

COAL

**STATE OF OKLAHOMA
DEPARTMENT OF MINES
2915 N. CLASSEN BLVD., SUITE 213
OKLAHOMA CITY, OK 73106**

DATE: _____
IRREVOCABLE LETTER OF CREDIT
NO. _____

APPLICANT/PERMITTEE:

LADIES/GENTLEMEN:

On behalf of the above Applicant, we, hereinafter the Bank (“Bank”), hereby establish(s) our Irrevocable Letter of Credit in favor of the Department of Mines (hereinafter the “Department”), payable in part or full to the Department, available by the Department’s draft(s) in an amount not to exceed _____ U.S. Dollars (\$ _____), upon receipt of a written demand by the Department, because of any violation of the Coal Reclamation Act of 1979, the regulatory program, the permit or the reclamation plan.

This letter of credit is effective _____, and will expire at the close of business on _____; however, this credit will automatically be extended for period(s) of one (1) year from any scheduled expiration date (as originally scheduled or automatically extended) unless ninety (90) days prior to such date the Bank notifies the Department in writing, by certified mail, return receipt requested, or personal service, that the Bank elects not to renew this Letter of Credit for such additional period.

Upon receipt by the Department of such notice, the Department may draft on the Bank at sight for the amount of this Letter of Credit beginning thirty (30) days or less prior to the then applicable expiration date, accompanied by a statement signed by the Department’s Director or designee stating that the amount of the drawing represent(s) funds due the Department because the applicant/permittee has failed to replace this Letter of Credit by other suitable bond.

The Bank certifies that the amount of the credit herein established will not be reduced for any reason during the period of this instrument without the written consent of the Department.

The Bank will give prompt notice to the applicant/permittee and to the Department of any notice received or action filed alleging the insolvency or bankruptcy of the Bank, or alleging any violations of regulatory requirements which could result in suspension or revocation of the Bank’s charter or license to do business.

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In the event the Bank becomes unable to fulfill its obligations under this Letter of Credit for any reason, notice shall be given immediately to the applicant/permittee and to the Department.

All terms and provisions herein and any terms or provisions related hereto shall be governed by the laws of the State of Oklahoma and any legal action shall be brought in the District Court for Oklahoma County, Oklahoma, or in the District Court where the mining permit is located.

IN WITNESS WHEREOF, the Bank has hereunto set its signature this _____ day of _____, 20 ____.

Yours very truly,

Name of Bank

Signature of President or Vice President

Title

Attest (Seal)

Secretary or Cashier

Acknowledgment

The foregoing instrument was acknowledged before me on this _____ day of _____, 20 _____, by _____, President or Vice-President of _____ corporation, on behalf of the corporation.

Notary Public

My commission expires: _____