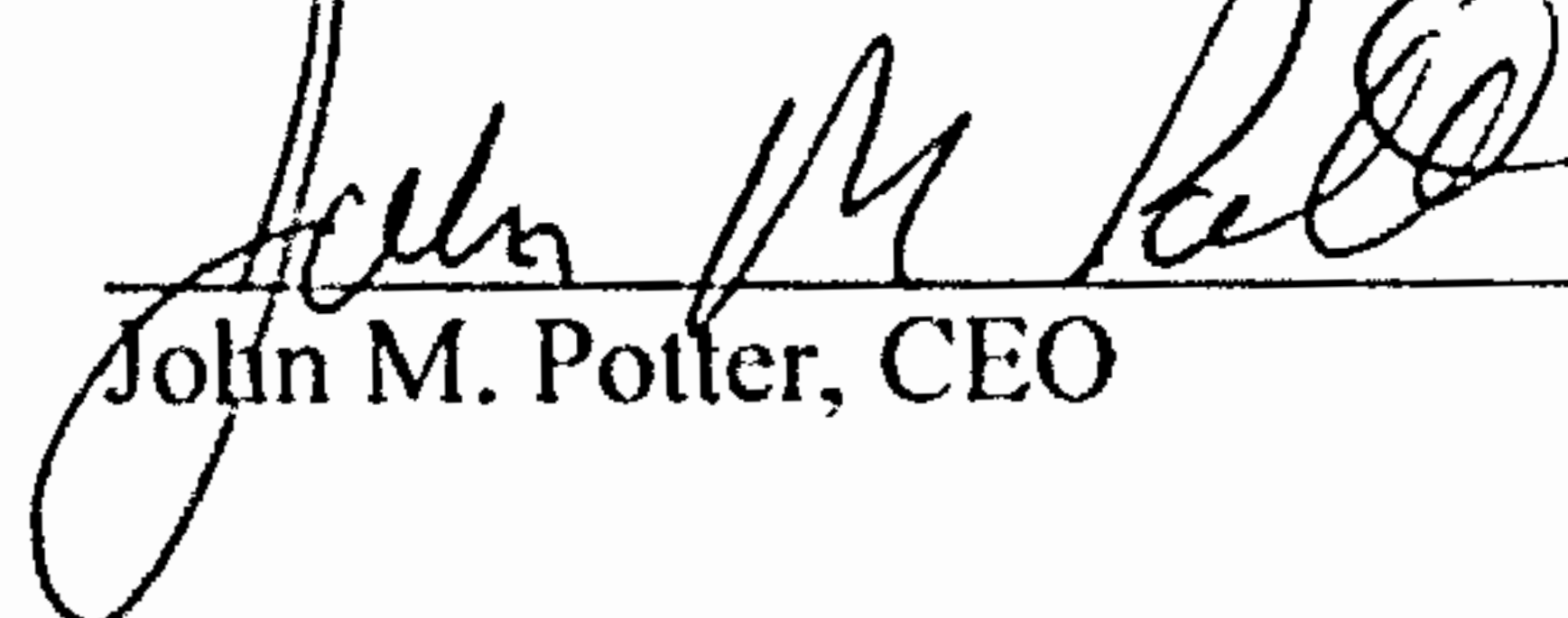
RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Short  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



## GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number 1141493 effective November 30, 2016  
issued by the Lexon Insurance Company  
in the amount of 84,000.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will decrease the bond amount as follows:

Current Bond Amount: \$84,000.00

New Bond Amount: \$75,000.00

The acreage will decrease from 20.90 acres to 10.20 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 17th day of August, 2018.

Signed, sealed and dated this 17th day of August, 2018.

<u>ICG Hazard, LLC</u>	(Principal)	<u>Lexon Insurance Company</u>	(Surety)
By: <u>D. Edward Brown, SVP</u>		By: <u>Theresa Pickerrell</u>	
		Theresa Pickerrell	Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

Martie Riddle



## POWER OF ATTORNEY

LX- 11078

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY



BY

Brian Beggs  
President

## ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17<sup>th</sup> Day of August, 20 18.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shant  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 34

BOND SUBSTITUTION FOR EXISTING BOND # 1141493

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003772
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Thirty Thousand and 00/100 Dollars (\$ 30,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 10.20 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

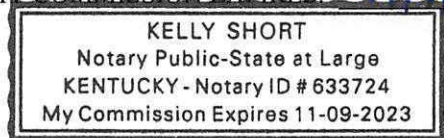
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

### CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelle Shao  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

**BOND RELEASE**

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 34  
Address 3228 SUMMIT SQUARE PLACE SUITE 180  
City LEXINGTON State KY ZIP 40509

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>1141493</u>	<u>\$30,000</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety LEXON INSURANCE COMPANY (Parent Company)  
Agent ACRISURE LLC DBA SMITH MANUS Address 2307 RIVER ROAD, SUITE 200  
City LOUISVILLE State KY ZIP 40206

If Certificate of Deposit or Letter of Credit

Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☐ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☐ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☒ Bond Substitution - replaced by bonds N-7003772  
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance	\$	<u>\$30,000</u>
Final Release	\$	<u></u>
Grading Release	\$	<u></u>
Undisturbed	\$	<u></u>
Administrative Release	\$	<u>30,000</u>
Total Reduction	\$	<u>30,000</u>
Remaining Encumbered Balance	\$	<u>0</u>
Remaining Balance on Bond #	<u></u>	

Given under my hand on this the 24TH Day of JULY, 20 20

*Jim Ward*  
by *Shari Mullins*  
Director, Division of Mine  
Reclamation and Enforcement

Regional Office Hazard

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

**BOND RELEASE**

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 34  
Address 250 WEST MAIN STREET, SUITE 2000  
City LEXINGTON State KY ZIP 40507

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>N-7003772</u>	<u>\$30,000</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety INDEMNITY NATIONAL INSURANCE COMPANY (Parent Company)  
Agent ACRISURE, LLC DBA SMIHT MANUS Address 2307 RIVER ROAD, SUITE 200  
City LOUISVILLE State KY ZIP 40206

If Certificate of Deposit or Letter of Credit

Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☒ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☐ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☐ Bond Substitution - replaced by bonds   
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance	\$ <u>\$30,000</u>
Final Release	\$ <u></u>
Grading Release	\$ <u>18,700</u> PHASE II
Undisturbed	\$ <u></u>
Administrative Release	\$ <u></u>
Total Reduction	\$ <u>18,700</u>
Remaining Encumbered Balance	\$ <u>11,300</u>
Remaining Balance on Bond # <u>N-7003772 (11,300)</u>	

12.

Given under my hand on this the 13TH Day of DECEMBER, 20 21

X *Jim Ward*  
*by Kristin Gale*

Signed by: Kristin Gale

Director, Division of Mine Reclamation

Regional Office Hazard



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

**BOND RELEASE**

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 34  
Address 250 WEST MAIN STREET, SUITE 2000  
City LEXINGTON State KY ZIP 40507

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>N-7003772</u>	<u>\$11,300</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety INDEMNITY NATIONAL INSURANCE COMPANY (Parent Company)  
Agent ACRISURE LLC DBA SMITH MANUS Address 2307 RIVER ROAD, STE 200  
City LOUISVILLE State KY ZIP 40206

If Certificate of Deposit or Letter of Credit

Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☐ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☒ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☐ Bond Substitution - replaced by bonds   
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance	\$ <u>11,300</u>
Final Release	\$ <u>11,300</u> Phase III
Grading Release	\$ <u></u>
Undisturbed	\$ <u></u>
Administrative Release	\$ <u></u>
Total Reduction	\$ <u>11,300</u>
Remaining Encumbered Balance	\$ <u>0</u>
Remaining Balance on Bond # <u></u>	

1  
X Jim Ward  
by Kristin Gale

Given under my hand on this the 3RD Day of JANUARY, 20 24

Signed by: Kristin Gale

Regional Office Hazard

U.S. Postal Service™

7021 1970 0001 8074 0870  
Certified Mail Receipt

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ \_\_\_\_\_  
☐ Return Receipt (electronic) \$ \_\_\_\_\_  
☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_  
☐ Adult Signature Required \$ \_\_\_\_\_  
☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here

Inc 26.34

860-0542

Postage

\$

Total

\$

Sen

Stre

City

ACRISURE, LCC DBA SMITH MANUS  
2307 RIVER ROAD, SUITE 200  
LOUISVILLE, KY 40206

PS Instructions



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ACRISURE, LCC DBA SMITH MANUS  
2307 RIVER ROAD, SUITE 200  
LOUISVILLE, KY 40206



9590 9402 7962 2305 1657 72

2. Article Number (Transfer from service label)

7021 1970 0001 8074 0870

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *B. Signature*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

*860-0542 Inc 26, 34*

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery  
(0)

USPS TRACKING#

Attachment to RFI 2-5, 000527 of 824



LOUISVILLE KY 400  
11 JAN 2024 PM 1 L



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7962 2305 1657 72

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Division of Mine Reclamation & Enforcement

C/O LINDA FISCHER

300 Sower Boulevard, 2nd floor

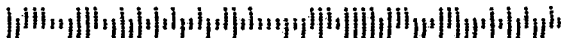
Frankfort, KY 40601

RECEIVED

JAN 17 2024

EEC/DNR

MINE RECLAMATION & ENFORCEMENT





SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

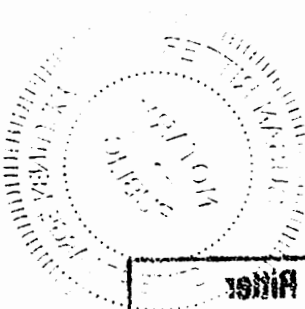
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2028



Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

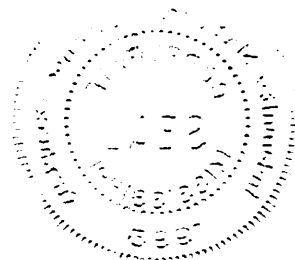
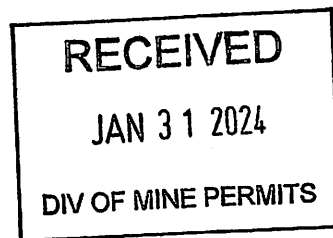
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





Attachment to RFI 2-5, 000534 of 824

Permittee Name FCO Hazard  
Permit Number 860-0542 RI Inc. # 36+37

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- |  |  |
|--|--|
| <input type="checkbox"/> Permit Number                                       | <input checked="" type="checkbox"/> Original Documents |
| <input type="checkbox"/> Company Name (Principal)                            | <input checked="" type="checkbox"/> Amount             |
| <input type="checkbox"/> County  | <input checked="" type="checkbox"/> Acres              |
| <input type="checkbox"/> No corrections, alterations, additions, or whiteout | <input type="checkbox"/> Notarized                     |

**CASH BOND:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 1 Checked                      | <input type="checkbox"/> Certified Check |
| <input type="checkbox"/> Payable to Kentucky State Treasurer | <input type="checkbox"/> Money Order     |
| <input type="checkbox"/> Cashiers Check                      |  |

**SURETY BOND:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Surety Listed         | <input checked="" type="checkbox"/> Signed by Attorney-In-Fact     |
| <input checked="" type="checkbox"/> Surety Name & Address | <input checked="" type="checkbox"/> Attorney-In-Fact listed on POA |
| <input checked="" type="checkbox"/> Local Agency          | <input checked="" type="checkbox"/> Dated                          |
| <input type="checkbox"/> Item 2 Checked                   |  |

✓ Verified By: Theresa Pickerell  
(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- |   |  |
|---|--|
| <input type="checkbox"/> Item 3 Checked             | <input type="checkbox"/> Execution Date                |
| <input type="checkbox"/> Applicant Listed           | <input type="checkbox"/> Bank Listed as Escrow Agent   |
| <input type="checkbox"/> Certificate of Deposit No. | <input type="checkbox"/> Issue Date                    |
| <input type="checkbox"/> Signed By Applicant        | <input type="checkbox"/> Signed By Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Bank Representative)

**LETTER OF CREDIT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 4 Checked      | <input type="checkbox"/> Expiration Date               |
| <input type="checkbox"/> Bank Name & Address | <input type="checkbox"/> Dated                         |
| <input type="checkbox"/> Applicant Listed    | <input type="checkbox"/> Letter of Credit No. Listed   |
| <input type="checkbox"/> Issue Date          | <input type="checkbox"/> Signed by Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Phone/Email) (Bank Representative)

Signature of Bond Reviewer James Bartley Date 6/22/2021

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 36

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7005139
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and 00/100  
Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 16.10 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 05/19/21 OFFICIAL POSITION: SVP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 19<sup>th</sup> day of

May, 2021.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

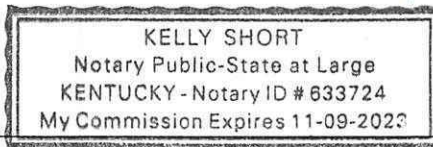
LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: May 19, 2021

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars \*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 19th day of May, 2021.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shurt  
MY COMMISSION EXPIRES 9/19/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Jessie P. Lockett  
NOTARY PUBLIC

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

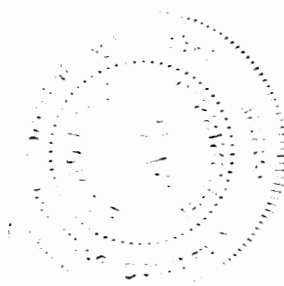
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2028

## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
 (i) when signed by the president, or any vice president, and sealed with the Company seal; or  
 (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
 Thomas F. Elkins, President

State of Kentucky  
 County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
 Notary Public

My Commission Expires 09/26/2025  
 Notary ID Number: KYNP34336

## CERTIFICATE

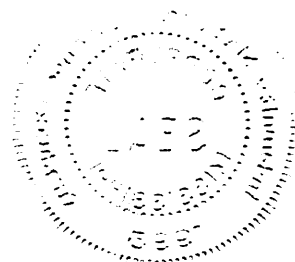
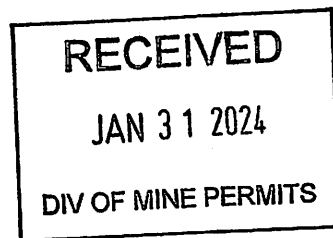
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
 James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 37

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7005140
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand Nine Hundred  
and 00/100 \_\_\_\_\_ Dollars (\$ 75,900.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 18.80 acres of  
land situated in Knott/Breathitt County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 5/19/21 OFFICIAL POSITION: SVP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 19<sup>th</sup> day of May, 2021.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/09/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

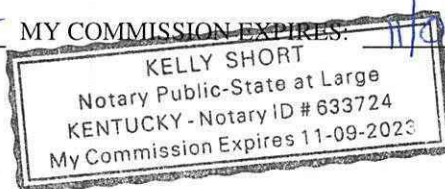
LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: May 19, 2021

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 19<sup>th</sup> day of May, 2021.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC Kelly Shad  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018

Jessie P. Lachitt  
NOTARY PUBLIC

Attachment to RFI 2-5, 000549 of 824  
Permittee Name FCO Hazard  
Permit Number 860-0542 RI Inc. # 36+37

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- |  |  |
|--|--|
| <input type="checkbox"/> Permit Number                                       | <input checked="" type="checkbox"/> Original Documents |
| <input type="checkbox"/> Company Name (Principal)                            | <input checked="" type="checkbox"/> Amount             |
| <input type="checkbox"/> County  | <input checked="" type="checkbox"/> Acres              |
| <input type="checkbox"/> No corrections, alterations, additions, or whiteout | <input type="checkbox"/> Notarized                     |

**CASH BOND:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 1 Checked                      | <input type="checkbox"/> Certified Check |
| <input type="checkbox"/> Payable to Kentucky State Treasurer | <input type="checkbox"/> Money Order     |
| <input type="checkbox"/> Cashiers Check                      |  |

**SURETY BOND:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Surety Listed         | <input checked="" type="checkbox"/> Signed by Attorney-In-Fact     |
| <input checked="" type="checkbox"/> Surety Name & Address | <input checked="" type="checkbox"/> Attorney-In-Fact listed on POA |
| <input checked="" type="checkbox"/> Local Agency          | <input checked="" type="checkbox"/> Dated                          |
| <input type="checkbox"/> Item 2 Checked                   |  |

✓ Verified By: Theresa Pickerell  
(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- |   |  |
|---|--|
| <input type="checkbox"/> Item 3 Checked             | <input type="checkbox"/> Execution Date                |
| <input type="checkbox"/> Applicant Listed           | <input type="checkbox"/> Bank Listed as Escrow Agent   |
| <input type="checkbox"/> Certificate of Deposit No. | <input type="checkbox"/> Issue Date                    |
| <input type="checkbox"/> Signed By Applicant        | <input type="checkbox"/> Signed By Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Bank Representative)

**LETTER OF CREDIT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 4 Checked      | <input type="checkbox"/> Expiration Date               |
| <input type="checkbox"/> Bank Name & Address | <input type="checkbox"/> Dated                         |
| <input type="checkbox"/> Applicant Listed    | <input type="checkbox"/> Letter of Credit No. Listed   |
| <input type="checkbox"/> Issue Date          | <input type="checkbox"/> Signed by Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Phone/Email) (Bank Representative)

Signature of Bond Reviewer James Bartley Date 6/22/2021



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

Attachment to RFI 2-5, 000551 of 82

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

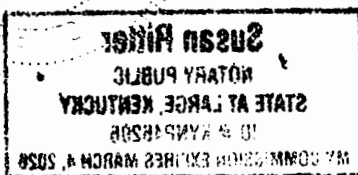
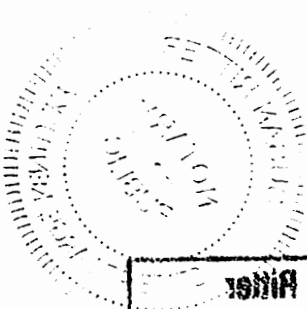
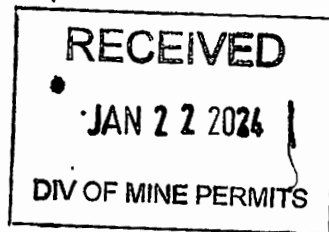
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

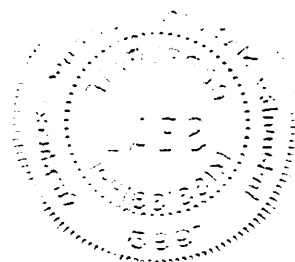
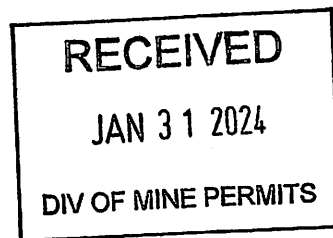
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 38

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141494
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Ninety-One Thousand Eight Hundred  
and 00/100----- Dollars (\$ 91,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 22.6 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30th day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX- 291433

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

**LEXON INSURANCE COMPANY**

BY

*David E. Campbell*  
David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

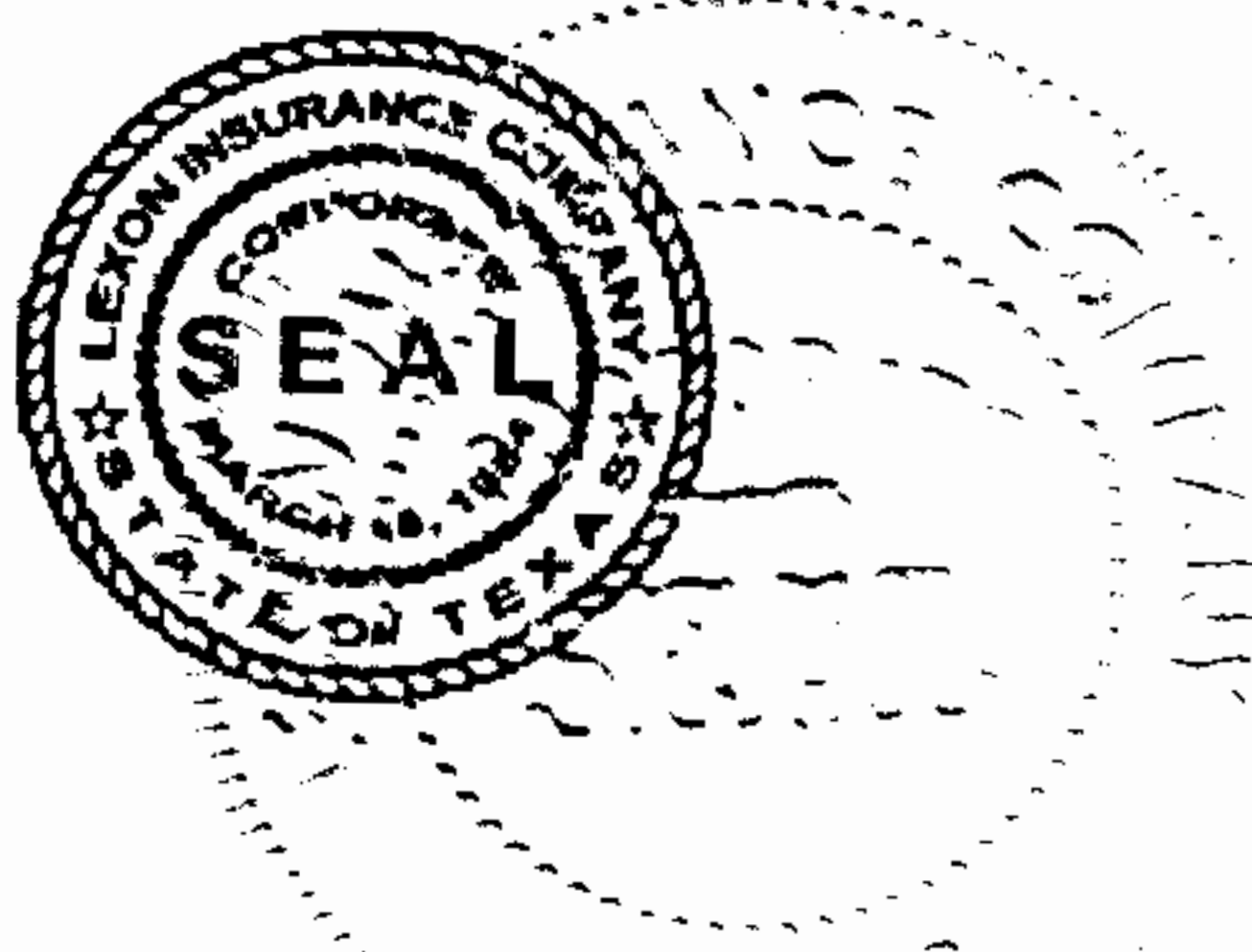
BY

*Amy Taylor*  
Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 2016.



BY

*Andrew Smith*  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shafer  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 38

BOND SUBSTITUTION FOR EXISTING BOND # 1141494

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003773
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Ninety One Thousand Eight Hundred and 00/100 Dollars (\$ 91,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 22.60 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.


In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

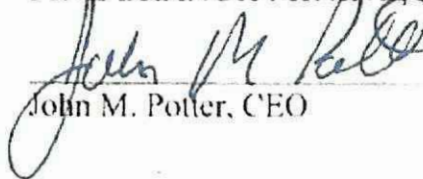
RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelle Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	38
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141494	\$91,800		

If Surety	LEXON INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

If Certificate of Deposit or Letter of Credit

Bank Name	_____	Address	_____
City	_____	State	_____ ZIP _____

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By	_____	(Company Name)	Permit Number	_____
<input type="checkbox"/>	Complete	<input type="checkbox"/>	Partial	# of acres overlapped	_____
<input type="checkbox"/>	Transfer to	_____	(Company Name)	Permit Number	_____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds		N-7003773		
<input type="checkbox"/>	Reduction due to permitting action dated -		_____		
<input type="checkbox"/>	Other _____				

Initial Encumbered Balance		\$	<u>\$91,800</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>          91,800          </u>	
Total Reduction		\$	<u>          91,800          </u>
Remaining Encumbered Balance		\$	<u>                    0          </u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

---

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

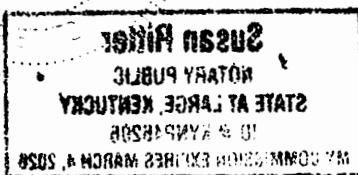
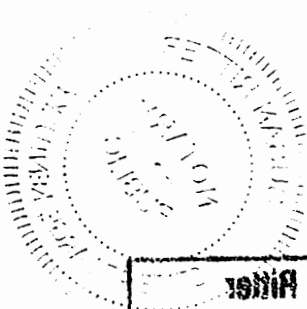
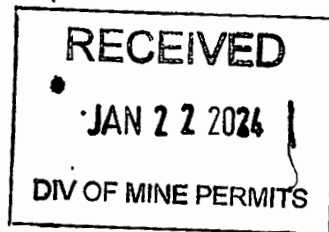
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

**CERTIFICATE**

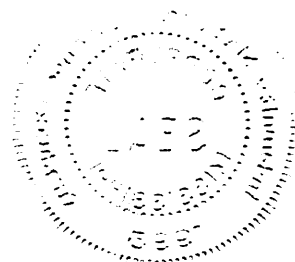
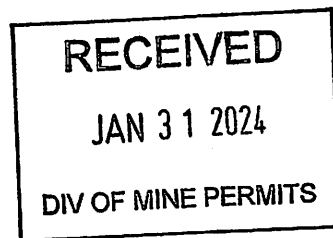
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

## BOND RELEASE

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 39  
Address 3228 SUMMIT SQUARE PLACE SUITE 180  
City LEXINGTON State KY ZIP 40509

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>LICX1192118</u>	<u>\$123,900</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety LEXON INSURANCE COMPANY (Parent Company)  
Agent ACRISURE LLC DBA SMITH MANUS  
City LOUISVILLE Address 2307 RIVER ROAD, SUITE 200  
State KY ZIP 40206

If Certificate of Deposit or Letter of Credit

Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☐ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☐ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☒ Bond Substitution - replaced by bonds N-7003774  
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance	\$	<u>\$123,900</u>
Final Release	\$	<u></u>
Grading Release	\$	<u></u>
Undisturbed	\$	<u></u>
Administrative Release	\$	<u>123,900</u>
Total Reduction	\$	<u>123,900</u>
Remaining Encumbered Balance	\$	<u>0</u>
Remaining Balance on Bond #	<u></u>	

Given under my hand on this the 24TH Day of JULY, 20 20

*Jim Ward*  
*by Sheri Mullins*

Director, Division of Mine  
Reclamation and Enforcement

Regional Office Hazard



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 39

BOND SUBSTITUTION FOR EXISTING BOND # LICX1192118

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003774
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
One Hundred Twenty Three Thousand Nine Hundred and 00/100 Dollars (\$ 123,900.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 30.80 acres of  
land situated in Knot County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

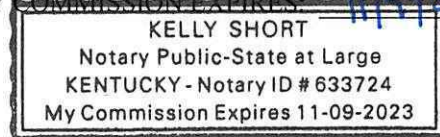
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC *Kelly Short*  
MY COMMISSION EXPIRES *11/9/23*  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

*John M. Potter*  
John M. Potter, CEO



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

Attachment to RFI 2-5, 000577 of 82

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2026



## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
 (i) when signed by the president, or any vice president, and sealed with the Company seal; or  
 (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By

  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By

  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

## CERTIFICATE

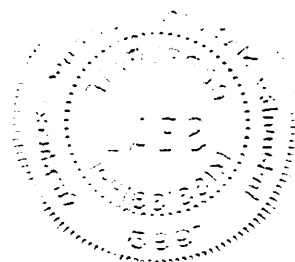
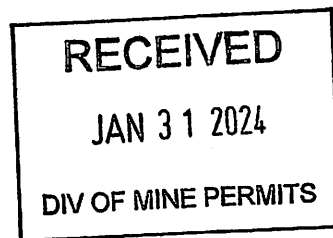
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By

  
James E. Hart, Secretary





SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

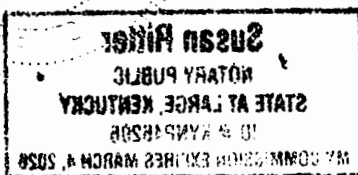
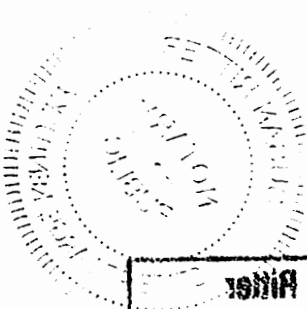
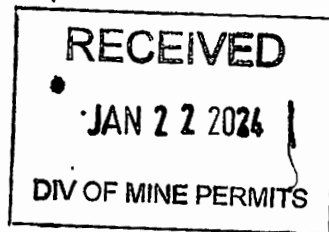
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

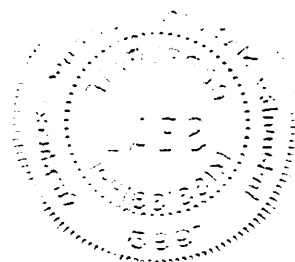
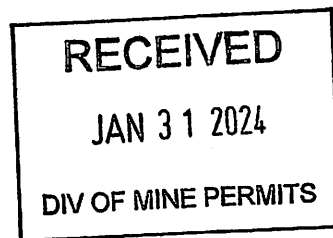
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 41

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1144281
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and 00/100-----  
Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

***THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:***

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 13.4 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 2/27/17 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 27<sup>th</sup> day of February, 2017.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: February 27, 2017

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





## POWER OF ATTORNEY

LX- 296270

**Lexon Insurance Company**

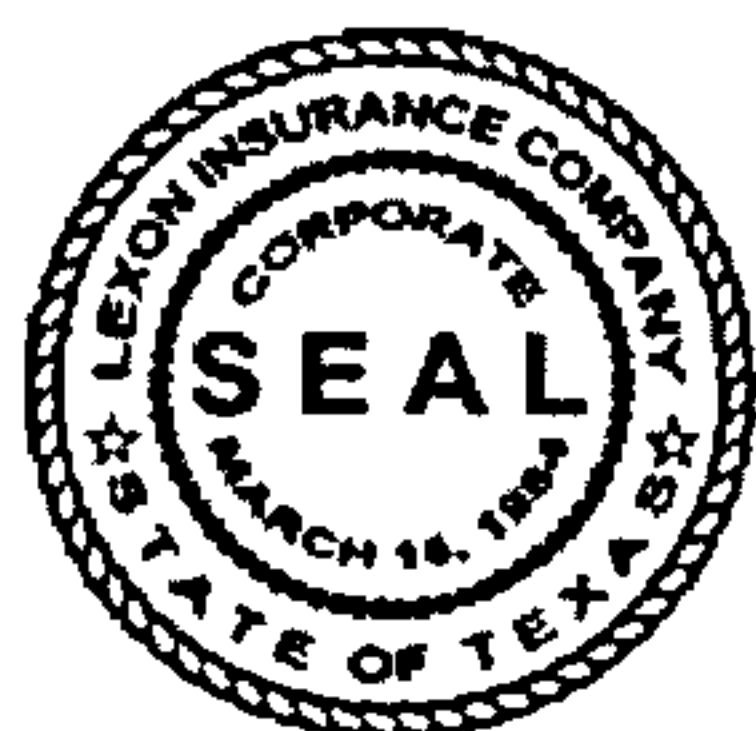
KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix, Leigh McCarthy, Rebecca M. Reid its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.


This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

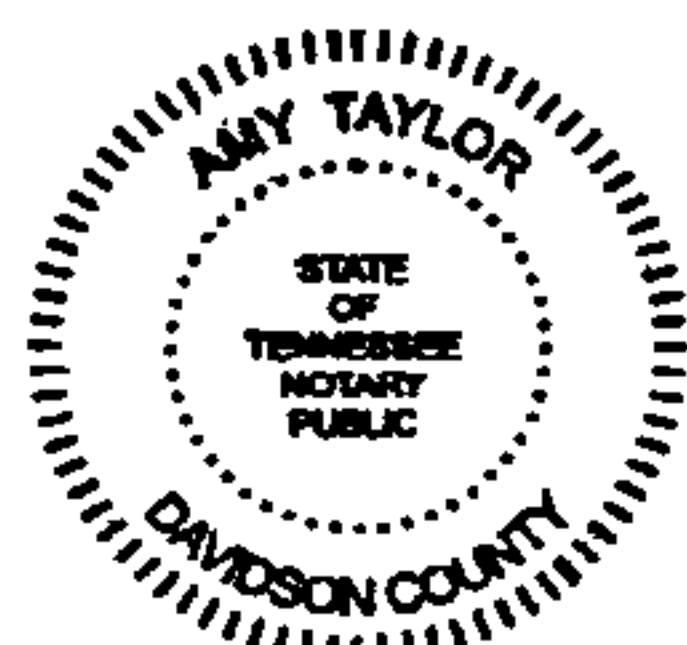
IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

**LEXON INSURANCE COMPANY**

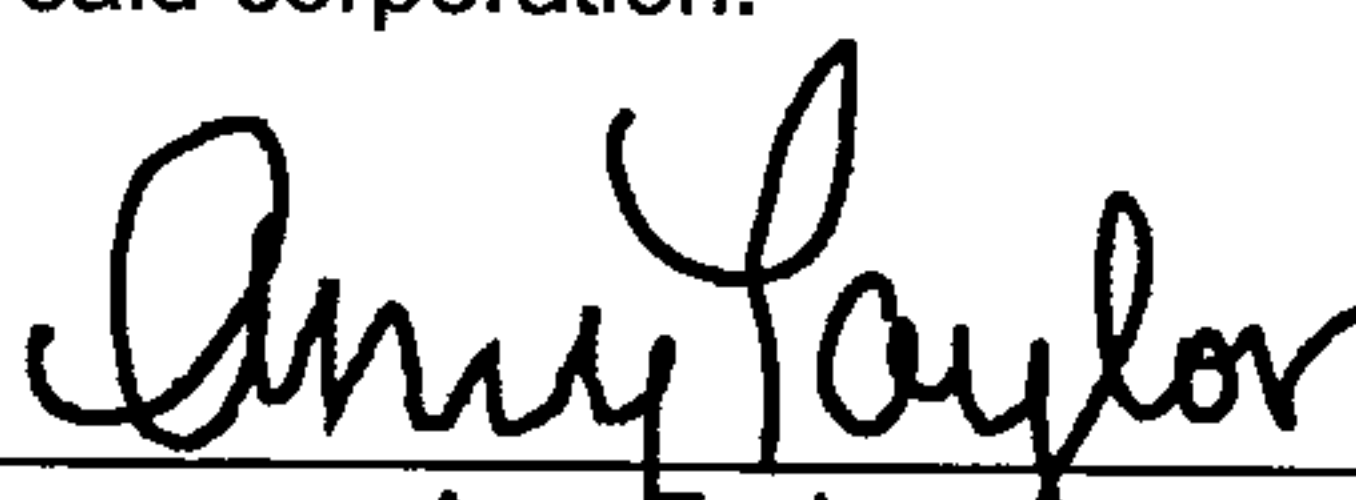
BY   
David E. Campbell  
President

**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



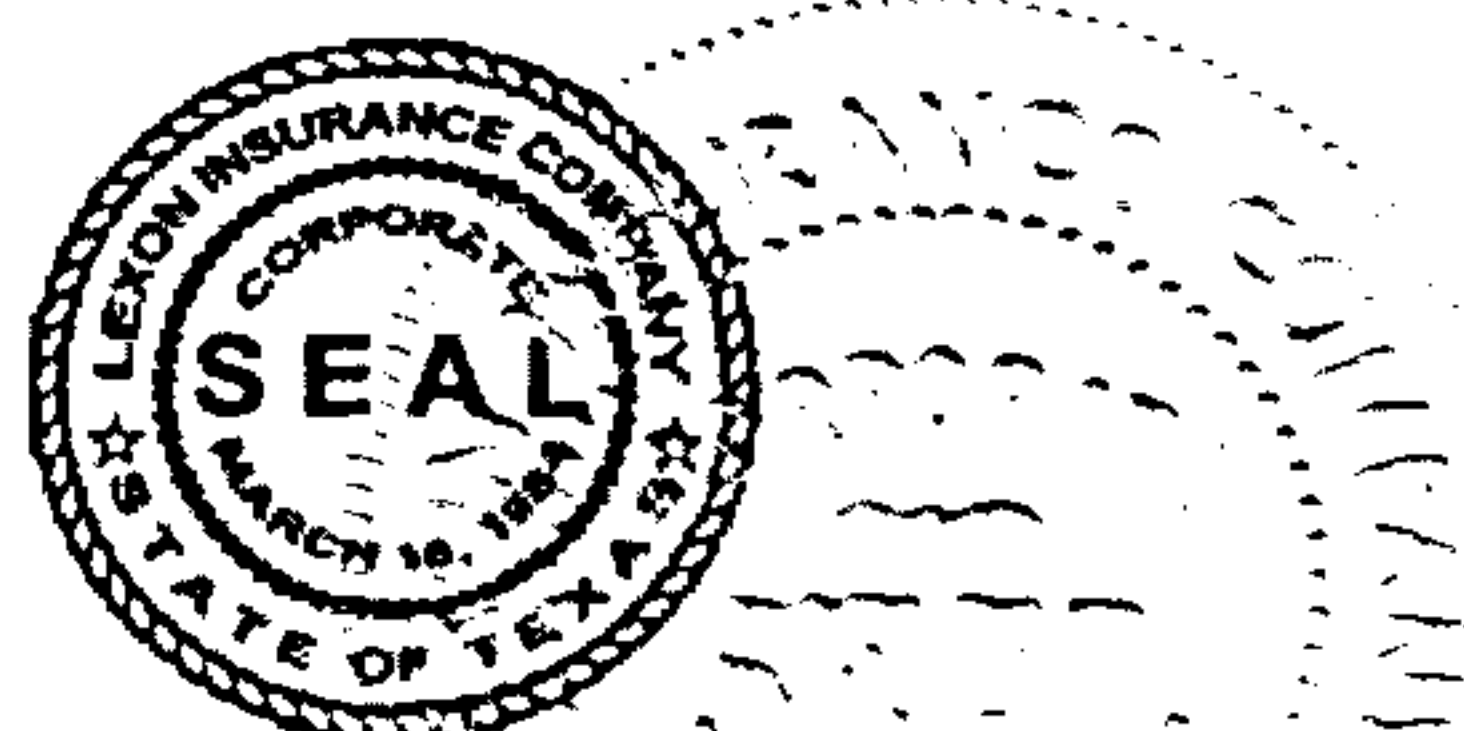
AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
Mv Commission Expires 07-08-19

BY   
Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 27<sup>th</sup> Day of February, 20 17.



BY   
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



Permittee Name

ICG Hazard LLC

Permit Number

860-0542, (RI) Inc. # 41

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- ☒ Permit Number  
☒ Company Name  
☒ Amount  
☒ County  
☒ No corrections, alterations, additions, whiteout

- ☒ Original Documents  
☒ Principal Listed  
☒ Acres  
☒ Notarized

**CASH BOND:**

- ☐ Item 1 Checked  
☐ Payable to Kentucky State Treasurer  
☐ Cashiers Check

- ☐ Certified Check  
☐ Money Order

**SURETY BOND:**

- ☒ Surety Listed  
☒ Surety Name & Address  
☒ Local Agency  
☒ Item 2 Checked

- ☒ Signed by Attorney-In-Fact  
☒ Attorney-In-Fact listed on Power of Attorney  
☒ Dated

✓ Verified By: Theresa Pickrell

(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- ☐ Item 3 Checked  
☐ Applicant Listed  
☐ Certificate of Deposit No.  
☐ Signed By Applicant

- ☐ Execution Date  
☐ Bank Listed as Escrow Agent  
☐ Issue Date  
☐ Signed By Bank Representative

\_\_\_\_ Verified By: \_\_\_\_\_

(Bank Representative)

**LETTER OF CREDIT:**

- ☐ Item 4 Checked  
☐ Bank Name & Address  
☐ Applicant Listed  
☐ Issue Date

- ☐ Expiration Date  
☐ Dated  
☐ Letter of Credit No. Listed  
☐ Signed by Bank Representative

\_\_\_\_ Verified By: \_\_\_\_\_

(Phone/Email)

(Bank Representative)

Signature of Bond Reviewer

Martie Riddle

Date

3/6/17

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 41

BOND SUBSTITUTION FOR EXISTING BOND # 1144281

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003775
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Seventy Five Thousand and 00/100 Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 13.40 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

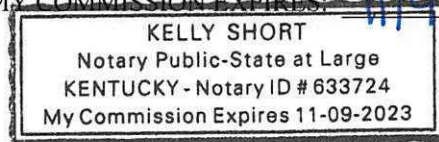
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By

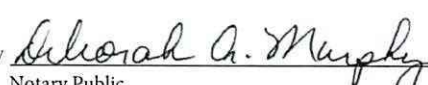
  
 Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By

  
 Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By

  
 James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelly Short  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	41
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1144281	\$75,000		

If Surety	LEXON INSURANCE COMPANY (Parent Company)			
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200	
City	LOUISVILLE	State	KY	ZIP 40206

Bank Name	Address	
City	State	ZIP

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003775	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$75,000</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>75,000</u>	
Total Reduction		\$	<u>75,000</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

SME-44 Rev 06/2008



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

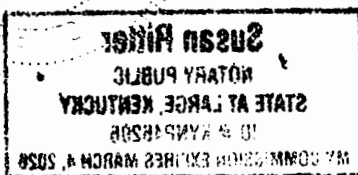
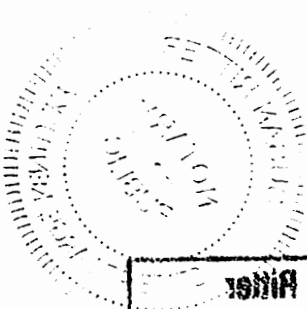
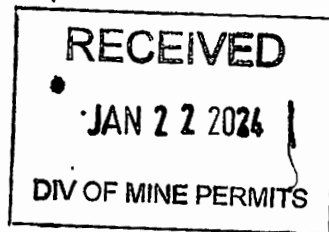
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

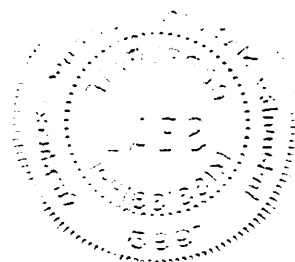
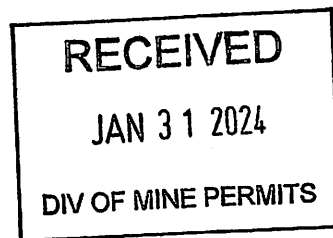
**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





Attachment to RFI 2-5, 0006040f 824

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 42

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141495
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and 00/100-----  
Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 7.3 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

KELLY SHORT  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



POWER OF ATTORNEY

LX- 291459

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

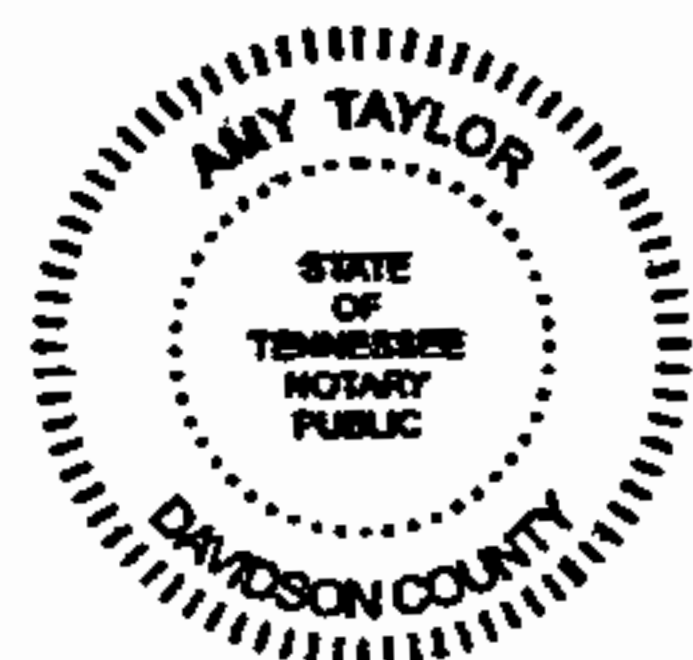


LEXON INSURANCE COMPANY

BY   
David E. Campbell  
President

ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY   
Amy Taylor  
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November 20 16.



BY   
Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/19/19  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 42

BOND SUBSTITUTION FOR EXISTING BOND # 1141495

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003776
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Seventy Five Thousand and 00/100 Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 7.30 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.


In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

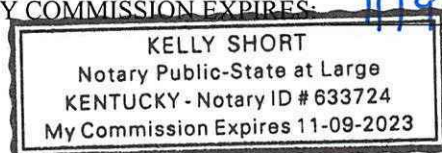
PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23



**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Willie Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	42
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141495	\$75,000		

If Surety	LEXON INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name	Address		
City	State	ZIP	

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By	_____	(Company Name)	Permit Number	_____
<input type="checkbox"/>	Complete	<input type="checkbox"/>	Partial	# of acres overlapped	_____
<input type="checkbox"/>	Transfer to	_____	(Company Name)	Permit Number	_____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	<u>N-7003776</u>			
<input type="checkbox"/>	Reduction due to permitting action dated -	_____			
<input type="checkbox"/>	Other	_____			

Initial Encumbered Balance		\$	<u>75,000</u>
Final Release	\$	<u>          </u>	
Grading Release	\$	<u>          </u>	
Undisturbed	\$	<u>          </u>	
Administrative Release	\$	<u>75,000</u>	
Total Reduction		\$	<u>75,000</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins  
Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

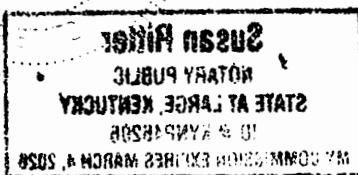
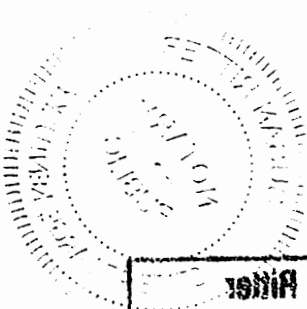
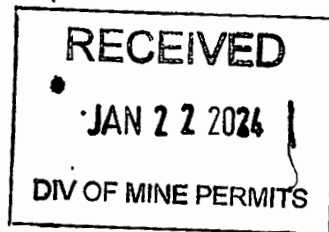
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

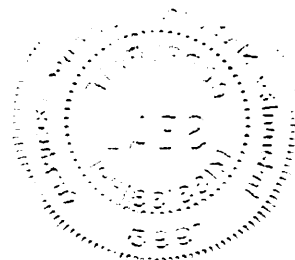
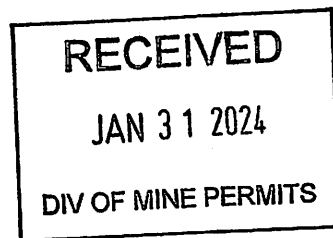
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary







COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 43

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

☐ 1. CASH BOND \_\_\_\_\_

☒ 2. SURETY BOND NUMBER 1141496

☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_

☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and 00/100-----  
Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

**THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:**

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 17.2 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9. 2019



## POWER OF ATTORNEY

LX- 291460

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

**LEXON INSURANCE COMPANY**

BY

  
David E. Campbell  
President
**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



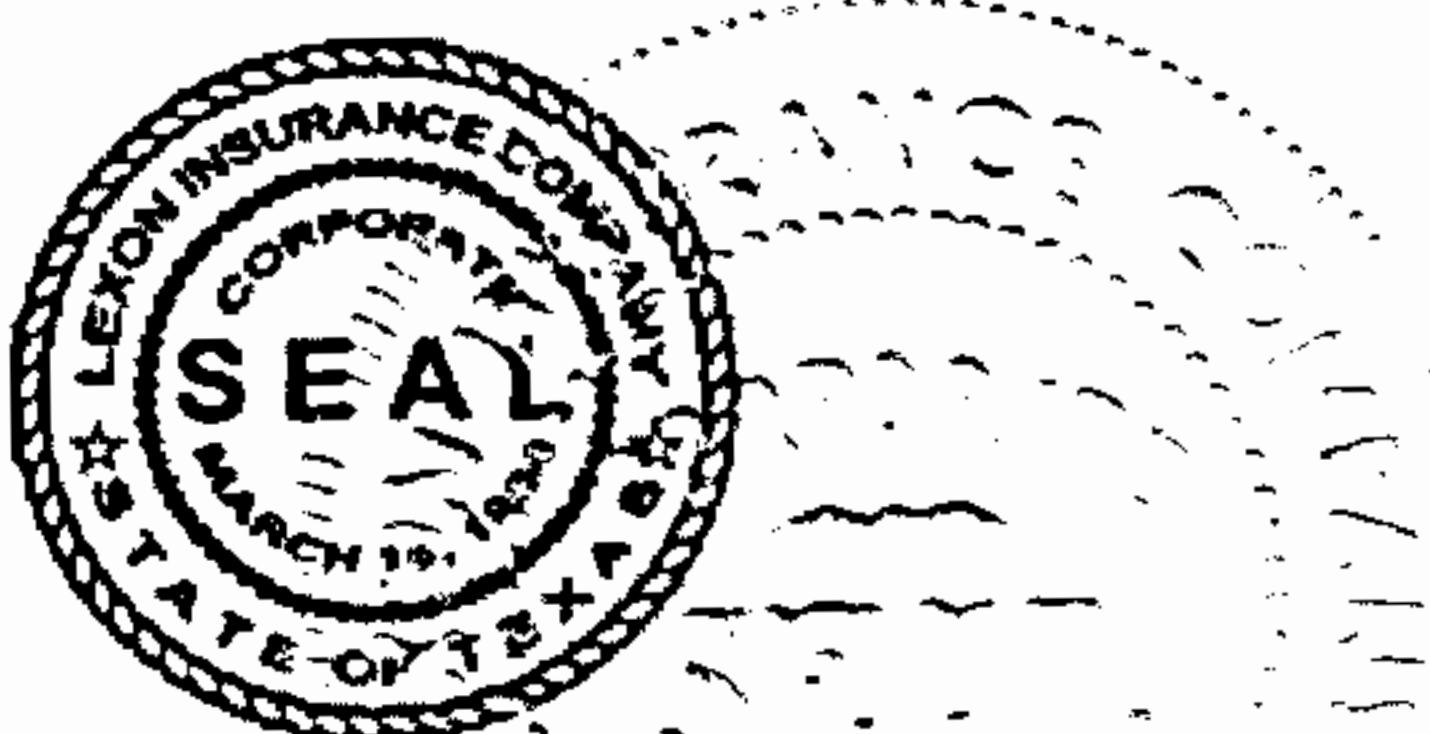
AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

  
Amy Taylor  
Notary Public
**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 2016.



BY

  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"). hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

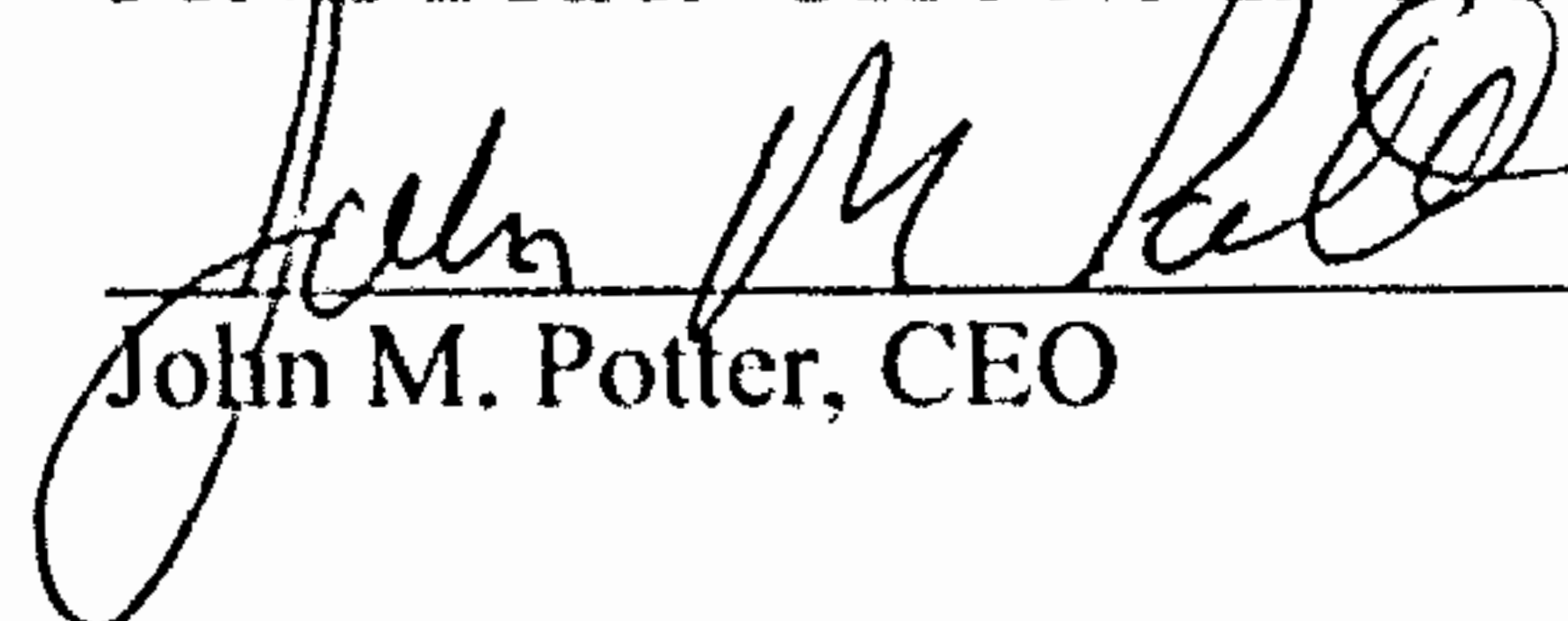
RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelly Shant  
MY COMMISSION EXPIRES 3/19/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 43

BOND SUBSTITUTION FOR EXISTING BOND # 1141496

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003777
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Seventy Five Thousand and 00/100 Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 17.20 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

KELLY SHORT  
Notary Public-State at Large  
KENTUCKY - Notary ID # 633724  
My Commission Expires 11-09-2023

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:


RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Rebecca Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

  
John M. Potter, CEO

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	43
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1141496	\$75,000		

If Surety	LEXON INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003777	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$75,000</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>75,000</u>	
Total Reduction		\$	<u>75,000</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

*Jim Ward*  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

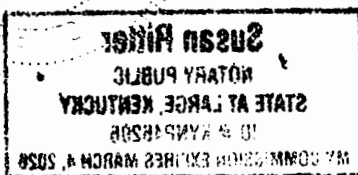
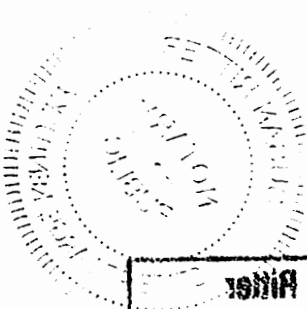
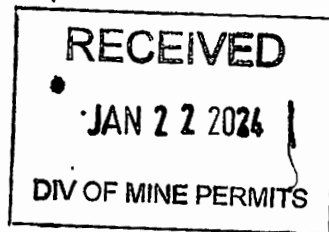
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
 (i) when signed by the president, or any vice president, and sealed with the Company seal; or  
 (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By

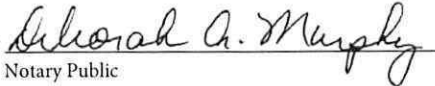
  
 Thomas F. Elkins, President

State of Kentucky  
 County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By

  
 Notary Public

My Commission Expires 09/26/2025  
 Notary ID Number: KYNP34336

## CERTIFICATE

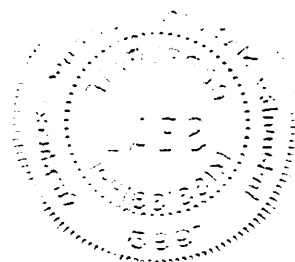
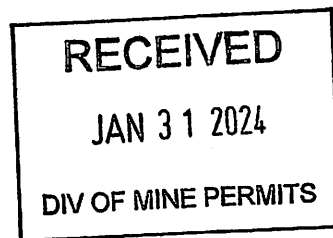
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By

  
 James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 44

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Am-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1141572
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of One Hundred Thirty-Six Thousand  
and 00/100----- Dollars (\$ 136,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 33.9 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/30/16 OFFICIAL POSITION: VP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 30<sup>th</sup> day of November, 2016.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

COMPLETE FOR SURETY BOND:

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: November 30, 2016

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX- 291461

**Lexon Insurance Company**

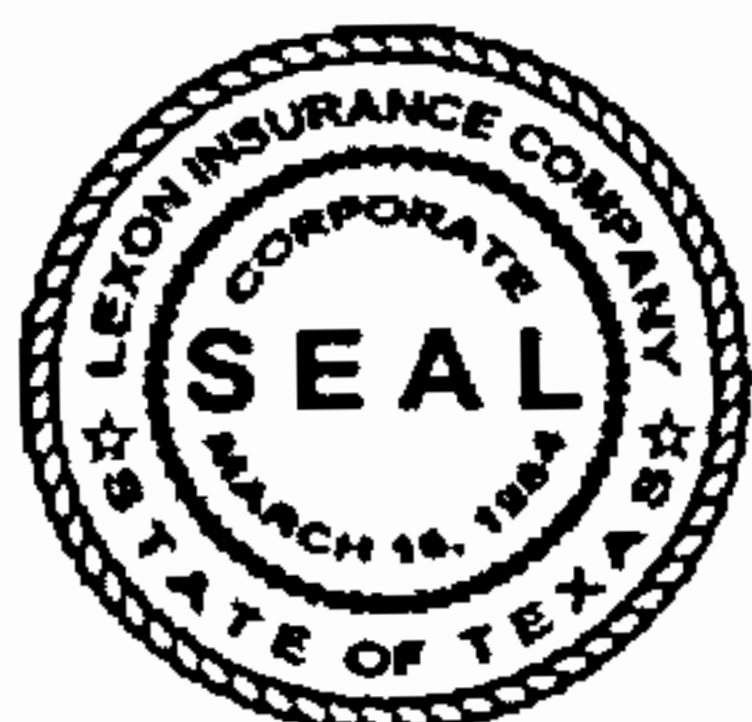
KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Rowe, Beth Frymire, Michael Dix its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

**LEXON INSURANCE COMPANY**

BY

  
David E. Campbell  
President
**ACKNOWLEDGEMENT**

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

  
Amy Taylor  
Notary Public
**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 30<sup>th</sup> Day of November, 2014.



BY

  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



# ACTION BY THE SOLE MEMBER OF ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/19/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 44

BOND SUBSTITUTION FOR EXISTING BOND # 1141572

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003778
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
One Hundred Thirty Six Thousand and 00/100 Dollars (\$ 136,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 33.90 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	44
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1141572	\$136,000		

If Certificate of Deposit or Letter of Credit

Bank Name	_____	Address	_____
City	_____	State	_____ ZIP _____

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003778	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$136,000</u>
Final Release	\$	<u>          </u>	
Grading Release	\$	<u>          </u>	
Undisturbed	\$	<u>          </u>	
Administrative Release	\$	<u>136,000</u>	
Total Reduction		\$	<u>136,000</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

Permit Number: 860-0542

Increment Number: 44

Mi-6

**GENERAL PURPOSE RIDER**

To be attached to and form part of Bond Number N-7003778 effective 7/1/2020  
issued by the Indemnity National Insurance Company  
in the amount of 136,000.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will increase the bond amount as follows:

Current Bond Amount: \$136,000.00

New Bond Amount: \$155,600.00

The acreage will decrease from 33.90 acres to 38.10 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 8th day of March, 2021.

Signed, sealed and dated this 8th day of March, 2021.

ICG Hazard, LLC (Principal) Indemnity National Insurance Company (Surety)  
By: D. Edward Brown, SUP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8th day of March, 2021.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC, Kelley Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Jessie P. Lockett  
NOTARY PUBLIC



## GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number N-7003778 effective 7/1/2020  
issued by the Indemnity National Insurance Company  
in the amount of 155,600.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will increase the acreage on the bond as follows:

Current Acreage: 38.10

New Acreage: 38.60

The bond amount is \$155,600.00

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 4th day of December, 2023.

Signed, sealed and dated this 4th day of December, 2023.

ICG Hazard, LLC (Principal) Indemnity National Insurance Company (Surety)

By:

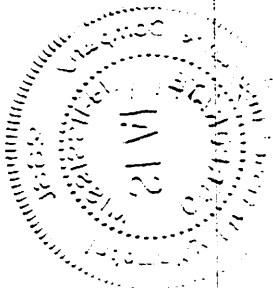
D. Edward Brown, SVP

By:

Theresa Hintzman  
Theresa Hintzman  
Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet



**RECEIVED**  
DEC 11 2023  
DIV OF MINE PERMITS



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

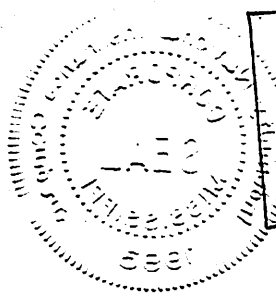
**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 4th day of December, 2023



By James E. Hart  
James E. Hart, Secretary



RECEIVED  
DEC 11 2023  
DIV OF MINE PERMITS



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shas  
MY COMMISSION EXPIRES 11/9/27  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Jessie P. Lockett  
NOTARY PUBLIC

RECEIVED  
DEC 11 2023  
DIV OF MINE PERMITS



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

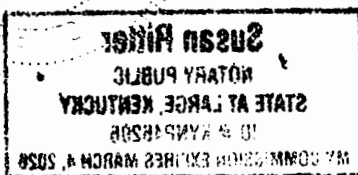
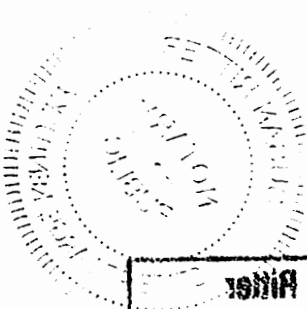
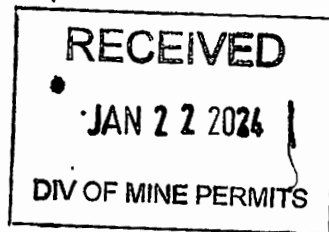
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

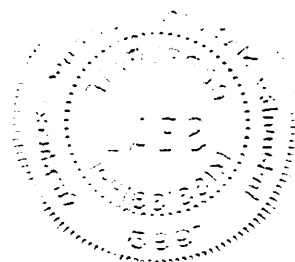
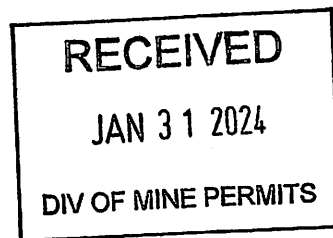
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





Attachment to REI 2-5, 000658 of 824

Permittee Name LCG Hazard LLC  
Permit Number 860-0542, MA-3 Inc. # 45446

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- ☒ Permit Number
- ☒ Company Name
- ☒ Amount
- ☒ County
- ☒ No corrections, alterations, additions, whiteout

- ☒ Original Documents
- ☒ Principal Listed
- ☒ Acres
- ☒ Notarized

**CASH BOND:**

- ☐ Item 1 Checked
- ☐ Payable to Kentucky State Treasurer
- ☐ Cashiers Check

- ☐ Certified Check
- ☐ Money Order

**SURETY BOND:**

- ☒ Surety Listed
- ☒ Surety Name & Address
- ☒ Local Agency
- ☒ Item 2 Checked

- ☒ Signed by Attorney-In-Fact
- ☒ Attorney-In-Fact listed on POA
- ☒ Dated

✓ Verified By: Theresa Pickerrill  
(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- ☐ Item 3 Checked
- ☐ Applicant Listed
- ☐ Certificate of Deposit No.
- ☐ Signed By Applicant

- ☐ Execution Date
- ☐ Bank Listed as Escrow Agent
- ☐ Issue Date
- ☐ Signed By Bank Representative

\_\_\_\_ Verified By: \_\_\_\_\_  
(Bank Representative)

**LETTER OF CREDIT:**

- ☐ Item 4 Checked
- ☐ Bank Name & Address
- ☐ Applicant Listed
- ☐ Issue Date

- ☐ Expiration Date
- ☐ Dated
- ☐ Letter of Credit No. Listed
- ☐ Signed by Bank Representative

\_\_\_\_ Verified By: \_\_\_\_\_  
(Phone/Email) (Bank Representative)

Signature of Bond Reviewer Martie Riddle Date 8/29/18

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 45

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Ma-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1158447
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and  
00/100 Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

**THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:**

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 8.69 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

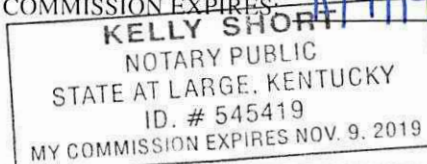
DATE: 8/17/18 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 17<sup>th</sup> day of

August, 2018.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19



**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: August 17, 2018

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

## POWER OF ATTORNEY

LX- 11078

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

LEXON INSURANCE COMPANY



BY

Brian Beggs  
President

## ACKNOWLEDGEMENT

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17<sup>th</sup> Day of August, 20 18.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Sheng  
MY COMMISSION EXPIRES 11/19/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 45

BOND SUBSTITUTION FOR EXISTING BOND # 1158447

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003779
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Two Hundred Seven Thousand Five Hundred and 00/100 Dollars (\$ 207,500.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 47.09 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

KELLY SHORT  
Notary Public-State at Large  
KENTUCKY - Notary ID # 633724  
My Commission Expires 11-09-2023

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

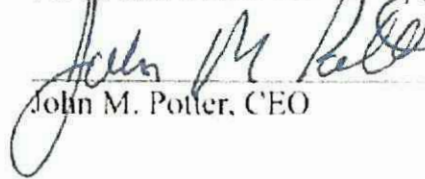
RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Keely Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	45
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1158477	\$207,500		

If Surety	LEXON INSURANCE COMPANY (Parent Company)			
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200	
City	LOUISVILLE	State	KY	ZIP 40206

Bank Name	Address
City	State ZIP

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003779	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$207,500</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>207,500</u>	
Total Reduction		\$	<u>207,500</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**



Permit Number: 860-0542

Increment Number: 45

Mi-6

## GENERAL PURPOSE RIDER

To be attached to and form part of Bond Number N-7003779 effective 7/1/2020  
issued by the Indemnity National Insurance Company  
in the amount of 207,500.00 DOLLARS,  
on behalf of ICG Hazard, LLC  
as Principal and in favor of Commonwealth of KY Energy and Environment Cabinet  
as Obligee:

Now, Therefore, it is agreed that:

This rider will increase the bond amount as follows:

Current Bond Amount: \$207,500.00

New Bond Amount: \$451,600.00

The acreage will increase from 47.09 acres to 108.29 acres.

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 8th day of March, 2021.

Signed, sealed and dated this 8th day of March, 2021.

ICG Hazard, LLC (Principal) Indemnity National Insurance Company (Surety)  
By: D. Edward Brown, SVP By: Theresa Pickerrell  
Theresa Pickerrell Attorney-in-Fact

Accepted By:

Commonwealth of KY Energy and Environment Cabinet

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8th day of March, 2021.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT  
NOTARY PUBLIC *Kelly Shaw*  
MY COMMISSION EXPIRES *11/9/23*  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

*John M. Potter*  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: *6/10/2018*

*Susan P. Lachett*  
NOTARY PUBLIC

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

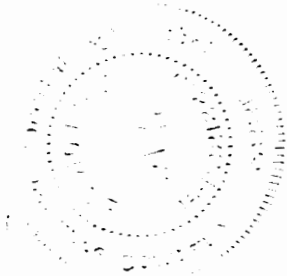
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
JULIA A. HIGGS  
MY COMMISSION EXPIRES MARCH 4, 2028

Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

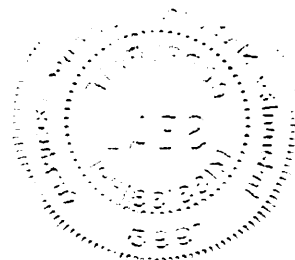
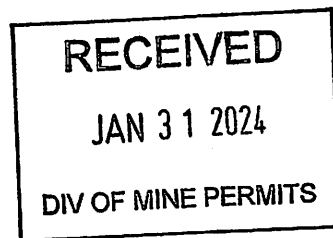
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 46

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) Ma-3

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1158448
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

**KNOW ALL PERSONS BY THESE PRESENTS**, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Seventy-Five Thousand and  
00/100----- Dollars (\$ 75,000.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

**THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:**

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 15.00 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 8/17/18 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 17<sup>th</sup> day of

August, 2018.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

**KELLY SHORT**  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY  
ID. # 545419  
MY COMMISSION EXPIRES NOV. 9, 2019

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: August 17, 2018

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

## POWER OF ATTORNEY

LX- 11078

**Lexon Insurance Company**

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its statutory home office in Austin, Texas, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Lynnette Long, Amy Meredith, Deborah Neichter, Theresa Pickerrell, Sheryon Quinn, Beth Frymire, Leigh McCarthy, Michael Dix, Susan Ritter its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$10,000,000.00 Ten Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 22nd day of June, 2018.

**LEXON INSURANCE COMPANY**

BY

Brian Beggs  
President

**ACKNOWLEDGEMENT**

On this 22nd day of June, 2018, before me, personally came Brian Beggs to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

BY

Amy Taylor  
Notary Public

**CERTIFICATE**

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 17<sup>th</sup> Day of August, 2018.



BY

Andrew Smith  
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."



ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/19  
STATE OF COMMISSION: KENTUCKY

PINE BRANCH MINING, LLC

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	46
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1158448	\$75,000		

If Certificate of Deposit or Letter of Credit

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

☐ Overlap By \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Complete ☐ Partial # of acres overlapped \_\_\_\_\_  
☐ Transfer to \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Bond Substitution - replaced by bonds \_\_\_\_\_  
☐ Reduction due to permitting action dated - \_\_\_\_\_  
☐ Other \_\_\_\_\_

Initial Encumbered Balance		\$	<u>75,000</u>
Final Release	\$	<u>          </u>	
Grading Release	\$	<u>45,000</u>	PHASE I
Undisturbed	\$	<u>          </u>	
Administrative Release	\$	<u>          </u>	
Total Reduction		\$	<u>45,000</u>
Remaining Encumbered Balance		\$	<u>30,000</u>
Remaining Balance on Bond #	1158448		

Courtney Skaggs  
by Kristin Gale  
Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**



Permittee	ICG HAZARD LLC	Permit #	860-0542	Incr #	46
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
1158448	\$11,300		

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003780	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$11,300</u>
Final Release	\$	<u>          </u>	
Grading Release	\$	<u>          </u>	
Undisturbed	\$	<u>          </u>	
Administrative Release	\$	<u>11,300</u>	
Total Reduction		\$	<u>11,300</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins

Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 46

BOND SUBSTITUTION FOR EXISTING BOND # 1158448

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003780
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Eleven Thousand Three Hundred and 00/100 Dollars (\$ 11,300.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 15.00 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company



ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.

NOTARY PUBLIC Kelly Shant  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

## BOND RELEASE

Permittee ICG HAZARD LLC Permit # 860-0542 Incr # 46  
Address 250 WEST MAIN STREET, SUITE 2000  
City LEXINGTON State KY ZIP 40507

Bond Type: ☐ Cash ☒ Surety ☐ Certificate of Deposit ☐ Letter of Credit ☐ Bond Pool

Identification Numbers	Amount	Identification Numbers	Amount
<u>N-7003780</u>	<u>\$11,300</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

If Surety INDEMNITY NATIONAL INSURANCE COMPANY (Parent Company)  
Agent ACRISURE, LLC DBA SMIHT MANUS Address 2307 RIVER ROAD, SUITE 200  
City LOUISVILLE State KY ZIP 40206

If Certificate of Deposit or Letter of Credit

Bank Name  Address   
City  State  ZIP

An inspection of the permitted area revealed that:

- ☐ Initial Reclamation is Complete.  
☐  Acres of undisturbed area has been verified.  
☒ Final Reclamation is complete and satisfactory

Permitting Actions or other administrative action has resulted in a:

- ☐ Overlap By  (Company Name) Permit Number   
☐ Complete ☐ Partial # of acres overlapped   
☐ Transfer to  (Company Name) Permit Number   
☐ Bond Substitution - replaced by bonds   
☐ Reduction due to permitting action dated -   
☐ Other

Therefore, you are entitled to a bond release or reduction on the identified bond(s) as shown below:

Initial Encumbered Balance		\$ <u>11,300</u>
Final Release	\$ <u>11,300</u> Phase III	
Grading Release	\$ <u></u>	
Undisturbed	\$ <u></u>	
Administrative Release	\$ <u></u>	
Total Reduction		\$ <u>11,300</u>
Remaining Encumbered Balance		\$ <u>0</u>
Remaining Balance on Bond # <u></u>		

12.

Given under my hand on this the 13TH Day of DECEMBER, 20 21

X *Jim Ward*  
*by Kristin Gale*

Signed by: Kristin Gale

Director, Division of Mine Reclamation

Regional Office Hazard



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 47

BOND SUBSTITUTION FOR EXISTING BOND # LICX1192117

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7003781
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Five Hundred Fifteen Thousand Eight Hundred and 00/100 Dollars (\$ 515,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 135.50 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.


In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC:  MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

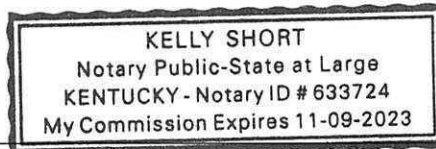
LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.





**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



Permittee	ICG HAZARD LLC	Permit #	1860-0542	Incr #	47
Address	3228 SUMMIT SQUARE PLACE SUITE 180				
City	LEXINGTON	State	KY	ZIP	40509

Identification Numbers	Amount	Identification Numbers	Amount
LICX1192117	\$515,800		

If Surety	LEXON INSURANCE COMPANY				(Parent Company)
Agent	ACRISURE LLC DBA SMITH MANUS	Address	2307 RIVER ROAD, SUITE 200		
City	LOUISVILLE	State	KY	ZIP	40206

Bank Name	Address	
City	State	ZIP

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name) _____	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name) _____	Permit Number _____
<input checked="" type="checkbox"/>	Bond Substitution - replaced by bonds	N-7003781	
<input type="checkbox"/>	Reduction due to permitting action dated - _____		
<input type="checkbox"/>	Other _____		

Initial Encumbered Balance		\$	<u>\$515,800</u>
Final Release	\$	<u>                    </u>	
Grading Release	\$	<u>                    </u>	
Undisturbed	\$	<u>                    </u>	
Administrative Release	\$	<u>515,800</u>	
Total Reduction		\$	<u>515,800</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins  
Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

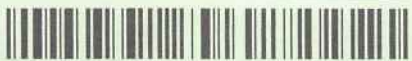
Attachment to RFI 2-5, 000693 of 824

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SMITH MANUS  
2307 RIVER ROAD SUITE 200  
LOUISVILLE, KY 40206



9590 9402 3079 7124 1152 51

2. Article Number (Transfer from service label)

7012 3460 0000 0567 3424

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x B. Gymbie ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/29/20

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

960-05412

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	47
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7003781	\$515,800		

If Surety Agent City	INDEMNITY NATIONAL INSURANCE COMPANY (Parent Company)			
	ACRISURE, LLC DBA SMIHT MANUS	Address	2307 RIVER ROAD, SUITE 200	
	LOUISVILLE	State	KY	ZIP 40206

Bank Name	Address	
City	State	ZIP

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Bond Substitution - replaced by bonds	_____	
<input type="checkbox"/>	Reduction due to permitting action dated -	_____	
<input type="checkbox"/>	Other		

Initial Encumbered Balance		\$	\$515,800
Final Release	\$		
Grading Release	\$	268,000	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	268,000
Remaining Encumbered Balance		\$	247,800
Remaining Balance on Bond #	N-7003781 (247,800)		

X Jim Ward  
by Kristin Gale

Director, Division of Mine Reclamation

Regional Office      Hazard

SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS

N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

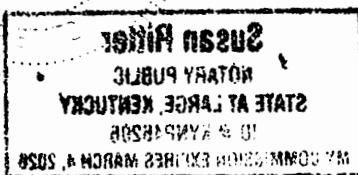
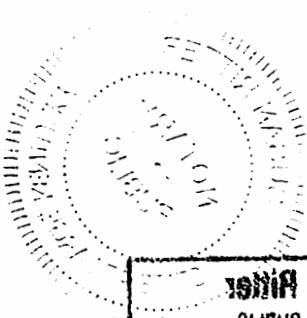
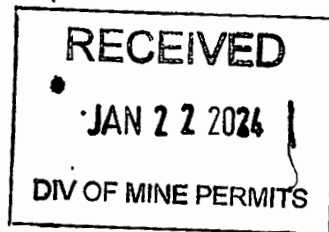
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

CERTIFICATE

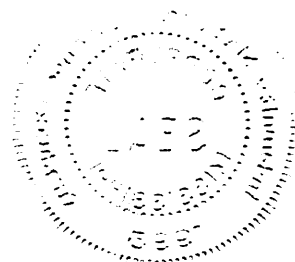
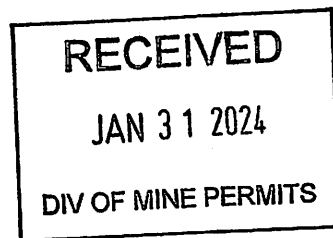
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

PERFORMANCE BOND

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 48

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7005100
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of One Hundred Forty-Three Thousand  
Eight Hundred and 00/100 Dollars (\$ 143,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 35.60 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

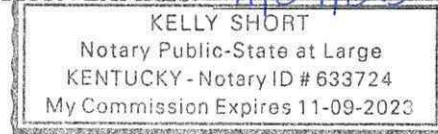
PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 03/08/21 OFFICIAL POSITION: SVP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 8<sup>th</sup> day of March, 2021.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/09/23



**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: March 8, 2021

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.

Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8th day of March, 2021.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

Susan P. Lockett  
NOTARY PUBLIC

Attachment to RFL 2-5, 000705 of 824  
Permittee Name ICG Hazard

Permit Number 860-0542 M-06 Inc. # 15,17,19,22,23

31,33  
44,45  
48,49

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- |  |   |
|--|---|
| <input type="checkbox"/> Permit Number                                       | <input type="checkbox"/> Original Documents |
| <input type="checkbox"/> Company Name (Principal)                            | <input type="checkbox"/> Amount             |
| <input type="checkbox"/> County  | <input type="checkbox"/> Acres              |
| <input type="checkbox"/> No corrections, alterations, additions, or whiteout | <input type="checkbox"/> Notarized          |

**CASH BOND:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 1 Checked                      | <input type="checkbox"/> Certified Check |
| <input type="checkbox"/> Payable to Kentucky State Treasurer | <input type="checkbox"/> Money Order     |
| <input type="checkbox"/> Cashiers Check                      |  |

**SURETY BOND:** Rider

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Surety Listed | <input checked="" type="checkbox"/> Signed by Attorney-In-Fact     |
| <input type="checkbox"/> Surety Name & Address    | <input checked="" type="checkbox"/> Attorney-In-Fact listed on POA |
| <input type="checkbox"/> Local Agency             | <input checked="" type="checkbox"/> Dated                          |
| <input type="checkbox"/> Item 2 Checked           |  |

☒ Verified By: Theresa Pickrell  
(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- |   |  |
|---|--|
| <input type="checkbox"/> Item 3 Checked             | <input type="checkbox"/> Execution Date                |
| <input type="checkbox"/> Applicant Listed           | <input type="checkbox"/> Bank Listed as Escrow Agent   |
| <input type="checkbox"/> Certificate of Deposit No. | <input type="checkbox"/> Issue Date                    |
| <input type="checkbox"/> Signed By Applicant        | <input type="checkbox"/> Signed By Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Bank Representative)

**LETTER OF CREDIT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 4 Checked      | <input type="checkbox"/> Expiration Date               |
| <input type="checkbox"/> Bank Name & Address | <input type="checkbox"/> Dated                         |
| <input type="checkbox"/> Applicant Listed    | <input type="checkbox"/> Letter of Credit No. Listed   |
| <input type="checkbox"/> Issue Date          | <input type="checkbox"/> Signed by Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Phone/Email) (Bank Representative)

Signature of Bond Reviewer \_\_\_\_\_ Date \_\_\_\_\_



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

Attachment to RFI 2-5, 000707 of 82

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

County of: Jefferson

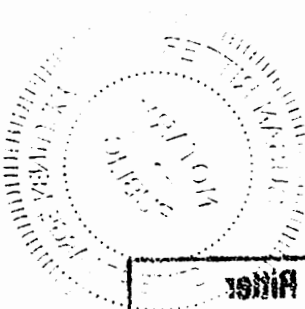
I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter



RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



NOTARY PUBLIC  
STATE OF KENTUCKY  
SUSAN HIGER  
MY COMMISSION EXPIRES MARCH 4, 2028



Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

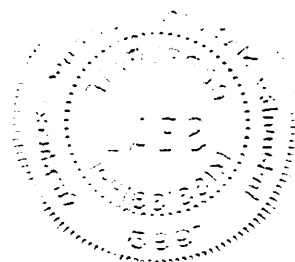
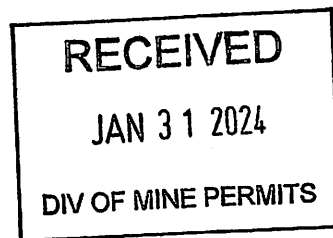
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





Attachment to RFL 2-5, 000712 of 824  
Permittee Name ICG Hazard

Permit Number 860-0542 M-06 Inc. # 15,17,19,22,23

31,33  
44,45  
48,49

This checklist shall be used to verify all information submitted on each type of bond. It is important that all documents be on original forms prescribed by the Cabinet, unless otherwise approved, and that all the information be correct, complete and unaltered. All items listed must be checked, (with the exception of bond riders).

**GENERAL:**

- |  |   |
|--|---|
| <input type="checkbox"/> Permit Number                                       | <input type="checkbox"/> Original Documents |
| <input type="checkbox"/> Company Name (Principal)                            | <input type="checkbox"/> Amount             |
| <input type="checkbox"/> County  | <input type="checkbox"/> Acres              |
| <input type="checkbox"/> No corrections, alterations, additions, or whiteout | <input type="checkbox"/> Notarized          |

**CASH BOND:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 1 Checked                      | <input type="checkbox"/> Certified Check |
| <input type="checkbox"/> Payable to Kentucky State Treasurer | <input type="checkbox"/> Money Order     |
| <input type="checkbox"/> Cashiers Check                      |  |

**SURETY BOND:** Rider

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Surety Listed | <input checked="" type="checkbox"/> Signed by Attorney-In-Fact     |
| <input type="checkbox"/> Surety Name & Address    | <input checked="" type="checkbox"/> Attorney-In-Fact listed on POA |
| <input type="checkbox"/> Local Agency             | <input checked="" type="checkbox"/> Dated                          |
| <input type="checkbox"/> Item 2 Checked           |  |

☒ Verified By: Theresa Pickrell  
(Insurance Company Representative)

**ESCROW AGREEMENT: CD(s)**

- |   |  |
|---|--|
| <input type="checkbox"/> Item 3 Checked             | <input type="checkbox"/> Execution Date                |
| <input type="checkbox"/> Applicant Listed           | <input type="checkbox"/> Bank Listed as Escrow Agent   |
| <input type="checkbox"/> Certificate of Deposit No. | <input type="checkbox"/> Issue Date                    |
| <input type="checkbox"/> Signed By Applicant        | <input type="checkbox"/> Signed By Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Bank Representative)

**LETTER OF CREDIT:**

- |  |  |
|--|--|
| <input type="checkbox"/> Item 4 Checked      | <input type="checkbox"/> Expiration Date               |
| <input type="checkbox"/> Bank Name & Address | <input type="checkbox"/> Dated                         |
| <input type="checkbox"/> Applicant Listed    | <input type="checkbox"/> Letter of Credit No. Listed   |
| <input type="checkbox"/> Issue Date          | <input type="checkbox"/> Signed by Bank Representative |

\_\_\_\_ Verified By: \_\_\_\_\_  
(Phone/Email) (Bank Representative)

Signature of Bond Reviewer \_\_\_\_\_ Date \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 49

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7005101
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Five Hundred Fifteen Thousand  
Eight Hundred and 00/100----- Dollars (\$ 515,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 128.50 acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 03/08/21 OFFICIAL POSITION: SVP

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 8<sup>th</sup> day of March, 2021.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/09/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

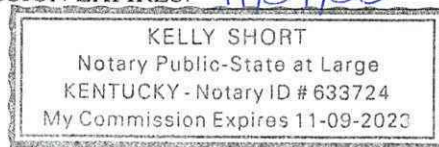
LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: March 8, 2021

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 8th day of March, 2021.



By James E. Hart  
James E. Hart, Secretary



**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC *Kelly Shaw*  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

*John M. Potter*  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018.

*Susan P. Lachett*  
NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION FRANKFORT, KENTUCKY 40601

Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	49
Address	250 WEST MAIN STREET, SUITE 2000					
City	LEXINGTON	State	KY	ZIP	40507	

Identification Numbers	Amount	Identification Numbers	Amount
N-7005101	\$368,000		

If Certificate of Deposit or Letter of Credit

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☒ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

<input type="checkbox"/>	Overlap By _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Complete <input type="checkbox"/> Partial	# of acres overlapped _____	
<input type="checkbox"/>	Transfer to _____	(Company Name)	Permit Number _____
<input type="checkbox"/>	Bond Substitution - replaced by bonds	_____	
<input type="checkbox"/>	Reduction due to permitting action dated -	_____	
<input type="checkbox"/>	Other	_____	

Initial Encumbered Balance		\$	\$368,000
Final Release	\$		
Grading Release	\$	220,800	PHASE I
Undisturbed	\$		
Administrative Release	\$		
Total Reduction		\$	220,800
Remaining Encumbered Balance		\$	147,200
Remaining Balance on Bond #	N-7005101 (\$147,200)		

X *Jim Ward*  
by *Kristin Gale*

---

Signed by: Kristin Gale

Director, Division of Mine Reclamation

**SME-44 Rev 06/2008**



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

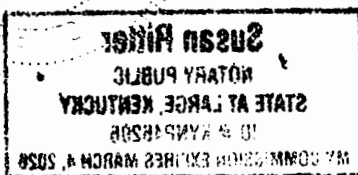
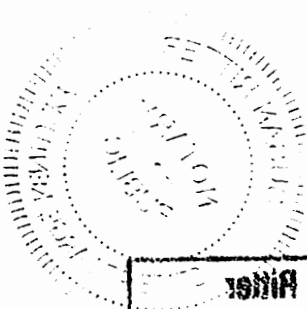
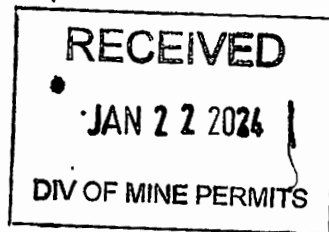
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

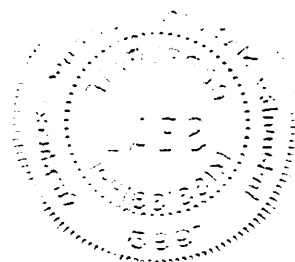
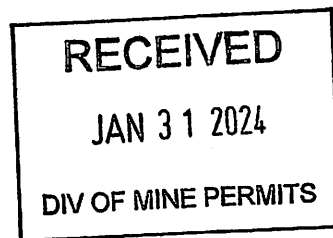
CERTIFICATE

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) 50

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7005807
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Two Hundred Seventy-Nine Thousand  
Eight Hundred and 00/100 Dollars (\$ 279,800.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that 69.55 acres of  
land situated in Knott/Breathitt County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

RECEIVED BY:

MAR 26 2025

DIVISION OF MINE PERMITS



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 03/20/2025 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 20<sup>th</sup> day of March, 2025

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/09/27

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Kelsy Hoagland OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: March 20, 2025

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



2025-03-26

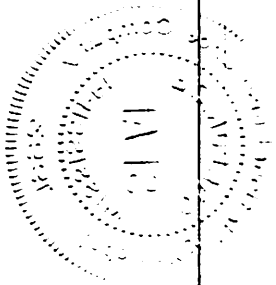
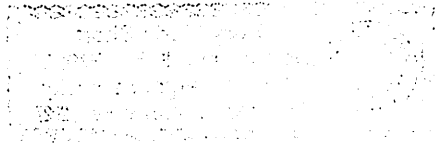
2025-03-26

2025-03-26

2025-03-26

2025-03-26

2025-03-26



RECEIVED BY:

MAR 26 2025

DIVISION OF MINE PERMITS



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
 (i) when signed by the president, or any vice president, and sealed with the Company seal; or  
 (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
 Thomas F. Elkins, President

State of Kentucky  
 County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
 Notary Public

My Commission Expires 09/26/2025  
 Notary ID Number: KYNP34336

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 20th day of March, 2025.



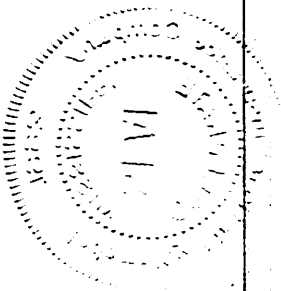
By James E. Hart  
 James E. Hart, Secretary

2025

RECEIVED BY:

MAR 26 2025

DIVISION OF MINE PERMITS





**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Short  
MY COMMISSION EXPIRES 11/9/27  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING LLC**

John M. Potter  
John M. Potter, CEO



COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

This is to certify that the foregoing instrument was acknowledged before me on this 23rd day of February, 2018, by John M. Potter, CEO, of Pine Branch Mining LLC, the sole manager of Pine Branch Resources, LLC.

My commission expires: 6/10/2018

Susan P. Lockett  
NOTARY PUBLIC

RECEIVED BY:

MAR 26 2025

DIVISION OF MINE PERMITS



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) LTT

BOND SUBSTITUTION FOR EXISTING BOND # \_\_\_\_\_

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER 1134167
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Lexon Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of Six Hundred Twenty Thousand Six  
Hundred and 00/100----- Dollars (\$ 620,600.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that \_\_\_\_\_ acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.



If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: 11/19/15 OFFICIAL POSITION: V.P.

SIGNATURE: [Signature]

Subscribed and sworn to before me by D. Edward Brown this the 19<sup>th</sup> day of November, 2015.

NOTARY PUBLIC: Laurel J. Unseld MY COMMISSION EXPIRES: 6/17/19

**COMPLETE FOR SURETY BOND:**

SURETY: Lexon Insurance Company

ADDRESS: 10002 Shelbyville Road, Suite 100, Louisville, KY 40223

LOCAL AGENCY ISSUING BOND: Acrisure, LLC DBA Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: November 19, 2015

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



## POWER OF ATTORNEY

LX-261748

## Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Jackie C. Koestel, Lynnette Long, Amy Meredith, Deborah Neichter, Jessica Nowlin, Theresa Pickerrell, Sheryon Quinn, Bonnie J. Wortham its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

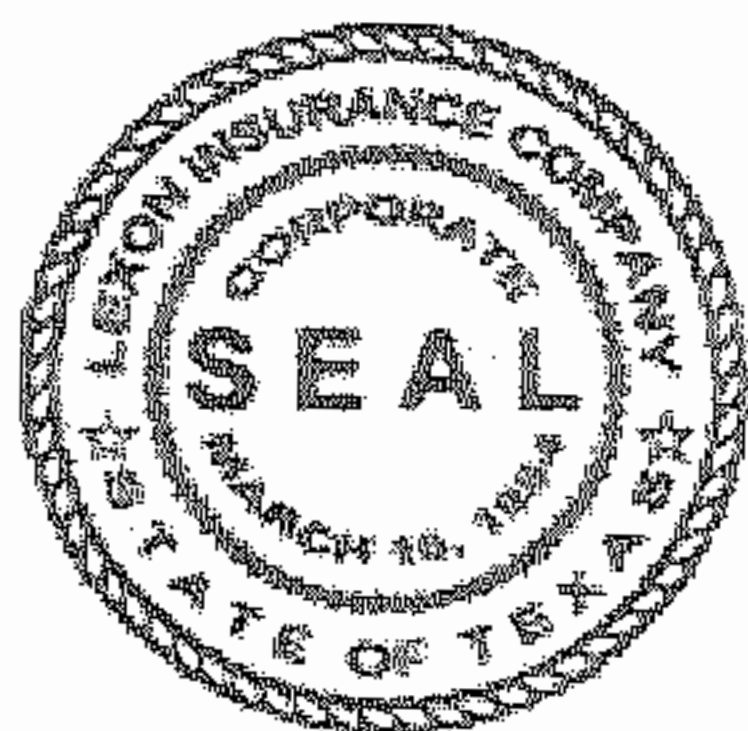
This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1<sup>st</sup> day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$5,000,000.00, Five Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 5th day of August, 2015.

LEXON INSURANCE COMPANY

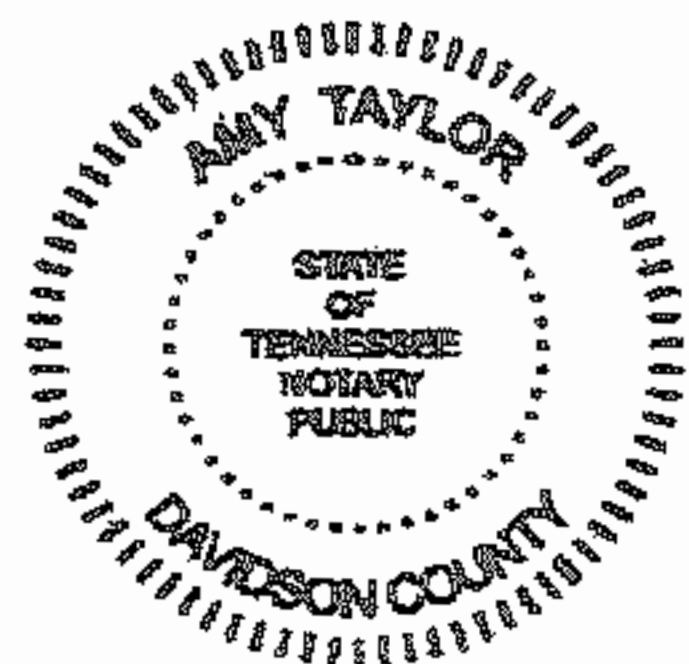


BY

*David E. Campbell*  
David E. Campbell  
President

## ACKNOWLEDGEMENT

On this 5th day of August, 2015, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 07-08-19

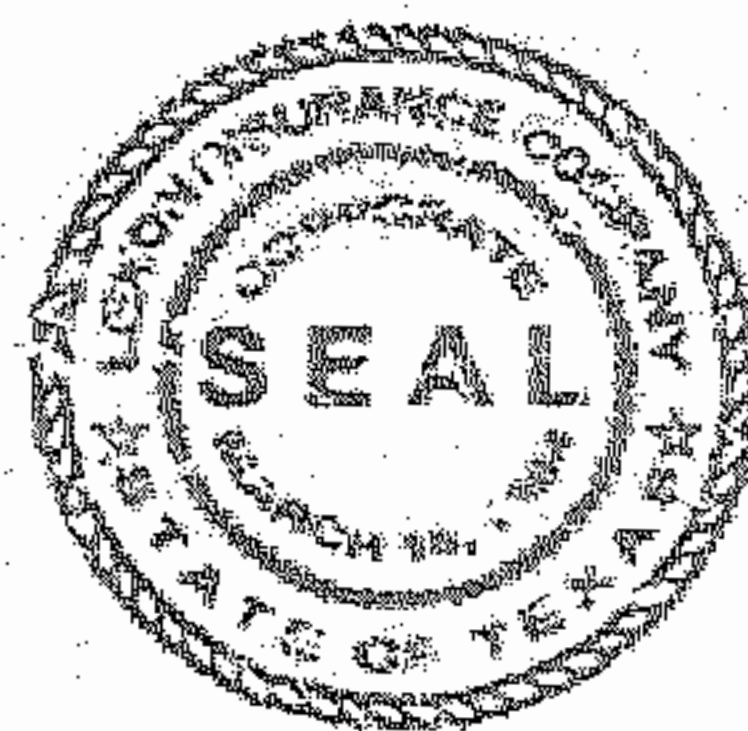
BY

*Amy Taylor*  
Amy Taylor  
Notary Public

## CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 19<sup>th</sup> Day of November, 20 15.



BY

*Andrew Smith*  
Andrew Smith  
Assistant Secretary

**"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."**



**ACTION BY THE SOLE MEMBER OF  
ICG HAZARD, LLC**

March 3, 2014

The undersigned, being the sole member of ICG HAZARD, LLC, a Delaware limited liability corporation ("Corporation"), hereby consents to the following action as an action of the sole member of the Corporation pursuant to the Limited Liability Company Agreement of the Corporation:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Member, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A TRUE  
AND EXACT COPY OF THE ORIGINAL DOCUMENT.  
Laurel J. Unseld  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 6/17/19  
STATE OF COMMISSION KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO

COMMONWEALTH OF KENTUCKY  
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 3<sup>rd</sup> day of March, 2014, by John M. Potter, CEO, of Pine Branch Mining, LLC, the Member of ICG Hazard, LLC, on behalf of Pine Branch Mining, LLC.

My commission expires: 6/17/15.

Laurel J. Unseld #445176  
NOTARY PUBLIC



**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
DIVISION OF MINE RECLAMATION AND ENFORCEMENT  
FRANKFORT, KENTUCKY 40601**

**PERFORMANCE BOND**

APPLICATION (PERMIT) NUMBER 860-0542

INCREMENT NUMBER (IF ANY) LTT

BOND SUBSTITUTION FOR EXISTING BOND # 1134167

AMENDMENT, REVISION, OR RENEWAL NUMBER (IF ANY) \_\_\_\_\_

- ☐ 1. CASH BOND \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7004049
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

*KNOW ALL PERSONS BY THESE PRESENTS*, That the undersigned ICG Hazard, LLC  
as Principal and Indemnity National Insurance Company as Surety is/are held and firmly bound unto the  
Energy and Environment Cabinet in the penal sum of  
Six Hundred Twenty Thousand Six Hundred and 00/100 Dollars (\$ 620,600.00 ).

- ☐ 1. Which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. For the payment of which sum is to be well and truly made
- ☐ 3. Which sum is herewith deposited with the Cabinet's Department for Natural Resources  
by and through its Escrow Agent \_\_\_\_\_
- ☐ 4. Which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542  
all applicable laws, regulations, and the terms of this bond will be observed and hereby bind ourselves, our heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is  
effective upon receipt by the Department for Natural Resources and cannot be cancelled except as provided under  
KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

*THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, THAT:*

Whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 350 did file with the Department  
for Natural Resources an application for a permit to engage in surface coal mining and reclamation operations in  
the Commonwealth of Kentucky; that in said application the Principal estimates that \_\_\_\_\_ acres of  
land situated in Knott County, Kentucky will be affected by surface coal mining and reclamation  
operations authorized by the permit issued pursuant to the aforesaid application requiring this bond.

If this is a bond substitution it is understood and agreed that all obligations under this bond shall extend to disturbances both prior and subsequent to the date of substitution.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above-designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this bond then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of bond forfeiture, pursuant to KRS 350.130(1) and 405 KAR 10:050 the Cabinet shall forfeit all of the remaining bond amount for the permit or increment(s) to which the bond applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(PERMITTEE)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn to before me by D. Edward Brown this the 1st day of July, 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SURETY BOND:**

SURETY: Indemnity National Insurance Company

KELLY SHORT  
Notary Public-State at Large  
KENTUCKY - Notary ID # 633724  
My Commission Expires 11-09-2023

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING BOND: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the bond a copy of the Power of Attorney showing authority to sign.



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC *Kelly Shaw*  
MY COMMISSION EXPIRES *11/9/23*  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

*John M. Potter*  
John M. Potter, CEO



Permittee	ICG HAZARD LLC		Permit #	860-0542	Incr #	LTT
Address	3228 SUMMIT SQUARE PLACE SUITE 180					
City	LEXINGTON	State	KY	ZIP	40509	

Identification Numbers	Amount	Identification Numbers	Amount
1134167	\$620,600		

Bank Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

☐ Initial Reclamation is Complete.

☐ \_\_\_\_\_ Acres of undisturbed area has been verified.

☐ Final Reclamation is complete and satisfactory

☐ Overlap By \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☐ Complete ☐ Partial # of acres overlapped \_\_\_\_\_  
☐ Transfer to \_\_\_\_\_ (Company Name) Permit Number \_\_\_\_\_  
☒ Bond Substitution - replaced by bonds N-7004049  
☐ Reduction due to permitting action dated - \_\_\_\_\_  
☐ Other \_\_\_\_\_

Initial Encumbered Balance		\$	\$620,600
Final Release	\$	_____	
Grading Release	\$	_____	
Undisturbed	\$	_____	
Administrative Release	\$	<u>620,600</u>	
Total Reduction		\$	<u>620,600</u>
Remaining Encumbered Balance		\$	<u>0</u>
Remaining Balance on Bond #			

Jim Ward  
by Sheri Mullins  
Director, Division of Mine  
Reclamation and Enforcement

**SME-44 Rev 06/2008**

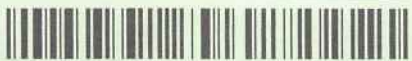
Attachment to RFI 2-5, 000741 of 824

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SMITH MANUS  
2307 RIVER ROAD SUITE 200  
LOUISVILLE, KY 40206



9590 9402 3079 7124 1152 51

2. Article Number (Transfer from service label)

7012 3460 0000 0567 3424

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x B. Gymbie ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/29/20

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

860-05412

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

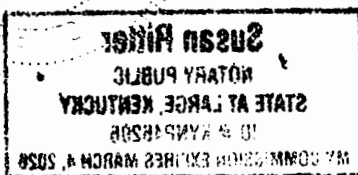
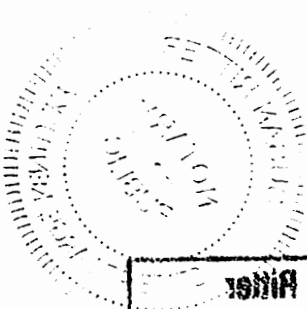
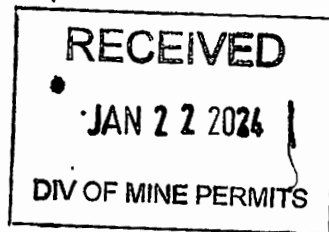
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
 (i) when signed by the president, or any vice president, and sealed with the Company seal; or  
 (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By

  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By

  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

## CERTIFICATE

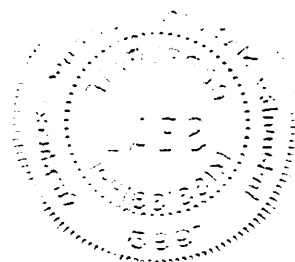
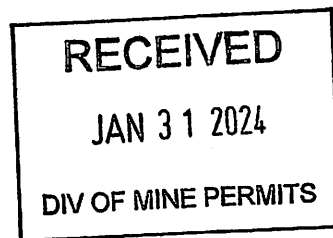
I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2021.



By

  
James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
FRANKFORT, KENTUCKY 40601

SUPPLEMENTAL ASSURANCE

PERMIT/APPLICATION NUMBER 860-0542  
INCREMENT NUMBER (IF ANY) SUPP

- ☐ 1. CASH \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7004053
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
\_\_\_\_\_ as Principal and Indemnity National Insurance Company as Surety is/are held and  
firmly bound unto the Energy and Environment Cabinet in the penal sum of  
One Hundred Fifty Thousand and 00/100 Dollars (\$ 150,000.00 )

- ☐ 1. which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. for the payment of which sum is to be well and truly made
- ☐ 3. which sum is herewith deposited with the Cabinet's Department for Natural Resources, by and through  
its Escrow Agent \_\_\_\_\_
- ☐ 4. which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542 ,  
all applicable laws, regulations, and the terms of this supplemental assurance will be observed and hereby bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these  
presents. This supplemental assurance is effective upon receipt by the Department for Natural Resources and cannot  
be cancelled except as provided under KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound Principal, pursuant  
to the provisions of KRS Chapter 350 did file with the Department for Natural Resources an application for a permit  
to engage in surface coal mining and reclamation operations in the  
Commonwealth of Kentucky; that in said application the Principal estimates that \_\_\_\_\_  
acres of land situated in Knott \_\_\_\_\_ county at or near the Community of  
Ary \_\_\_\_\_ will be affected by surface coal mining and reclamation operations  
authorized by the permit issued pursuant to the aforesaid application requiring this supplemental assurance.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this supplemental assurance then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of forfeiture of supplemental assurance pursuant to 405 KAR 16:020 and 405 KAR 10:050 the cabinet shall forfeit the entire amount of supplemental assurance for the permit or increment(s) to which the supplemental assurance applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(Permittee)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: [Signature]

Subscribed and sworn before me by D. Edward Brown this the 1st day of July 2020

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SUPPLEMENTAL ASSURANCE**

SURETY: Indemnity National Insurance Company

KELLY SHORT  
Notary Public-State at Large  
KENTUCKY - Notary ID # 633724  
My Commission Expires 11-09-2023

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: [Signature] DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the supplemental assurance a copy of the Power of Attorney showing authority to sign. All supplemental assurance executed by an out-of-state agency shall be countersigned by a resident Kentucky agent.

COUNTERSIGNED BY: N/A AGENT FOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Robert Shant  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

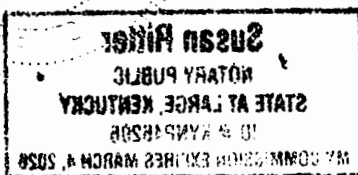
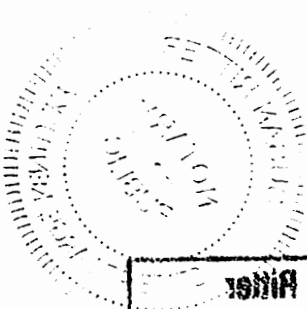
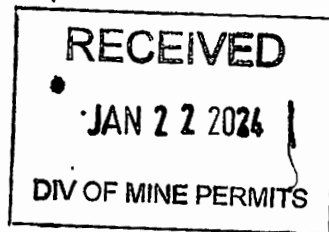
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

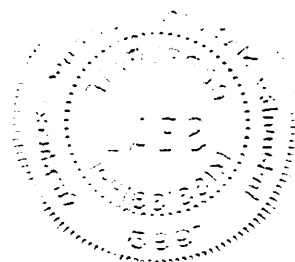
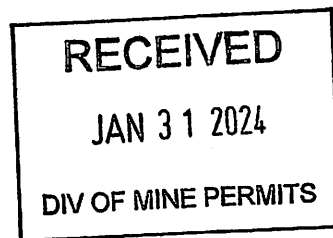
**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
FRANKFORT, KENTUCKY 40601

SUPPLEMENTAL ASSURANCE

PERMIT/APPLICATION NUMBER 860-0542  
INCREMENT NUMBER (IF ANY) SUPP

- ☐ 1. CASH \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7004054
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
\_\_\_\_\_ as Principal and Indemnity National Insurance Company as Surety is/are held and  
firmly bound unto the Energy and Environment Cabinet in the penal sum of  
One Hundred Fifty Thousand and 00/100 Dollars (\$ 150,000.00 )

- ☐ 1. which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. for the payment of which sum is to be well and truly made
- ☐ 3. which sum is herewith deposited with the Cabinet's Department for Natural Resources, by and through  
its Escrow Agent \_\_\_\_\_
- ☐ 4. which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542,  
all applicable laws, regulations, and the terms of this supplemental assurance will be observed and hereby bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these  
presents. This supplemental assurance is effective upon receipt by the Department for Natural Resources and cannot  
be cancelled except as provided under KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound Principal, pursuant  
to the provisions of KRS Chapter 350 did file with the Department for Natural Resources an application for a permit  
to engage in surface coal mining and reclamation operations in the  
Commonwealth of Kentucky; that in said application the Principal estimates that \_\_\_\_\_  
acres of land situated in Knott county at or near the Community of  
Ary will be affected by surface coal mining and reclamation operations  
authorized by the permit issued pursuant to the aforesaid application requiring this supplemental assurance.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this supplemental assurance then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of forfeiture of supplemental assurance pursuant to 405 KAR 16:020 and 405 KAR 10:050 the cabinet shall forfeit the entire amount of supplemental assurance for the permit or increment(s) to which the supplemental assurance applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of its charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(Permittee)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

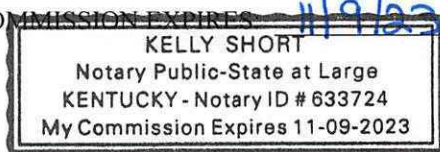
SIGNATURE: [Signature]

Subscribed and sworn before me by D. Edward Brown this the 1st day of July 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES 11/9/23

**COMPLETE FOR SUPPLEMENTAL ASSURANCE**

SURETY: Indemnity National Insurance Company



ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE: Theresa Pickerrell DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the supplemental assurance a copy of the Power of Attorney showing authority to sign. All supplemental assurance executed by an out-of-state agency shall be countersigned by a resident Kentucky agent.

COUNTERSIGNED BY: N/A AGENT FOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By James E. Hart  
James E. Hart, Secretary

**ACTION BY THE SOLE MANAGER OF  
PINE BRANCH RESOURCES, LLC**

February 23, 2018

The undersigned, being the sole manager of PINE BRANCH RESOURCES, LLC (f/k/a ICG HAZARD, LLC), a Delaware limited liability corporation ("Company"), hereby consents to the following action as an action of the sole manager of the Company pursuant to the Limited Liability Company Agreement of the Company:

RESOLVED, that effective May 1, 2017, D. Edward Brown, Senior Vice President of Technical Services of the Company ("Brown") is duly authorized by the manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

I DO HEREBY ATTEST THAT THIS IS A  
TRUE AND EXACT COPY OF THE  
ORIGINAL DOCUMENT.  
NOTARY PUBLIC Kelly Shaw  
MY COMMISSION EXPIRES 11/9/23  
STATE OF COMMISSION: KENTUCKY

**PINE BRANCH MINING, LLC**

John M. Potter  
John M. Potter, CEO



SCANNED

Indemnity National Insurance Company  
238 Bedford Way  
Franklin, TN 37064

January 16, 2024

Commonwealth of Kentucky  
Energy and Environment Cabinet  
Department for Natural Resources  
Reclamation and Enforcement  
Frankfort, KY 40601

To Whom It May Concern:

The following Surety Performance Bonds written by Indemnity National Insurance Company covering Permit No. 860-0542 Rn-4 with ICG Hazard, LLC as principal, remains in full force and effect.

Bond No.	Bond Amount	Increment No.
N-7005421	\$387,900	3
N-7005422	\$223,700	7
N-7005372	\$87,800	8
N-7005205	\$123,700	9
N-7003750	\$91,900	11
N-7005206	\$103,900	12
N-7003751	\$363,900	13
N-7003752	\$159,600	14
N-7003753	\$195,800	15
N-7003754	\$99,800	16
N-7003755	\$269,600	17
N-7003756	\$260,800	18
N-7003757	\$442,500	19
N-7003759	\$137,400	21
N-7003760	\$85,100	22
N-7003761	\$462,700	23
N-7003762	\$75,000	24
N-7003763	\$75,000	25
N-7003765	\$66,000	27
N-7003766	\$225,500	28
N-7003767	\$111,800	29
N-7003769	\$305,600	31
N-7003770	\$150,300	32
N-7003771	\$190,400	33
N-7005380	\$183,600	35
N-7005139	\$75,000	36
N-7005140	\$75,900	37
N-7003773	\$91,800	38
N-7003774	\$123,900	39
N-7005207	\$219,900	40
N-7003775	\$75,000	41
N-7003776	\$75,000	42
N-7003777	\$75,000	43
N-7003778	\$155,600	44
N-7003779	\$503,700	45
N-7003781	\$247,800	47

RECEIVED  
JAN 22 2024  
DIV OF MINE PERMITS



N-7005100	\$143,800	48
N-7005101	\$147,200	49
N-7004049	\$620,600	LTT
N-7004056	\$300,000	SUP
N-7004053	\$150,000	SUP
N-7004054	\$150,000	SUP

It is further agreed and understood that the Surety does not waive any rights or remedies under law by the issuance of this letter and is acting under a full reservation of all rights and defenses secured to it under the terms and conditions of its bonds and all applicable laws, statutes, rules and regulations.

Indemnity National Insurance Company

By: Theresa Hintzman  
Theresa Hintzman, Attorney-In-Fact

State of: Kentucky

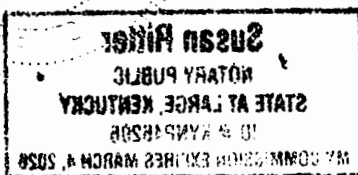
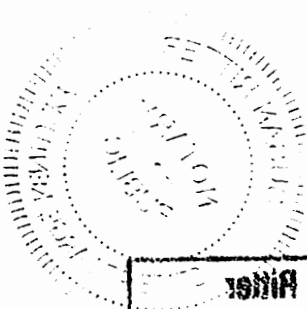
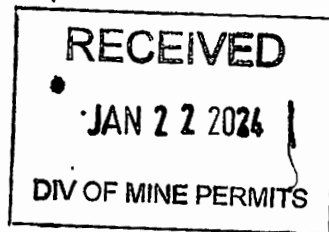
County of: Jefferson

I certify that I know or have satisfactory evidence that Theresa Hintzman signed this document; on oath stated that she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Kentucky for the purposes mentioned in this document.

Dated on: January 16, 2024

Susan Ritter  
Signature of Notary Susan Ritter







## Indemnity National Insurance Company

238 Bedford Way  
Franklin, TN 37064

## Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation, (hereinafter the "Company"), does hereby constitute and appoint: \*\*\*\*\*Brook T. Smith, William R. Precious, Mark A. Guidry\*\*\*\*\*  
\*\*\*\*\*Theresa Hintzman, Amy Smith, Susan Ritter, and Kelsy Hoagland\*\*\*\*\* of Acrisure, LLC DBA Smith Manus\*\*\*\*\* to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed \*\*\*\*\*Thirty million dollars (\$30,000,000.00)\*\*\*\*\* each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,  
(i) when signed by the president, or any vice president, and sealed with the Company seal; or  
(ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 20th day of August, 2021.



Indemnity National Insurance Company

By Thomas F. Elkins  
Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 20th day of August, 2021, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2025  
Notary ID Number: KYNP34336

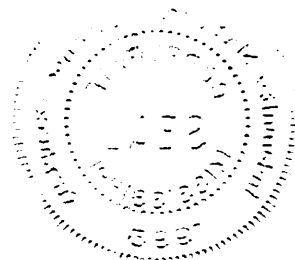
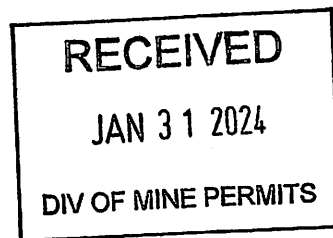
**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 16th day of January, 2024.



By James E. Hart  
James E. Hart, Secretary





COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES  
FRANKFORT, KENTUCKY 40601

SUPPLEMENTAL ASSURANCE

PERMIT/APPLICATION NUMBER 860-0542  
INCREMENT NUMBER (IF ANY) SUPP

- ☐ 1. CASH \_\_\_\_\_
- ☒ 2. SURETY BOND NUMBER N-7004055
- ☐ 3. CERTIFICATE OF DEPOSIT NUMBER \_\_\_\_\_
- ☐ 4. LETTER OF CREDIT NUMBER \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS, That the undersigned ICG Hazard, LLC  
\_\_\_\_\_ as Principal and Indemnity National Insurance Company as Surety is/are held and  
firmly bound unto the Energy and Environment Cabinet in the penal sum of  
One Hundred Fifty Thousand and 00/100 Dollars (\$ 150,000.00 )

- ☐ 1. which sum is herewith deposited with the Cabinet's Department for Natural Resources
- ☒ 2. for the payment of which sum is to be well and truly made
- ☐ 3. which sum is herewith deposited with the Cabinet's Department for Natural Resources, by and through  
its Escrow Agent \_\_\_\_\_
- ☐ 4. which sum is available by virtue of an irrevocable letter of credit in favor of the Cabinet's Department  
for Natural Resources

as a guarantee that the provisions of the permit issued pursuant to Application Number 860-0542,  
all applicable laws, regulations, and the terms of this supplemental assurance will be observed and hereby bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these  
presents. This supplemental assurance is effective upon receipt by the Department for Natural Resources and cannot  
be cancelled except as provided under KRS 350.068, 405 KAR 10:030 and 405 KAR 10:035.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound Principal, pursuant  
to the provisions of KRS Chapter 350 did file with the Department for Natural Resources an application for a permit  
to engage in surface coal mining and reclamation operations in the  
Commonwealth of Kentucky; that in said application the Principal estimates that \_\_\_\_\_  
acres of land situated in Knott county at or near the Community of  
Ary will be affected by surface coal mining and reclamation operations  
authorized by the permit issued pursuant to the aforesaid application requiring this supplemental assurance.

Now if the said ICG Hazard, LLC, as Principal, shall faithfully perform all the requirements of the above designated application, the permit issued pursuant thereto, and the applicable laws, regulations, and the terms of this supplemental assurance then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Energy and Environment Cabinet, upon receipt of an Order of the Cabinet. In the event of forfeiture of supplemental assurance pursuant to 405 KAR 16:020 and 405 KAR 10:050 the cabinet shall forfeit the entire amount of supplemental assurance for the permit or increment(s) to which the supplemental assurance applies, regardless of the acreage disturbed or reclaimed.

In the event that the insurer or surety becomes incapacitated by reason of bankruptcy insolvency or suspension or revocation of it's charter, license or certificate of authority, the provisions of 405 KAR 10:030, Section 2 shall apply.

PRINCIPAL: ICG Hazard, LLC BY: D. Edward Brown  
(Permittee)

DATE: July 01, 2020 OFFICIAL POSITION: Senior Vice President

SIGNATURE: 

Subscribed and sworn before me by D. Edward Brown this the 1st day of July 2020.

NOTARY PUBLIC: Kelly Short MY COMMISSION EXPIRES: 11/9/23

**COMPLETE FOR SUPPLEMENTAL ASSURANCE**

SURETY: Indemnity National Insurance Company

KELLY SHORT  
Notary Public-State at Large  
KENTUCKY - Notary ID # 633724  
My Commission Expires 11-09-2023

ADDRESS: 238 Bedford Way, Franklin, TN 37064

LOCAL AGENCY ISSUING: Acrisure, LLC dba Smith Manus

ADDRESS: 2307 River Road, Suite 200, Louisville, KY 40206

BY: Theresa Pickerrell OFFICIAL POSITION: Attorney-in-Fact

SIGNATURE:  DATE: July 01, 2020

NOTE: The person who signs for a surety company must file with the supplemental assurance a copy of the Power of Attorney showing authority to sign. All supplemental assurance executed by an out-of-state agency shall be countersigned by a resident Kentucky agent.

COUNTERSIGNED BY: N/A AGENT FOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that Indemnity National Insurance Company, a Mississippi corporation (hereinafter the "Company"), does hereby constitute and appoint: Brook T. Smith, William R. Precious, Sandra L. Fusinetti, Mark A. Guidry, Theresa Pickerrell, Amy Bowers, Susan Ritter, and Sheryon Quinn of Louisville, Kentucky to be its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, seal, and execute on its behalf surety bonds or undertakings and other documents of a similar nature issued in the course of its business up to a penal sum not to exceed Eight Million and 00/100 Dollars\*\*\*\*\* (\$8,000,000.00) each, and to bind the Company thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Company.

This appointment is made under and executed pursuant to and by authority of the following Minutes of Special Actions Taken by Written Consent of the Board of Directors, which is now in full force and effect:

Authorization to Appoint Attorneys-in-Fact and the Use of Facsimile Signatures and Facsimile Seals for the Purpose of Issuing Bonds:

RESOLVED: That the president or any vice president may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company to execute and deliver and affix the seal of the Company to bonds and related obligatory certificates and documents; and any one of said officers may remove any such attorney-in-fact or agent and revoke any power previously granted to such person, whether or not such officer appointed the attorney-in-fact or agent.

RESOLVED: That any bonds and related obligatory certificates and documents shall be valid and binding upon the Company,

- (i) when signed by the president, or any vice president, and sealed with the Company seal; or
- (ii) when duly executed and sealed with the Company seal by one or more attorneys-in-fact or agents pursuant to and within the limits of authority evidenced by the power of attorney issued by the Company to such person or persons a certified copy of which power of attorney must be attached thereto in order for such obligation to be binding upon the Company.

RESOLVED: That the signature of any authorized officer and the seal of the Company may be affixed to any power of attorney or certification thereof authorizing the execution and delivery of any bonds and related obligatory certificates and documents of the Company and such signature and seal then so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Indemnity National Insurance Company has been affixed thereto in Lexington, Kentucky this 6th day of November, 2017.



Indemnity National Insurance Company

By

Thomas F. Elkins, President

State of Kentucky  
County of Fayette

On this 6th day of November, 2017, before me, a Notary Public, personally came Thomas F. Elkins, to me known, and acknowledged that he is President of Indemnity National Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Indemnity National Insurance Company thereto with the authority and at the direction of said corporation.



By

Deborah A. Murphy  
Notary Public

My Commission Expires 09/26/2021

**CERTIFICATE**

I, James E. Hart, Secretary of Indemnity National Insurance Company, do hereby certify that the foregoing Power of Attorney is still in full force and effect, and further certify that the Minutes of Special Actions Taken by Written Consent of the Board of Directors are now in full force and effect.

IN TESTIMONY WHEREOF I have subscribed my name and affixed the seal of said Company. Dated this 1st day of July, 2020.



By

James E. Hart, Secretary