



20180328000102040 1/5 \$27.00  
Shelby Cnty Judge of Probate, AL  
03/28/2018 09:49:18 AM FILED/CERT

## **MEMORANDUM OF SECOND AMENDMENT OF COAL MINING LEASE**

STATE OF ALABAMA )  
COUNTY OF SHELBY )

**KNOW ALL MEN BY THESE PRESENTS THAT:**

THIS MEMORANDUM OF MEMORANDUM OF SECOND AMENDMENT OF COAL MINING LEASE (the "Memorandum of Second Amendment") is made and entered into this the 16<sup>th</sup> day of March, 2018, 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").

**WITNESSETH**

WHEREAS, Lessor and Lessee entered into that certain Coal Mining Lease dated August 19, 2016 (the "Lease"), a Memorandum of which was recorded October 5, 2016, as Instrument No. 20161005000366740, in the Office of the Judge of Probate of Shelby County, Alabama (the "Memorandum of Lease"); and

WHEREAS, the Lease was amended by First Amendment of Coal Mining Lease dated January 6, 2018, which was recorded in error on February 14, 2018, as Instrument No. 2018214000048750 in the Office of the Judge of Probate of Shelby County, Alabama (the "First Amendment"), which First Amendment was terminated and released by Termination and Release of First Amendment of Coal Mining Lease of even date herewith; and

WHEREAS, Lessor and Lessee by virtue of the Second Amendment of Coal Mining Lease (the "Second Amendment") of even date herewith did amend the Lease to add a tract of land consisting twenty (20) acres described as the Southwest diagonal half of the Northwest Quarter of the Southwest Quarter of Section 13, Township 21 South, Range 4 West, Shelby County, Alabama to the Premises of the Lease; and

WHEREAS, Lessor and Lessee have agreed to execute and place of record this Memorandum of Second Amendment to serve as notice of the execution and existence of the Second Amendment.

NOW THEREFORE, in consideration of the agreements and covenants provided for in the Second Amendment of Coal Mining Lease and for other good and valuable consideration as set forth therein, the receipt and sufficiency of which is hereby acknowledged, Lessor and Lessee agree as follows:

ADAMS AND REESE  
PO BOX 1348  
MOBILE, AL 36633

1. Exhibit "A" and Exhibit "B" to the Memorandum of Lease are hereby deleted in their entirety and replaced with Exhibit "A" and Exhibit "B" attached hereto and incorporated herein.

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

3. This Memorandum of Second Amendment 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 Second Amendment 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

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STATE OF MISSISSIPPI )  
COUNTY OF Forrest )

Before me, the undersigned Notary Public in and for said County and State, on this 16<sup>th</sup> day of March, 2018, 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 16<sup>th</sup> day of March, 2018.



Morgan Miller  
Notary Public  
My Commission Expires: 12/20/19

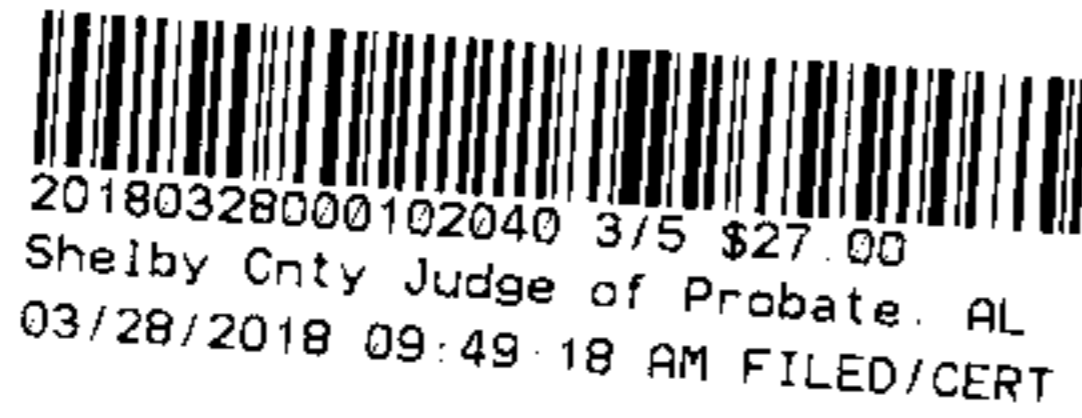
LESSEE:

JESSE CREEK MINING, LLC

By: B. Scott Spears

Name: B. SCOTT SPEARS

Title: CEO



STATE OF Alabama )  
COUNTY OF Shelby )

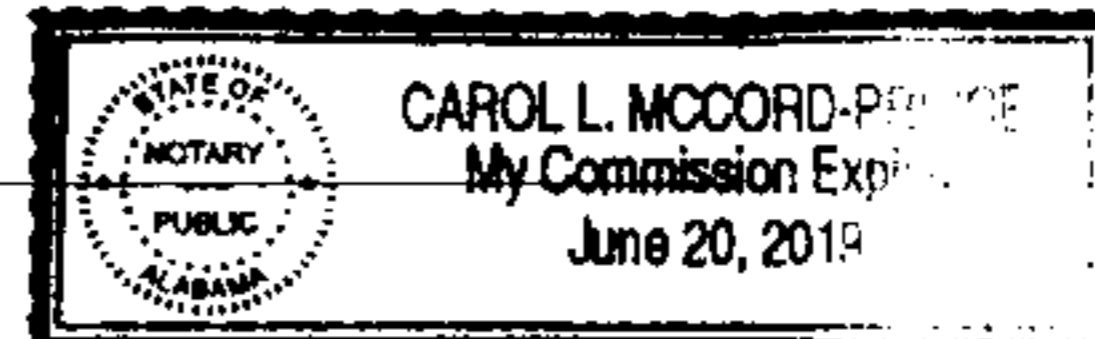
Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of March, 2018, personally appeared B. Scott Spears, known to me to be the identical person who subscribed the name of Jesse Creek Mining, LLC to the foregoing instrument as its officer and acknowledged to 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 14th day of March, 2018

Carol McCord-Prince

Notary Public

My Commission Expires





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**EXHIBIT "A"**  
**To Coal Mining 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 1/2 of SE 1/4 of SW 1/4	20
SW 1/4 of SW 1/4	40
SW diagonal 1/2 of NW 1/4 of SW 1/4	20
Section 14: SW 1/4 of SE 1/4	40
Section 15: E 1/2 of SE 1/4	80
Section 22: N 1/2 of NE 1/4 of NE 1/4; NE diagonal 1/2 of S 1/2 of NE 1/4 of NE 1/4	30
Section 23: N 1/2, less and except W 1/2 of W 1/2 of SW 1/4 of NW 1/4	310
Section 24: N 1/2 of NW 1/4	80
Total Acres +/-	620

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

**(Map of Surface Mining Coal Lease)**

