

Stephen L. Thompson  
West Virginia State Bar #3751  
Barth & Thompson  
202 Berkeley Street  
Charleston, WV 25302  
Telephone: (304) 342-7111  
Facsimile: (304) 342-6215  
*Counsel for Central Contracting, Inc.*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 12-12900 (SCC)

(Jointly Administered)

CENTRAL CONTRACTING, INC.'S NOTICE OF PERFECTION  
UNDER SECTION 546(b) OF THE BANKRUPTCY CODE

PLEASE TAKE NOTICE that, pursuant to Section 546(b)(2) of the United States Bankruptcy Code, Central Contracting, Inc. ("Central Contracting") has recorded its Notice of Mechanic's Lien in accordance with the laws of the State of West Virginia for work performed by Central Contracting as follows:

Notice of Mechanic's Lien pursuant to West Virginia Code 38-2-1 *et. seq.*, to Eastern Associated Coal, LLC for work performed in the amount of \$39,247.00. A copy of this Notice of Mechanic's Lien is attached as Exhibit 1.

The Notice of Mechanic's Lien was filed with the Clerk of the County Commission of Boone County, West Virginia, in Mechanic's Lien Book 6 at Page 448 on August 20, 2012.

Under West Virginia law, Central Contracting is required to commence suit within six months after filing the notice of its mechanic lien to maintain or continue the perfected status of its mechanic's lien. Pursuant to Section 546(b) of the Bankruptcy Code, Central Contracting

gives notice, in lieu of commencement of an action to maintain or continue perfection, of its mechanic lien interest in all of the property that is subject to the lien, within the time fixed by West Virginia law for the commencement of such an action.

Dated: December 14, 2012

By: /s/ Stephen L. Thompson  
Stephen L. Thompson  
WV State Bar No. 3751  
Barth & Thompson  
202 Berkeley Street  
Charleston, WV 25302  
Telephone: (304) 342-7111  
Facsimile: (304) 342-6215  
E-mail: [sthompson@barth-thompson.com](mailto:sthompson@barth-thompson.com)  
*Counsel for Central Contracting, Inc.*

12-12900-scc Doc 1733-1 Filed 12/14/12 Entered 12/14/12 11:36:33 Exhibit 1 -  
Doc ID: 001579740012 Type: LIE  
Recorded: 08/20/2012 at 10:40:33 AM  
Fee Amt: \$19.00 Page 1 of 12  
Boone County Clerk  
Gary W. Williams County Clerk

BK **6** PG **448-459**

**NOTICE OF MECHANIC'S LIEN**

ACCEPTED FOR  
SERVICE OF  
2012 AUG 20 11:13:17  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

TO: EASTERN ASSOCIATED COAL, LLC, a West Virginia Limited Liability Company, and SHEPARD BOONE COAL COMPANY, LLC., a Delaware Limited Liability Company

Notice is hereby given, in accordance with the laws of the State of West Virginia, that the undersigned Central Contracting, Inc., a West Virginia corporation, who was and is general contractor with Eastern Associated Coal, LLC, a West Virginia Limited Liability Company, for the furnishing of materials and doing of the work and labor, necessary to the fabrication and installation of an impact box on the number 6 transition chute, the fabrication and installation of an impact box on the number 8 transition chute, the fabrication and installation of a canopy extension to inby the "A" belt tailpiece, and the fabrication and installation of a catwalk and baffle plates of the reclaim tunnel of the Black Oak Overland Belt, claims a lien to secure the payment of the sum of \$39,247.00 upon your interest in and to the parcel of land described in that certain "Special Warranty Deed" dated as of the 27<sup>th</sup> day of November, 2006, by and between JPMORGAN CHASE BANK, N.A., and others, and Shepard Boone Coal Company, LLC., a Delaware Limited Liability Company, recorded in the office of the Clerk of the Boone County Commission in Deed Book 253 at page 210, the said parcel being designated as tax ticket/account number 2560, and being designated upon tax map 39 as parcel number 0052 in Crook District of Boone County, West Virginia, and described upon the Land Books of Crook District of Boone County, West Virginia as "18,777.88 SF., & 18813.07 MIN., POND FORK", and upon the buildings, structures and improvements thereon, including but not limited to the Black Oak Overland Belt. A copy of said Deed is attached hereto and made a part hereof. The unpaid account is shown upon the invoices attached hereto and made a part hereof, and the undersigned has not been paid therefor and claims

BARTH & THOMPSON  
ATTORNEYS AT LAW  
P.O. BOX 129  
KANAWHA BOULEVARD  
WEST AT BERKELEY  
CHARLESTON  
WEST VIRGINIA  
25321

and will claim a lien upon your interest in the said lot, tract or parcel of land, and upon the buildings, structures and improvements thereon, including but not limited to the Black Oak Overland Belt, to secure the payment of the said sum.

Given under my hand this 17 day of August, 2012.

CENTRAL CONTRACTING, INC., a West Virginia corporation

By *Timothy R. Aliff*  
Its Vice President

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

Timothy R. Aliff, Vice President of Central Contracting, Inc., a West Virginia corporation, being first duly sworn, upon his oath says that the statements contained in the foregoing notice of mechanic's lien are true, as he verily believes.

Taken, subscribed and sworn to before me this 17<sup>th</sup> day of August, 2012.

My commission expires April 29 2019.

*Dorothy M. Simpson*  
Notary Public

SEAL:



This Instrument Prepared By:

Stephen L. Thompson, Esq.  
Barth & Thompson  
P. O. Box 129  
Charleston, WV 25321



Doc ID: 000023180009 Type: DEE  
Recorded: 12/01/2008 at 08:16:21 AM  
Fee Amt: \$15.00 Page 1 of 9  
Excise Tax: \$0.00  
Boone County Clerk  
Gary W. Williams County Clerk  
BK 253 Pg 210-218

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of this 27<sup>th</sup> day of November, 2006,

between JPMORGAN CHASE BANK, N.A., a national banking association (herein sometimes called "JPM"), in its capacity as successor trustee under that certain Indenture dated December 31, 1951, by and among Alisa M. Bruce, et al., and The Charleston National Bank, as trustee, which Indenture is established solely for the benefit of a voluntary charitable association (as amended and modified from time to time, the "Indenture"), the party of the first part and grantor (JPM, in such capacity, herein sometimes called "Grantor"), and SHEPARD BOONE COAL COMPANY LLC, a Delaware limited liability company, the party of the second part and grantee (herein sometimes called "Grantee"),

WITNESSETH:

That for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the party of the first part does hereby GRANT and CONVEY with covenants of SPECIAL WARRANTY unto the party of the second part, all the right, title and interest, if any, of Grantor in and to all interests, whether fee interest, surface interest or interest in Minerals (as such term is defined in the General Assignment), in, to and under, the lands situate in Boone County, West Virginia and Logan County, West Virginia, described in the instruments listed on Exhibit 1 attached hereto, together further with all rights, privileges, easements, hereditaments, appendages and appurtenances thereunto belonging or in any wise appertaining, less, save and except those rights, titles and interests subsequently conveyed by Grantor, or predecessors in interest to the Grantor, in the instruments listed on Exhibit 2 attached hereto. Reference is hereby made to the instruments listed in Exhibit 1 and

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RETURN TO:  
Steven A. Conatas, Esq.  
Jackson Key, PLLC  
P O Box 553  
Martinsburg, WV 26152

the instruments listed in Exhibit 2 for a more particular description of the property hereby conveyed.

This Special Warranty Deed is made pursuant and subject to that certain General Assignment, Bill of Sale and Conveyance of even date herewith, between Grantor and Grantee (herein called the "General Assignment"), to which reference is made for all purposes. This Special Warranty Deed is further subject to Permitted Encumbrances, as defined in the General Assignment.

Subject to all such Permitted Encumbrances, the party of the first part hereby **WARRANTS SPECIALLY** the property hereby conveyed.

The rights, titles and interests conveyed by this Special Warranty Deed are free and clear of the burden and encumbrance of the Indenture.

Intending to comply with the notice provisions of Chapter 22, Article 17, Section 19 and Chapter 22, Article 18, Section 21 of the West Virginia Code, as amended, notice is hereby given by Grantor that there may be located on the property hereby conveyed underground storage tanks and that the property or the subsurface thereof may have been used for storage, treatment or disposal of hazardous waste.

Grantee joins in the execution of this Special Warranty Deed in order to confirm that:

- (a) Grantee accepts this Special Warranty Deed subject to, and hereby assumes, all of the Assumed Obligations (as such term is defined in the General Assignment);
- (b) Grantee hereby agrees to indemnify, defend and hold harmless Grantor, and Grantor's attorneys, directors, trustees, beneficiaries, managers, officers, employees, agents, contractors and representatives from and against all Losses (as such term is

defined in the General Assignment) arising from or related to the Assumed Obligations;

and

(c) Grantee acknowledges that this Special Warranty Deed is subject to the terms of the General Assignment including, without limitation, the Permitted Encumbrances listed therein.

**DECLARATION OF CONSIDERATION OR VALUE:** The undersigned party of the first part hereby declares that the conveyance of the herein described real estate is exempt from the excise tax on the privilege of transferring real property in West Virginia for the reason that this is a transfer from a voluntary charitable association.

[SIGNATURES ON FOLLOWING PAGES]

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IN WITNESS WHEREOF, the party of the first part has caused its corporate name to be signed hereinbelow by its duly authorized officer as of the date first above written:

**GRANTOR:**

JPMORGAN CHASE BANK, N.A., as successor trustee under that certain Indenture dated December 31, 1951, by and among Alisa M. Bruce, et al., and The Charleston National Bank, as trustee, which Indenture is established solely for the benefit of a voluntary charitable association

By: Carol N. Fletcher  
Its: Vice President

**GRANTEE:**

SHEPARD BOONE COAL COMPANY LLC, a Delaware limited liability company

By: [Signature]  
Its: Manager

[NOTARY ACKNOWLEDGEMENTS ON FOLLOWING PAGES]

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STATE OF West Virginia,  
COUNTY OF Kanawha, To-Wit:

The foregoing instrument was acknowledged before me this 28th day of November, 2006, by Carol H. Fletcher the Vice President of JPMORGAN CHASE BANK, N.A., a national banking association, in its capacity as successor trustee under that certain Indenture dated December 31, 1951, by and among Alisa M. Bruce, et al., and The Charleston National Bank, as trustee, which Indenture is established solely for the benefit of a voluntary charitable association, for and on behalf of said trust.

My commission expires: May 15, 2013

Eleanor S. Bragg  
Notary Public

[NOTARIAL SEAL REQUIRED]



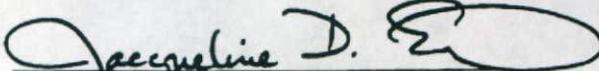
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STATE OF NEW YORK,

COUNTY OF NEW YORK, To-Wit:

The foregoing instrument was acknowledged before me this 27th day of November, 2006,  
by JOHN E. HULL, the Manager of SHEPARD BOONE COAL COMPANY LLC, a Delaware  
limited liability company, for and on behalf of said limited liability company.

My commission expires: September 15, 2007.

  
Notary Public State of New York

[NOTARIAL SEAL REQUIRED]

JACQUELINE D. EWENSTEIN  
Notary Public, State of New York  
No. 02EW6098675  
Qualified in New York County  
Commission Expires September 15, 2007

This Deed was prepared by Joyce F. Ofsa, Attorney at Law, of the Law Firm of Spilman Thomas & Battle, PLLC,  
Spilman Center, 300 Kanawha Boulevard, East, Spilman Center, Charleston, West Virginia 25301. Neither Joyce  
F. Ofsa nor the Law Firm of Spilman Thomas & Battle, PLLC, by the preparation of this Deed, makes any  
representation or warranty with respect to the extent or quality of title to the property hereby conveyed.

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Exhibit I

1. Deed dated December 31, 1951, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 71, at page 155, from Donald D. Shepard and Emily H. Shepard and The Charleston National Bank, as Trustee.
2. Deed dated April 20, 1957, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 89, at page 24, from Burton Cook and wife and Roscoe Cook and wife to The Charleston National Bank, as Trustee.
3. Inter Parties Deed dated September 14, 1962, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 106/165, and in Logan County in Deed Book 293, at page 387, between The Charleston National Bank, as Trustee, and Pardee Land Company.
4. Deed dated October 2, 1967, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 117, at page 536, from Maude F. Workman and others to The Charleston National Bank, as Trustee.
5. Inter Parties Deed dated January 1, 1968, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 123, at page 239, between James O. Cole, Fred Lindsey and Luther E. Woods, Trustees, Western Pocahontas Corporation, The Charleston National Bank, as Trustee, EACC, Bethlehem Steel Corporation, Island Creek Coal Company, RFC, The Youghiogheny and Ohio Coal Company and Armco Steel Corporation.
6. Right of Way Agreement dated July 1, 1970, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Contract Book 34, at page 741, from Bethel Lee Cook and Helen Mac Cook, his wife, to The Charleston National Bank, Trustee.
7. Agreement dated January 1, 1979, between The Charleston National Bank, Western Pocahontas Corporation, EACC and Armco, Inc. (unrecorded).
8. Deed dated September 16, 1982, between Charleston National Bank, Trustee, EACC, and Wendell Ricky Coon and Brenda K. Coon. (unrecorded).
9. Deed of Conveyance dated December 15, 1994, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 205, at page 441, from Boone East Development Co. to Bank One, West Virginia, N.A.
10. Deed dated April 18, 2002, recorded in the office of the Clerk of the County Commission of Boone County, West Virginia in Deed Book 235, at page 633, from West Virginia Department of Transportation, Division of Highways to Bank One, West Virginia, N.A., Charleston.

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Exhibit 2

1. Deed dated July 9, 1952, and recorded in said Clerk's office in Deed Book 74, at page 62, from The Charleston National Bank, as Trustee, to Woodrow Wilson Conner and Dulcie Fay Conner.
2. Deed dated September 17, 1953, and recorded in said Clerk's office in Deed Book 77, at page 439, from The Charleston National Bank, as Trustee, to The Board of Education of the County of Boone.
3. Deed dated October 14, 1955, and recorded in said Clerk's office in Deed Book 84, at page 101 from The Charleston National Bank, as Trustee, to The Chesapeake and Potomac Telephone Company of West Virginia.
4. Indenture dated September 3, 1958, and recorded in said Clerk's office in Deed Book 93, at page 406, from The Charleston National Bank, as Trustee, to Trustees of Wharton Missionary Baptist Church.
5. Deed dated May 11, 1961, and recorded in said Clerk's office in Deed Book 102, at page 77, from The Charleston National Bank, as Trustee, to The Southern Land Company and Dickinson Properties, Inc.
6. Inter Partes Deed dated September 14, 1962, and recorded in the said Clerk's in Deed Book 106, at page 165, and in the office of the Clerk of the County Commission of Logan County, in Deed Book 293, at page 387, by and between The Charleston National Bank, as Trustee, and Pardee Land Company.
7. Deed dated June 15, 1967, and recorded in said Clerk's office in Deed Book 117, at page 477, from The Charleston National Bank, as Trustee, to Appalachian Power Company.
8. Inter Partes Deed dated January 1, 1968, and recorded in said Clerk's office in Deed Book 123, at page 239, by and between James O. Cole, Fred Lindsey and Luther E. Woods, as Trustees, Western Pocahontas Corporation, The Charleston National Bank, as Trustee, Eastern Associated Coal Corp., Bethlehem Steel Corporation, Island Creek Coal Company, RFC, The Youghiogeny and Ohio Coal Company and Armco Steel Corporation.
9. Deed dated August 1, 1969, and recorded in said Clerk's office in Deed Book 124, at page 531, from The Charleston National Bank, as Trustee, to Appalachian Power Company.
10. Deed dated April 19, 1973, and recorded in said Clerk's office in Deed Book 137, at page 109, from The Charleston National Bank, as Trustee, to The Board of Education of the County of Boone.
11. Deed dated November 18, 1976, and recorded in said Clerk's office in Deed Book 148, at page 382, from The Charleston National Bank, as Trustee, to Wharton Community Recreation Council.
12. Deed of Exchange and Release dated August 18, 1977, and recorded in said Clerk's office in Deed Book 154, at page 416, from The Charleston National Bank, as Trustee, to The West Virginia Department of Highways.
13. Deed dated October 4, 1977, and recorded in said Clerk's office in Deed Book 152, at page 29, from The Charleston National Bank, as Trustee, to Eastern Associated Coal Company.
14. Agreement dated January 1, 1979, and recorded in said Clerk's office in Coal Lease Book 18, at page 86, between The Charleston National Bank, as Trustee, Western Pocahontas Corporation, Eastern Associated Coal Corp. and Armco, Inc.
15. Deed dated April 19, 1982, and recorded in said Clerk's office in Deed Book 167, at page 228, from The Charleston National Bank, as Trustee, to Eastern Associated Coal Company.

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16. Deed and Release dated May 12, 1994, and recorded in said Clerk's office in Deed Book 204, at page 634, from Bank One, West Virginia, Charleston, N.A., as Trustee, to The Board of Education of the County of Boone.
17. Quitclaim Deed dated October 19, 1994, and recorded in said Clerk's office in Deed Book 204, at page 870, from Bank One, West Virginia, N.A., as Trustee, to Stephen C. Browning.
18. Deed dated October 31, 1994, and recorded in said Clerk's office in Deed Book 205, at page 61, from Bank One, N.A. as Trustee, to David Osborne, Troy Vaughn and Donald Elam, Trustees for the Church of God of Greenwood.
19. Deed dated December 19, 1994, and recorded in said Clerk's office in Deed Book 205, at page 418, from Bank One, West Virginia, N.A., as Trustee, to Eastern Associated Coal Corp.
20. Quitclaim Deed dated December 29, 1995, and recorded in said Clerk's office in Deed Book 231, at page 169, from Bank One, West Virginia, N.A., as Trustee, to Wharton-Barrett Fire Department, Inc.
21. Agreed Final Order Vesting Absolute Title entered August 8, 1996, in the Circuit Court of Boone County, West Virginia, styled, West Virginia Department of Transportation, Division of Highways, Petitioner, v. The Charleston National Bank, as Trustee, Southern Land Company Limited Partnership Dickinson Properties Limited Partnership and Jennings P. Miller, Respondents, Civil Action No. 93-C-474.
22. Deed dated March 26, 1998, and recorded in said Clerk's office in Deed Book 218, at page 920, from Bank One, West Virginia, N.A., as Trustee, to Eastern Associated Coal Corp.
23. Deed dated February 23, 1999, and recorded in said Clerk's office in Deed Book 222, at page 352, from Bank One, West Virginia, N.A., Trustee, to John L. Moore and Helen M. Moore.
24. Special Warranty Deed dated March 22, 1999, and recorded in said Clerk's office in Deed Book 223, at page 488, from Bank One, West Virginia, N.A., as Trustee, to Thomas J. Bishop and Frances Ann Bishop.
25. Corrective Quitclaim Deed dated February 24, 2000, and recorded in said Clerk's office in Deed Book 226, at page 894, from Bank One, West Virginia, N.A., as Trustee, to John L. Moore and Helen M. Moore.

STATE OF WEST VIRGINIA, Boone  
County Commission Clerk's Office  
12/01/2008 The foregoing Deed together  
with the certificate of its acknowledgment,  
was this day presented in said office and  
admitted to record.

Tasha [Signature] Clerk

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CENTRAL CONTRACTING, INC.

P.O. Box 1485  
St. Albans, WV 25177  
(304) 722-4939  
Fax (304) 722-2699

June 12, 2012

Eastern Associated Coal Corp.  
P.O. Box 66823  
St. Louis, MO 63166-6823

Invoice Number: 12-05-01

PO Number: 579423-0760-0045

Invoice For:

Labor, material and equipment to fabricate and install the following items on the Black Oak Overland Belt:

Line 1 Impact Box on No. 6 Transition Chute	\$11,448.00
Line 2 Impact Box on No. 8 Transition Chute	\$10,585.00
Line 3 Canopy Extension Tail A Belt	\$ 8,320.00
Line 4 Catwalk and Baffle Plates Reclaim Tunnel	\$ 8,894.00

**Total This Invoice - \$39,247.00**