

THIS DOCUMENT WAS PREPARED BY  
AND IS TO BE RETURNED TO:

M. Beth O'Neill  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North, Suite 2400  
Birmingham, Alabama 35203

STATE OF ALABAMA            )  
SHELBY COUNTY             )

**MEMORANDUM OF COAL MINING LEASE**

This **MEMORANDUM OF COAL MINING LEASE** is made by and between **Matthew B. Gordon, Jr.** and **Janice O. Gordon**, individual residents of the State of Alabama ("LESSOR") and **Jesse Creek Mining, LLC**, a Delaware limited liability company ("LESSEE"), effective as of the 2<sup>nd</sup> day of May, 2014, and is intended to comply with Sections 35-4-6 and 35-4-51.1, *Code of Alabama*, 1975.

**RECITALS:**

**A.** LESSOR owns certain real property located in Shelby County, Alabama, which is more particularly described on **Exhibit A** attached hereto and made a part hereof by reference (the "Premises").

**B.** LESSOR and LESSEE executed a Coal Mining Lease dated May 2, 2014 ("Lease") with respect to the Premises.

**C.** LESSOR and LESSEE desire to enter into this Memorandum of Coal Mining Lease for the purpose of giving public notice of the existence of the Lease.

**NOW, THEREFORE**, for and in consideration of the premises and for other good and valuable consideration, all as more particularly set forth in the Lease, the receipt, sufficiency and adequacy of which are hereby acknowledged, LESSOR and LESSEE, each intending to be legally bound, do hereby consent and agree as follows:

1. **Names of Lessor and Lessee.** The name of the LESSOR of the Lease is Matthew B. Gordon, Jr. and Janice O. Gordon. The name of the LESSEE of the Lease is Jesse Creek Mining, LLC.

2. **Term.** Subject in all respects to the terms and conditions contained in the Ground Lease, LESSOR has leased to LESSEE, and LESSEE has leased from LESSOR, the Premises for an initial term beginning on May 2, 2014 and ending five (5) years thereafter or until all Coal that is the subject of this Lease shall have been mined or produced therefrom.

3. **Addresses.** As more fully set forth in the Lease, the addresses of LESSOR and LESSEE for the purposes of notices, payments and other communications required hereunder are as follows:

LESSOR:

Matthew B. Gordon, Jr.  
P.O. Box 619  
Columbiana, AL 35051  
PH: 205-902-6875

Janice O. Gordon  
P.O. Box 392  
Columbiana, AL 35051  
PH: 205-613-3363



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Shelby Cnty Judge of Probate, AL  
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LESSEE:

Jesse Creek Mining, LLC  
1615 Kent Dairy Road  
Alabaster, Alabama 35007  
Attn: President  
Phone: (205) 621-2800

4. **Legal Description.** The legal description of the Premises is more particularly described on **Exhibit A** attached hereto and made a part hereof.

5. **No Modification of Lease.** Nothing contained in this Memorandum of Coal Mining Lease shall be deemed, construed or implied to alter, modify or amend in any manner whatsoever any of the terms, provisions, covenants or agreements contained in the Lease.

6. **Recordation.** LESSOR and LESSEE acknowledge that the information contained herein is true and correct and that they intend to place this Memorandum of Coal Mining Lease of record for the purpose of giving public notice of the Lease in accordance with Sections 35-4-6 and 35-4-51.1, *Code of Alabama*, 1975.

**IN WITNESS WHEREOF**, Landlord and Tenant, by their duly authorized representatives, have hereunto set their hands and seals, the day and year first above written.

**LESSOR:**

  
Matthew B. Gordon, Jr.


  
Janice O. Gordon

**LESSEE:**

Jesse Creek Mining, LLC

By:   
Name: John McNab

Its: President

  
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STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Matthew B. Gordon, Jr. and Janice O. Gordon, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this the 2nd day of May, 2014.

[NOTARIAL SEAL]

  
Notary Public

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

MY COMMISSION EXPIRES SEPTEMBER 14, 2014

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John McNab, whose name as President of Jesse Creek Mining, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.


Given under my hand this the 2nd day of May, 2014.

[NOTARIAL SEAL]

  
Notary Public

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

MY COMMISSION EXPIRES SEPTEMBER 14, 2014

  
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## **EXHIBIT A**

### **Legal Description of Premises**

Legal Description:

NE 1/4 of the NE 1/4 Section 15, Township 21, Range 4W &

W 1/2 of Section 14, Township 21, Range 4W,

Less and Except parcel to Oak Mountain Energy, Instrument # 1996-02519

All parcels lying and being in Shelby County, Alabama.

