

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

**Chapter 11
Case No. 12-51502-659
(Jointly Administered)**

**SHONK LAND COMPANY, LLC'S PROPOSED MODIFICATIONS
TO THE DEBTORS' PLAN OF REORGANIZATION**

Shonk Land Company, LLC, pursuant to Bankruptcy Codes §§105, 1125 and 1129, and this Court's Order Approving Disclosure Statement and Establishing Notice and Objection Procedures (Doc. 4968), by Counsel, hereby proposes modifications to the Debtors' Plan of Reorganization, and in support thereof states as follows:

1. Shonk Land Company, LLC ("Shonk") is a West Virginia limited liability company, and is a Lessor under four (4) written leases of certain real estate in West Virginia to three (3) of the Debtors: Panther, LLC, Robin Land Company, LLC, and Wildcat, LLC.

2. On May 22, 2013, this Court entered the Stipulation and Order (Doc. 4039) pursuant to §105(a), 363(b) and 365(a) of the Bankruptcy Code, authorizing and approving the assumption of the leases between Shonk and the Debtors, Panther, LLC, Robin Land Company, LLC, and Wildcat, LLC, and the curing of defaults (the "Assumption Order"). The leases assumed and the cure amounts are shown on Schedule A to the Order, a copy of which is also attached hereto as Schedule A.

3. The Debtors' Disclosure Statement and Plan of Reorganization both contain the following language:

Pursuant to sections 365 and 1123 of the Bankruptcy Code, each executory contract and unexpired lease to which any Debtor is a party will be deemed automatically rejected by the Debtors effective as of the Effective Date, except for any executory contract or unexpired lease that (i) has been assumed or rejected pursuant to an order of the Bankruptcy Court entered before the Effective Date . . .

Disclosure Statement (Doc. 4928) § 5.9(a) at p 72; Plan of Reorganization (Doc. 4927) § 9.1 p 56. (Emphasis added).

4. In order to avoid any ambiguity or uncertainty respecting the treatment of the Shonk leases under the Plan, Shonk requests the following language in an Amended Plan or in the Confirmation Order:

Each assumption or rejection of an executory contract or unexpired lease pursuant to this Confirmation Order and in accordance with Article 9 of the Plan, or otherwise by prior order of this Court, shall be legal, valid and binding upon the applicable Reorganized Debtor and all non-Debtor entities party to such executory contract or unexpired lease.

WHEREFORE, based upon the foregoing, Shonk Land Company, LLC respectfully requests a modified Plan or a Confirmation Order containing the above language regarding executory contracts or unexpired leases, and Shonk Land Company, LLC, respectfully requests such other and further relief as is just and proper.

SHONK LAND COMPANY, LLC

By Counsel

and

By: /s/ Christopher S. Smith
Christopher S. Smith, Esquire
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By: /s/ E. Rebecca Case
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*Attorneys for Creditor Shonk Land
Company, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via first class, United States mail, postage prepaid and/or electronic notice on December 10, 2013 to:

1. The parties on the Core Parties List No. 8 dated November 19, 2013 (D.E. #5015).
2. The parties on the Master Notice List No. 8 dated November 19, 2013 (D.E. #5015).
3. All creditors and parties in interest that are receiving electronic notice in this case.

/s/ E. Rebecca Case
E. Rebecca Case