

owner, (“Eastern”) as to the Monongalia Property and Robin Land Company, LLC, (“Robin”) as to the Boone Property. According to the bankruptcy Schedules, Bank of America, as an administrative agent, asserts a lien on the Monongalia and Boone County Properties.

3. This is a motion to terminate, annul, and/or modify the automatic stay over which this Court has jurisdiction pursuant to 28 U.S.C. § 157(b)(2)(G), allowing Movants to enforce multiple mechanic’s liens described hereafter.

A. The Federal No. 2 Coal Preparation Plant.

4. By virtue of various purchase orders, invoices and/or agreements, Movants, at the instance, request or benefit of Debtor EAC, provided various goods, materials and labor utilized in the erection, construction and/or improvements of the Federal No. 2 Coal Preparation Plant located in the County of Monongalia, West Virginia (the “Monongalia Property”). All of the goods, materials and labor were provided pre-petition. See the Exhibits hereinafter referenced in this Motion.

5. Amounts are due and owing to Movants under various purchase orders and invoices with regard to the Monongalia Property are more fully described in the Exhibits to this Motion. Although demand for payment of the sums due and owing was made by Movants, Debtor EAC has failed or refused to compensate Movants for the alleged deficiency.

6. Within the time prescribed by West Virginia law, Movants filed their Notices of Mechanic’s Liens against the Monongalia Property by filing their Notices of Mechanic’s Lien in the Office of the Clerk of the County Commission of Monongalia County on September 14, 2012. In addition, Movants timely filed and served additional Notices of Mechanic’s Lien upon the owner of the Monongalia Property through the Secretary of State of the State of West Virginia, all as required by West Virginia law.

7. A summary and description of each of the mechanic's liens, the claimants and the amounts due, exclusive of interest, fees and/or penalties, with regard to the Monongalia Property is attached hereto as Exhibit A, which is incorporated herein by reference. The Notices of Mechanic's Liens filed with the Office of the Clerk of the County Commission of Monongalia County are referenced herein as Exhibits B through E and the Notices of Mechanic's Liens served upon the owner of the Monongalia Property, with proof of receipt of service, are referenced herein as Exhibits F through I.

8. Pursuant to West Virginia law, Movants have six months from the date of filing of the Notices of Mechanic's Liens in the office of the Clerk of the County Commission of Monongalia County in which to file a state court lawsuit to enforce their mechanic's liens (a lawsuit to enforce the liens being an "Enforcement Action"). The last date to file an Enforcement Action is March 14, 2013.

9. A primary and overriding purpose of an Enforcement Action is the enforcement of Movants' mechanic's liens against and the foreclosure of the Monongalia Property.

10. In accordance with state law, Debtors EAC and Eastern are necessary parties to an Enforcement Action as well as any entity alleged to be a non-debtor lienholder, such as Bank of America, and, therefore, Movants intend to name them as defendants in an Enforcement Action provided that this Court grants Movants relief from the automatic stay. While 11 U.S.C. §108(c) and West Virginia law suggest that an Enforcement Action should be tolled, Movants do not have the comfort that all courts will agree.

B. The Beth Station Coal Preparation Plant Property.

11. By virtue of various purchase orders, invoices and/or agreements, certain Movants, at the instance, request or benefit of Debtor Hobet, provided various goods, materials

and labor utilized in the erection, construction and/or improvements of the Beth Station Coal Preparation Plant located in the County of Boone, West Virginia (the "Boone Property"). All of the goods, materials and labor were provided pre-petition. See the additional Exhibits referenced hereinafter in this Motion.

12. Amounts are due and owing to certain Movants under various purchase orders and invoices with regard to the Boone Property are more fully described in the Exhibits to this Motion. Although demand for payment of the sums due and owing was made by these Movants, Debtor Hobet has failed or refused to compensate said Movants for the alleged deficiency.

13. Within the time prescribed by West Virginia law, the applicable Movants filed their Notices of Mechanic's Liens against the Boone Property by filing their Notices of Mechanic's Lien in the Office of the Clerk of the County Commission of Boone County on September 14, 2012. In addition, these Movants timely filed and served additional Notices of Mechanic's Lien upon the owner of the Boone Property through the Secretary of State of the State of West Virginia, all as required by West Virginia law.

14. A summary and description of each of the mechanics' liens, the claimants and the amounts due, exclusive of interest, fees and/or penalties, with regard to the Boone Property is attached hereto as Exhibit J, which is incorporated herein by reference. The Notices of Mechanic's Liens filed with the Office of the Clerk of the County Commission of Boone County are referenced herein as Exhibits K and L and the Notices of Mechanic's Liens served upon the owner of the Boone Property, with proof of receipt of service, are referenced herein as Exhibits M and N.

15. Pursuant to West Virginia law, the applicable Movants have six months from the date of filing of the Notices of Mechanic's Liens in the office of the Clerk of the County Commission of Boone County in which to file a state court lawsuit to enforce their mechanic's liens (a lawsuit to enforce the liens being an "Enforcement Action"). The last date to file an Enforcement Action is March 14, 2013.

16. A primary and overriding purpose of an Enforcement Action is the enforcement of Movants' mechanic's liens against and the foreclosure of the Boone Property.

17. In accordance with state law, Debtors Hobet and Robin are necessary parties to an Enforcement Action as well as any entity alleged to be a non-debtor lienholder, such as Bank of America, and, therefore, Movants intend to name them as defendants in an Enforcement Action provided that this Court grants Movants relief from the automatic stay. While 11 U.S.C. § 108(c) and West Virginia law suggest that an Enforcement Action should be tolled, Movants do not have the comfort that all courts would agree.

C. Requested Relief.

18. To effectively enforce their mechanic's liens and foreclose on the Monongalia and Boone Properties, Movants will be obligated to seek one or more judgments against Debtors EAC, Eastern, Hobet and Robin or such other debtors in this case obligated for these debts for the outstanding balance due under the respective purchase orders and invoices. Movants acknowledge that they cannot enforce any judgments obtained against Debtors EAC and Hobet. Rather, any judgments shall be used to enforce their mechanic's liens, to obtain foreclosure or such other relief as the Court provides with regard to the Monongalia and Boone Properties and to liquidate any claims Movants may have against any of the bankruptcy estates.

19. Time is of the essence in granting Movants relief as they would be in danger of losing their remedies if the Court does not act promptly modifying and terminating the automatic stay.

20. Movants seek relief from and modification of the automatic stay to proceed with one or more Enforcement Actions in accordance with the relief requested herein.

21. Section 362(d) of the United States Bankruptcy Code requires relief from the automatic stay for cause including, without limitation, a movant's lack of adequate protection and a debtor's lack of equity in the property. See 11 U.S.C. § 362(d)(1) and (2).

22. Debtor EAC and Debtor Hobet and their bankruptcy estates possess no ownership interest or equity in the Monongalia or the Boone Properties. Furthermore, the West Virginia Courts are better equipped to handle and adjudicate mechanic's lien actions.

23. Absent relief from the automatic stay, Movants are not adequately protected in that Movants arguably may be prohibited from enforcing their mechanic's liens against and foreclosing on the Monongalia and Boone Properties if they are required to await the ordinary termination of the stay in this proceeding.

24. Movants assert that the amounts due and owing under the various purchase orders and invoices, Debtor EAC's and Debtor Hobet's lack of any ownership interest in the Monongalia and Boone Properties and the uncertainty of Movants to proceed against unrelated third-parties and others absent relief from the stay, illustrate the existence of cause sufficient to justify relief from the automatic stay in this case to proceed with any needed Enforcement Action and generally enforce their mechanic's liens.

WHEREFORE, Movants pray that this Honorable Court enter its order (1) terminating and/or modifying the automatic stay pursuant to 11 U.S.C. § 362(d) for cause shown; (2)

authorizing Movants to (i) take any and all actions as may be necessary under state law to enforce their mechanic's liens against the Monongalia and Boone Properties, including, without limitation, proceeding with Enforcement Actions; (ii) liquidate their claims against Debtor EAC and Debtor Hobet in the mechanic's lien litigation; (iii) foreclose on the Monongalia and Boone Properties and apply the sale proceeds to the respective deficiencies or, to the extent foreclosure is not permitted because these properties are deemed necessary for reorganization, grant such relief as to preserve Movants' liens and enforcement of same; (3) waiving the fourteen (14) day stay of Fed. R. Bankr. P. 4001 and all other applicable stays; and (3) granting such other and further relief as may be just and proper.

SUMMERS COMPTON WELLS PC

Date: January 30, 2013

By: /s/ David A. Sosne

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:) Chapter 11
) Case No. 12-51502-659
PATRIOT COAL CORPORATION,) Jointly Administered
et al.,) Honorable Kathy Surratt-States
Debtors.)
) Hearing Date: February 26, 2013
) Hearing Time: 10:00 a.m.

SUMMARY OF EXHIBITS

The following Exhibits¹ to the Motion for Relief from and Modification of the Automatic Stay to Enforce Mechanics' Liens with Summary of Exhibits filed by Industrial Contracting of Fairmont, Inc. ("Fairmont"), Industrial Resources, Inc. ("IRI"), West Virginia Electric Industries, Inc. ("WVEI") and Salem Electric Company ("Salem") (collectively the "Movants") are identified below:

- Exhibit A: Summary of Mechanics' Liens of West Virginia Electric Industries, Inc. for the Federal No. 2 Coal Property Plant in Monongalia County, West Virginia.
- Exhibit B: Notice of Mechanic's Lien of Industrial Contracting of Fairmont, Inc. (filed with Monongalia County, West Virginia).
- Exhibit C: Notice of Mechanic's Lien of Industrial Resources, Inc. (filed with Monongalia County, West Virginia).
- Exhibit D: Notice of Mechanic's Lien of Salem Electric Company (filed with Monongalia County, West Virginia).
- Exhibit E: Notice of Mechanic's Lien of West Virginia Electric Industries, Inc. (filed with Monongalia County, West Virginia).
- Exhibit F: Notice of Mechanic's Lien of Industrial Contracting of Fairmont, Inc. served on Eastern Royalty Corp. n/k/a Eastern Royalty, LLC through the West Virginia Secretary of State.

¹ Exhibits A and J are filed with Motion. All other Exhibits are available upon request from counsel for Movants.

- Exhibit G: Notice of Mechanic's Lien of Industrial Resources, Inc. served on Eastern Royalty Corp. n/k/a Eastern Royalty, LLC through the West Virginia Secretary of State.
- Exhibit H: Notice of Mechanic's Lien of Salem Electric Company served on Eastern Royalty Corp. n/k/a Eastern Royalty, LLC through the West Virginia Secretary of State.
- Exhibit I: Notice of Mechanic's Lien of West Virginia Electric Industries, Inc. served on Eastern Royalty Corp. n/k/a Eastern Royalty, LLC through the West Virginia Secretary of State.
- Exhibit J: Summary of Mechanics' Liens for the Beth Station Coal Preparation Plant in Boone County, West Virginia.
- Exhibit K: Notice of Mechanic's Lien of West Virginia Electric Industries, Inc. (filed with Boone County, West Virginia).
- Exhibit L: Notice of Mechanic's Lien of Industrial Contracting of Fairmont, Inc. (filed with Boone County, West Virginia).
- Exhibit M: Notice of Mechanic's Lien of West Virginia Electric Industries, Inc. served on Robin Land Company, LLC through the West Virginia Secretary of State.
- Exhibit N: Notice of Mechanic's Lien of Industrial Contracting of Fairmont, Inc. served on Robin Land Company, LLC through the West Virginia Secretary of State.

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EXHIBIT A

Claimant	Amount Due Exclusive of interest and other charges, if any	Brief Description	Property	Owner
Industrial Contracting of Fairmont, Inc.	\$118,000	Dump Feed Gates & Chute Work-Install 2 dump feed double bladed horizontal slide gates and fabricate duplicates to the existing dump gates	Federal No. 2 Coal Property Plant	Eastern Royalty Corp. (record owner) Eastern Royalty, LLC
Industrial Resources, Inc.	\$34,734	Fabricate skip load linkage set; engineer new underground dewatering system; emergency repairs to rotary dump slide gate; and other miscellaneous items	Federal No. 2 Coal Property Plant	Eastern Royalty Corp. (record owner) Eastern Royalty, LLC
Salem Electric Company	\$7,280	Sample panel replacement	Federal No. 2 Coal Property Plant	Eastern Royalty Corp. (record owner) Eastern Royalty, LLC
West Virginia Electric Industries, Inc.	\$106,809	Control Logix @ Rotary Dump; sample panel replacement and panel reprogramming	Federal No. 2 Coal Property Plant	Eastern Royalty Corp. (record owner) Eastern Royalty, LLC

EXHIBIT J

Claimant	Amount Due Exclusive of interest and other charges, if any	Brief Description	Property	Owner
West Virginia Electric Industries, Inc.	\$3,001.02	Generic modem MACTEK; engraved nameplates; Yaskawa Inverter and VFD	Beth Station Prep Plant	Robin Land Company, LLC
Industrial Contracting of Fairmont, Inc.	\$223,709	Slurry Pumping and return water system; road guard plans; plant column plating and miscellaneous work	Beth Station Prep Plant	Robin Land Company, LLC