

STATE OF ALABAMA       )  
COUNTY OF SHELBY     )

20120413000127380 1/5 \$24.00  
Shelby Cnty Judge of Probate, AL  
04/13/2012 09:39:18 AM FILED/CERT

**MEMORANDUM OF LEASE**

KNOW ALL MEN BY THESE PRESENTS, that UNITED STATES STEEL CORPORATION , a Delaware corporation, as the Lessor, and TWIN PINES COAL COMPANY, INC., an Alabama corporation, as the Lessee, are parties to that certain "Coal Mining Lease" dated November 28, 2007 (the "Lease"), which granted to Lessee the right to mine coal by surface mining methods as may exist in certain lands located in Shelby County, Alabama, as more particularly described on **EXHIBIT A** and depicted on the map marked **EXHIBIT B** attached hereto and made a part hereof. The Lease provides for a primary term of five (5) years and provides for three (3) extensions of the term of the Lease for a period of three (3) years for each extension, subject to certain performances, for a total term of fourteen (14) years. The Lease was assigned by Lessee to **TWIN PINES II, LLC**, an Alabama limited liability company, as of January 13, 2011, whereby Twin Pines II, LLC assumed all of the rights as the Lessee under the Lease.

This Memorandum of Lease is placed of record by Lessor and Lessee to serve as notice of the execution and existence of the Lease, and does not supersede, abrogate, change, or modify any of the terms, conditions, rights, or obligations of any of the parties, all of which are set forth in detail in the Lease. The terms and conditions of the Lease are made a part hereof by reference for all purposes, to be the same effect as though written *in extenso* herein.

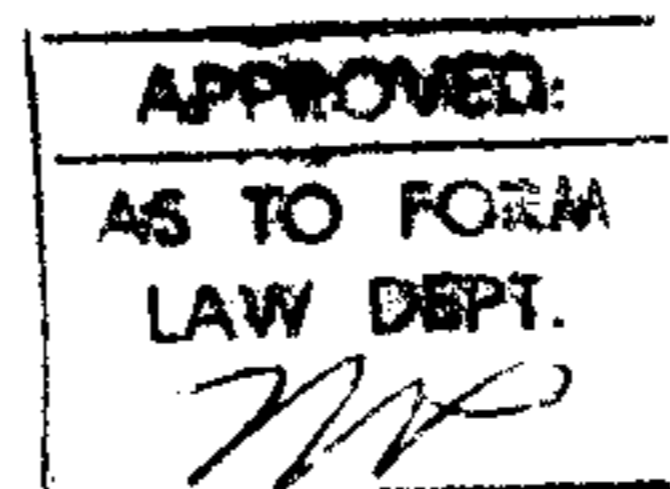
EXECUTED this is 6<sup>th</sup> day of April, 2012.

**LESSOR:**

**UNITED STATES STEEL CORPORATION**

By: [Signature]

Title: General Manager  
USS Real Estate, a division of  
United States Steel Corporation



**LESSEE:**

**TWIN PINES II, LLC**

By: Twin Pines, LLC  
Its: Sole Member

By: [Signature]

Its: Manager

This instrument prepared by:  
Michael M. Partain, Esq. General Attorney  
United States Steel Corporation  
Law Department - Hoover Office  
610 Preserve Parkway, Suite 200  
Hoover, Alabama 35226

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STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Beverly L. Swan, a Notary Public in and for said County, in said State, hereby certify that Thomas G. Howard, whose name as General Manager-Southeast of USS Real Estate, a division of **United States Steel Corporation**, a Delaware corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, in such capacity and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5 day of April, 2012.

Beverly L. Swan  
Notary Public

[SEAL]

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: July 30, 2015  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA )

COUNTY OF Shelby )

I, Sarah Weingarten, a Notary Public in and for said County, in said State, hereby certify that John P. Stilwell, whose name as Manager of Twin Pines, LLC, an Alabama limited liability company, as Sole Member of **Twin Pines II, LLC**, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, in such capacity and with full authority, executed the same voluntarily for and as the act of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6<sup>th</sup> day of April, 2012.

Sarah Weingarten  
Notary Public

[SEAL]

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Mar 8, 2016

# EXHIBIT A

## LEGAL DESCRIPTION

The following described lands located in Townships 20 and 21 South, Ranges 3 and 4 West of the Huntsville Principle Meridian, Shelby County, Alabama, are lands in which United States Steel Corporation owns surface interests only and which are leased to Twin Pines Coal Company, Inc., by document hereto attached.

### Township 20 South, Range 3 West

<u>Section</u>	<u>Description</u>	<u>Acres</u>
31	South Half of the Northeast quarter; Northwest quarter of the Northeast quarter; South Half of the section; South half of the Northwest quarter; Northeast quarter of the Northwest quarter.	560
<u>Total Acres Township 20 South, Range 3 West</u>		<u>560</u>

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### Township 20 South, Range 4 West

<u>Section</u>	<u>Description</u>	<u>Acres</u>
36	Southeast quarter of the Northeast quarter; the Southeast quarter; the Southeast diagonal half of the Southwest quarter.	280
<u>Total Acres Township 20 South, Range 4 West</u>		<u>280</u>

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### Township 21 South, Range 3 West

<u>Section</u>	<u>Description</u>	<u>Acres</u>
5	West Half of the Southwest quarter; the Northwest quarter.	240
6	The Entire Section.	640
7	The Entire Section.	640
8	The West Half of the West Half of the section	160
<u>Total Acres Township 21 South, Range 3 West</u>		<u>1,680</u>

Township 21 South, Range 4 West

<u>Section</u>	<u>Description</u>	<u>Acres</u>
1	The Entire Section	640
2	The East Half of the Section; the Southwest quarter; the Southeast diagonal Half of the Northwest quarter.	560
9	That part of the East Half of the Southeast quarter lying east of the centerline of the Cahaba River.	40
10	The Entire Section EXCEPT that part of the West Half of the Northwest quarter lying west and north of the centerline of the Cahaba River.	630
11	The Entire Section.	640
12	The Entire Section.	640
15	The Northwest quarter.	160

Total Acres Township 21 South, Range 4 West 3,310

**TOTAL ACRES**

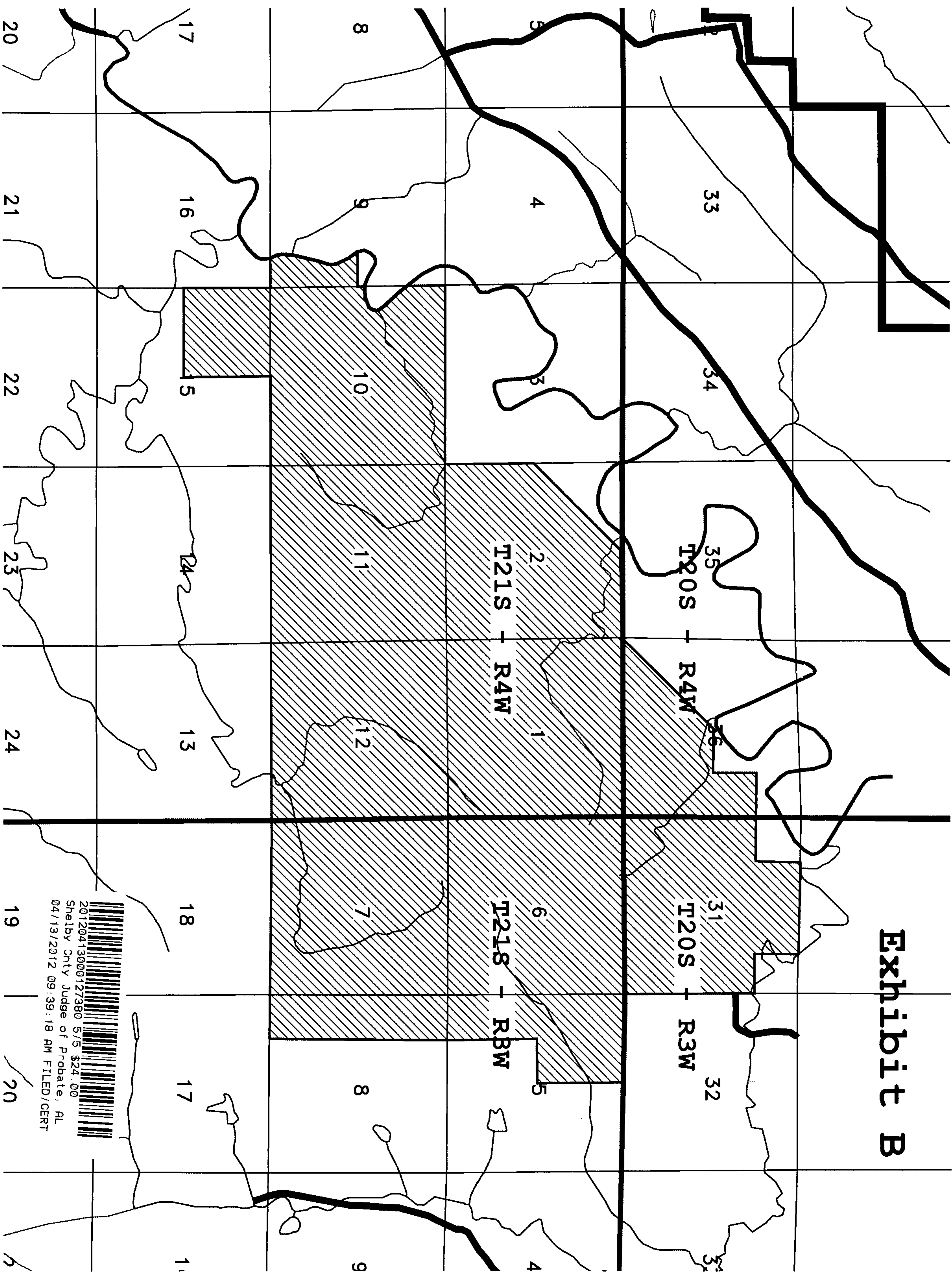
1	<u>Township 20 South, Range 3 West</u> -----	560
2	<u>Township 20 South, Range 4 West</u> -----	280
3	<u>Township 21 South, Range 3 West</u> -----	1,680
4	<u>Township 21 South, Range 4 West</u> -----	3,310

GRAND TOTAL ACRES 5,830

012  
623

**EXHIBIT A**

# Exhibit B



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