



Shelby Cnty Judge of Probate, AL
10/05/2016 02:01:08 PM FILED/CERT

MEMORANDUM OF LEASE

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS MEMORANDUM OF LEASE is made and entered into this the 19th day of August, 2016, by and between SWF Birmingham, LLC, a Delaware limited liability company, whose address is C/o The Molpus Woodlands Group, LLC, 178 Bonhomie Road, Hattiesburg, MS 39401 (hereinafter referred to as "Lessor"), and Jesse Creek Mining, LLC, a Delaware limited liability company, whose address is 1615 Kent Dairy Road, Alabaster, Alabama 35007-7658 (hereinafter referred to as "Lessee").

WINTESSETH

WHEREAS, under the terms, conditions, covenants, and provisions set forth in that certain Coal Mining Lease of August 19, 2016, executed by and between Lessor and Lessee (the "Lease"), Lessor has leased to Lessee certain of Lessor's interest in and to that certain parcel of Lessor's lands in Shelby County, Alabama, as more particularly described in Exhibit "A" and depicted on the map or plat attached hereto as Exhibit "B" and made a part hereof, containing approximately six hundred (600) acres, solely for coal mining purposes as therein set out.

TO HAVE AND TO HOLD, the leased land for a term of five (5) years with the possibility of one (1) five (5) year extension. Lessee shall have the right after the termination of the Lease for any reason to re-enter the leased land for the purpose of reclaiming areas disturbed by Lessee's mining operations and otherwise complying with requirements of any federal, state, or local law, rule, regulation or ordinance, and Lessee shall have the right to remove from the leased land within three (3) months after said expiration or termination, all of Lessee's structures, equipment, machinery, improvements, and other property of Lessee which the Lessee may have placed upon the leased land during the term of the Lease. Said Lease and all of the terms, conditions, covenants and provisions thereof being by this reference incorporated herein and made a part hereof in all respects as though fully set forth herein and reference being hereby made to one (1) fully executed copy of the Lease in the possession of Lessor and Lessee for the full particulars thereof.

It is not intended by this Memorandum to construe, define, limit or modify the Lease, but merely to disclose to the public the existence of the Lease.

This Memorandum of Lease may be executed in multiple counterparts, each of which shall be deemed to constitute a single agreement. For recording purposes, the executed counterparts shall be combined into a single instrument.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Memorandum of Lease to be duly executed as of the date first above written.

LESSOR:

SWF BIRMINGHAM, LLC

By: The Molpus Woodlands Group, LLC, its
authorized agent and property manager

By: [Signature]

Name: Ken Sewell

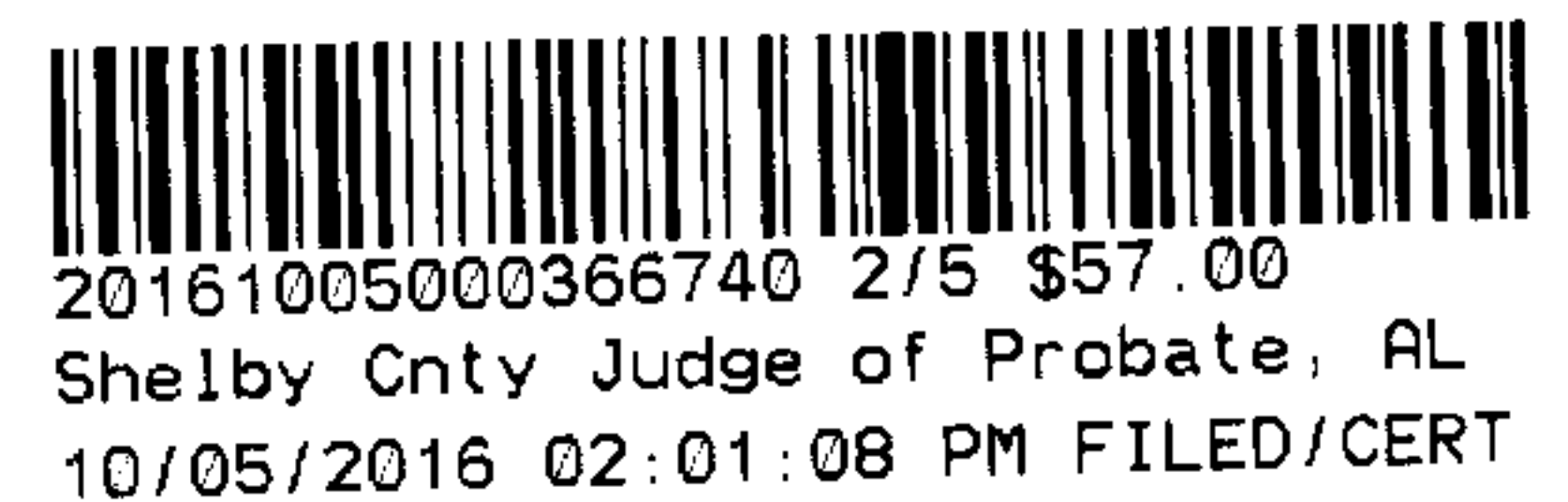
Title: Chief Operating Officer

STATE OF MISSISSIPPI)
COUNTY OF Forrest)

Before me, the undersigned Notary Public in and for said County and State, on this 26th
day of September, 2016, personally appeared Ken Sewell, known to me
to be the identical person who subscribed the name of SWF Birmingham, LLC, to the foregoing
instrument as Chief Operating Officer of The Molpus Woodlands Group, LLC, its
authorized agent and property manager, and acknowledged to me that he executed the same as his free
and voluntary act and as the free and voluntary act and deed of such company, for the uses and
purposes therein set forth.

Given under my hand and seal this 26th day of September, 2016.

[Signature]
Notary Public
My Commission Expires: 2-21-2018



LESSEE:

JESSE CREEK MINING, LLC

By: B. Scott Spears

Name: B. Scott SPEARS

Title: CEO

STATE OF Alabama)
COUNTY OF Shelby)

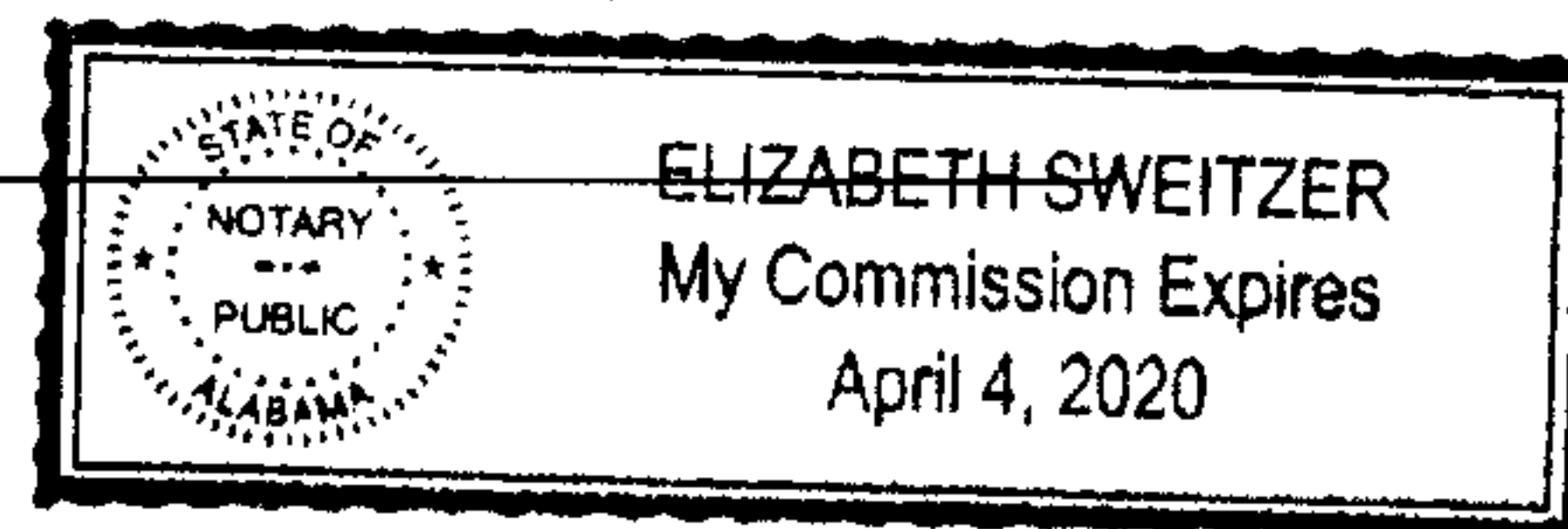
Before me, the undersigned, a Notary Public in and for said County and State, on this 31 day of August, 2016, personally appeared SCOTT SPEARS, known to me to be the identical person who subscribed the name of Jesse Creek Mining, LLC to the foregoing instrument as its officer and acknowledged to me that he/she executed the same as his/her free and voluntary act and as the free and voluntary act and deed of such company for the uses and purposes therein set forth.

Given under my hand and seal this 31 day of August, 2016

Elizabeth Sweitzer

Notary Public

My Commission Expires



20161005000366740 3/5 \$57.00
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EXHIBIT A

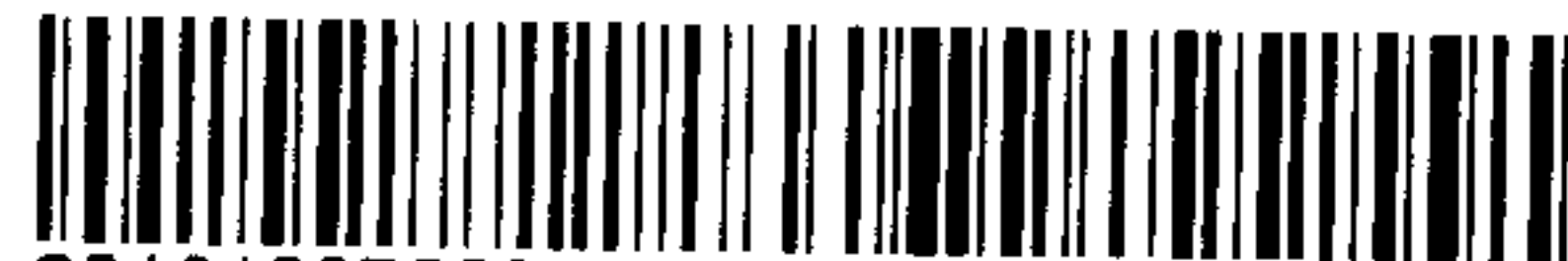
(LEASED PROPERTY DESCRIPTION)

EXHIBIT "A"

**To Surface Mining Coal Lease
SWF Birmingham/Jesse Creek Mining, LLC
Shelby County, Alabama**

The following described lands are for surface owned by SWF Birmingham, LLC which are hereby leased to Jesse Creek Mining, LLC according to the terms of the document to which it is attached and made a part of, to-wit:

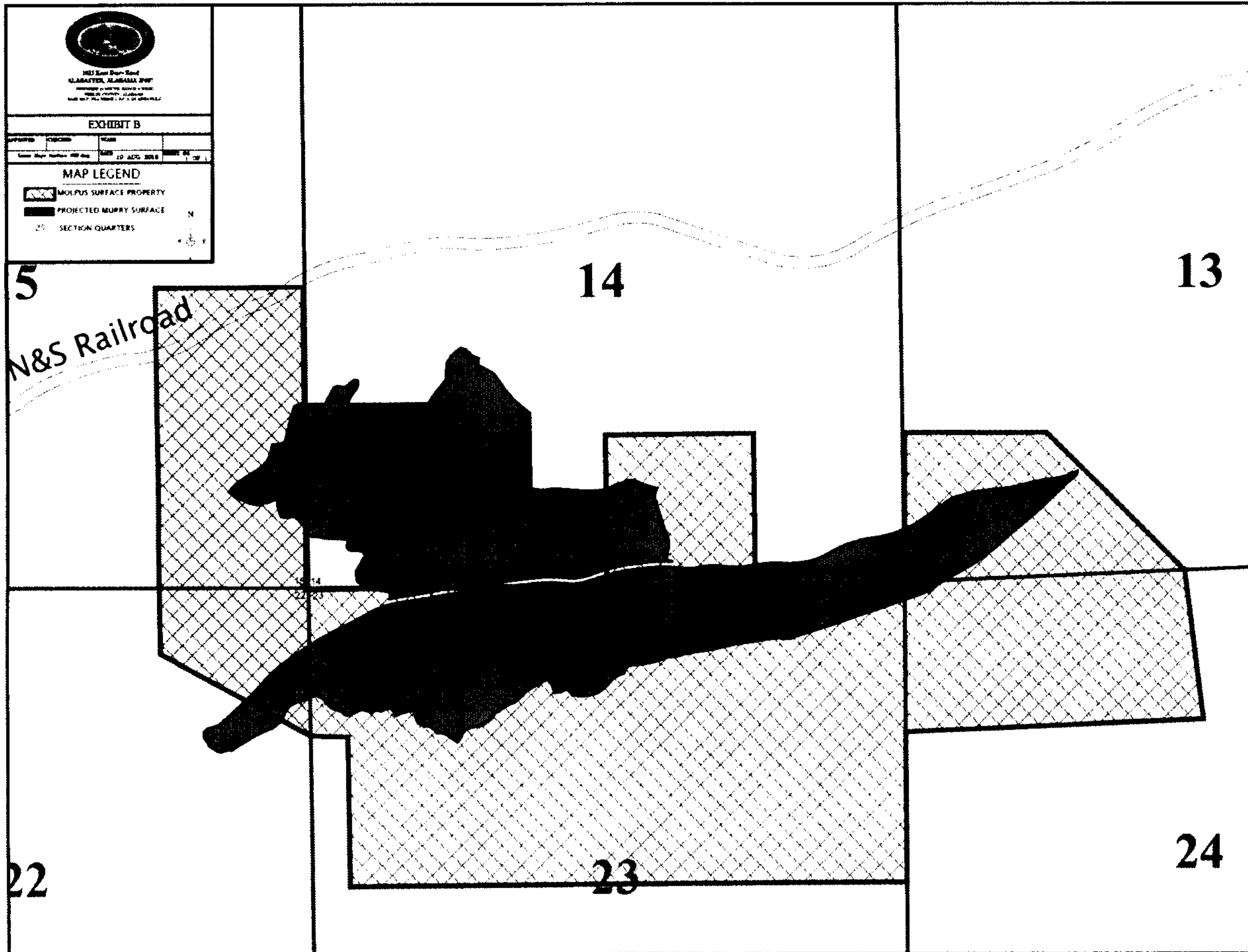
<u>Township 21 South, Range 4 West</u>		<u>Acres +/-</u>
Section 13:	SW diagonal ½ of SE ¼ of SW ¼	20
	SW ¼ of SW ¼	40
Section 14:	SW ¼ of SE ¼	40
Section 15:	E ½ of SE ¼	80
Section 22:	N ½ of NE ¼ of NE ¼; NE diagonal ½ of S ½ of NE ¼ of NE ¼	30
Section 23:	N ½, less and except W ½ of W ½ of SW ¼ of NW ¼	310
Section 24:	N ½ of NW ¼	80
<hr/> Total Acres +/-		600



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EXHIBIT "B"
To Surface Mining Coal Lease
SWF Birmingham/Jesse Creek Mining, LLC
Shelby County, Alabama

(Map of Surface Mining Coal Lease)



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