

STATE OF ALABAMA, COUNTY OF SHELBY
FINAL LIEN WAIVER AND RELEASE

The undersigned was employed by EARTHCO, Remedial Constructors, Inc., or ECO Coal Pelletization No. 11, LLC to furnish materials, equipment, and/or labor in the construction or installation of SCRS Facility No. 11 or improvements on the following land located in Shelby County, Alabama (the Facility, improvements and land on which they are located hereafter referred to as the "Project"):

Oak Mountain Coal Mine and Facilities and Oak Mountain Energy, LLC, Shelby County, Alabama, specifically including:

NE Quarter of SW Quarter of Section 22, Township 21 South, Range 4 West, Shelby County, Alabama

Upon receipt by the undersigned of a check from EARTHCO of Indianapolis, Indiana, for the sum of Thirty Two Thousand Six Hundred Twenty Eight Dollars and Forty Six Cents (\$32,628.46) payable to Hertz Equipment Rental Corporation for fabrication or installation of SCRS Facility No. 11, this document shall become effective to release any right to assert a lien claim of any kind on the Project, whether now accrued or hereafter accruing by virtue of Alabama Code §§35-11-210 *et seq.* of the statutes of the State of Alabama, for work performed on, or equipment or materials provided to the Project as claimed in that certain Verified Statement of Lien recorded in Inst # 1999-02822 in the office of the Judge of Probate of Shelby County, Alabama on January 21, 1999. For the same consideration, the undersigned certifies that all bills or obligations incurred by it in connection with the Project, including construction, recordation or repair thereof, have been paid in full by it, and that there are no claims against it for labor, services, equipment or material furnished in connection with the Project which remain unpaid by it. For the same consideration, the undersigned releases any and all claims for labor, services, equipment, or material furnished which it may have against EARTHCO, its affiliates, its joint owners, Remedial Construction, Inc.; Cranny Enterprises, Inc.; Claddagh Holdings, Inc.; or ECO Coal Pelletization No. 11, LLC arising from or related to work performed by the undersigned on the Project.

Dated this 14 day of November, 1999.

Hertz Equipment Rental Corporation

By:

Name: Barbara Hughes

Title: Collections Referral Supervisor

State of Oklahoma)
) ss.
County of Oklahoma)

The foregoing instrument was acknowledged before me this 9th day of November, 1999 by Barbara Hughes, as Collection Referral Supervisor of Hertz Equipment Rental Corporation.

Witness my hand and official seal.

My Commission Expires:

Notary Public

