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IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

Case No. 09-11139  
Date Filed: JUN-2011 3:57:44PM  
Charge: PROFESSIONAL TITLE SERVICES  
Filed By: CW  
VIKKI BARNETT, Recorder  
CARBON COUNTY CORPORATION

In re: \*  
CHARLES K. BRELAND, JR. \* Case No. 09-11139  
Debtor. \*

**ORDER APPROVING AND CONFIRMING  
NON-MATERIAL MODIFICATION OF PLAN**

This matter having come before the Court on the Motion of Charles K. Breland, Jr. ("Debtor") for Approval of Two Non-Material Modifications to Chapter 11 Plan and Confirmation Order [Doc. 522], and the Court having granted a motion for expedited hearing, and proper notice having been given, and appearances being noted in the record, and the Court having considered the Motion and the objection of the United States [Doc. 532], it is hereby ORDERED ADJUDGED and DECREED as follows:

1. Debtor's motion to approve the first non-material modification, which seeks approval of the Amended and Restated Agreement between and among Levada EF Five, LLC; Osprey Utah, LLC; and the Debtor as filed with the Court on May 2, 2011 [Doc. 536-1] ("the Levada/Breland Agreement, as amended and modified"), is hereby GRANTED, subject to the following terms and conditions.
2. Debtor is authorized to enter into, execute, and perform the Levada/Breland Agreement as amended and modified, and to execute and deliver all documents, and take all actions to implement and perform his duties and obligations under the said Agreement.
3. This Order shall be deemed to amend and modify the confirmed plan and confirmation order to incorporate the terms and provisions of the Levada/Breland Agreement

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**Recorded at the  
request of  
PROFESSIONAL TITLE  
SERVICES**

and this Order; and the Debtor's plan as so modified is hereby confirmed.

4. Levada is authorized, in its sole and absolute discretion, to sell up to one-third of the property subject to the Levada/Breland Agreement, as amended and modified, based on acreage, along with related access easements on the remainder of the property and mineral executory rights, at any price, at any time, to any party, for the sole and exclusive benefit of Levada, and that neither Levada, nor any party to such a transaction, shall be required to provide notice or seek further approval from Debtor, any creditor or party in interest to Debtor's Chapter 11 case, or the Bankruptcy Court.

5. The Debtor, individually or by and through any of his affiliated entities or any other persons (including but not limited to Osprey Utah, LLC) shall not transfer, convey, encumber or otherwise dispose of any interests (e.g., minerals, royalty, rents, profits or working interests), assets or any other properties retained, transferred to, or acquired by him or Osprey Utah, LLC pursuant to the Levada/Breland Agreement, as amended and modified, unless and until such time as it is determined that the Debtor and his bankruptcy estate have satisfied their respective federal tax liabilities in full for the tax years 2004 through 2010, or unless this Court approves any such transfer, conveyance, encumbrance or disposition.

Notwithstanding the foregoing provision in this paragraph (5), the Debtor and his affiliated entities, Utah Reverse Exchange LLC, Water Canyon Holdings LLC, Range Creek Holdings LLC, Patmos Energy, LLC f/k/a JAKE Oil of Utah, LLC, and Osprey Utah, LLC, may take all actions necessary to effectuate the specific terms set forth in the Levada/ Breland Agreement, as amended and modified.

6. The Debtor, individually or by and through any of his affiliated entities or any other persons, shall not transfer, convey, encumber or otherwise dispose of any stock or

other ownership interests in and to Osprey Utah, LLC, unless and until such time as it is determined that the Debtor and his bankruptcy estate have satisfied their respective federal tax liabilities in full for the tax years 2004 through 2010, or unless this Court approves any such transfer, conveyance, encumbrance or disposition.

7. The confidentially agreement in Paragraph 19(e) of the Levada/Breland Agreement, as amended and modified, shall not bar disclosure of any such information or documents that may be sought by issuance of a summons by the Internal Revenue Service or service of a subpoena by the United States in furtherance of the enforcement of the federal tax laws, and all affected parties reserve their rights to object to any such summons and subpoena and to seek a judicial determination of the issues raised in such objection.

8. Pursuant to Bankruptcy Rules 3020(e) and 6004(h), for good cause shown, the effectiveness and enforceability of this order is not stayed, and it shall be effective and enforceable immediately upon its entry. By consent of the parties who have approved this order, the right to appeal this order is waived.

9. The objection of the United States is withdrawn.

Dated: May 5, 2011

ATTEST: I hereby certify that this is a true and correct copy of the original as it appears of record in my office.  
CERTIFIED this 5th day of June, 2011

LEON ARD N. MALDONADO, CLERK

BY: [Signature]  
Deputy Clerk

Margaret A. Mahoney  
MARGARET A. MAHONEY  
CHIEF U.S. BANKRUPTCY JUDGE



6836402.1

APPROVED:

/s/ Robert M. Galloway

Robert M. Galloway

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Attorney for Levada EF Five, LLC

/s/ Lynne M. Murphy

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**"KAISER LANDS"**

Township 14 South, Range 14 East, Salt Lake Base and Meridian

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Section 8: SE1/4 SE1/4, EXCEPTING therefrom all coal and other minerals.

Section 9: W1/2; W1/2 E1/2; E1/2 SE1/4; SE1/4 NE1/4, EXCEPTING therefrom all coal and other minerals.

Section 17: NE1/4; SE1/4 NW1/4; S1/2 SE1/4; E1/2 SW1/4

Section 20: ALL, LESS the following located West of the Whitmore Canyon Road:

DESCRIPTION OF PROPERTY WEST OF ROAD IN SECTION 20

BEGINNING at a point on the North line of the Northwest Quarter of Section 20, Township 14 South, Range 14 East, Salt Lake Base and Meridian, which point is located North 89°35'27" East 1139.63 feet from the Northwest Corner of said Section 20, said point of beginning is the center line of an existing county road, thence along the following courses and distances following the center line of the existing county road; thence South 0°06'25" West 27.92 feet; thence South 8°35'21" West 435.09 feet; thence South 11°47'33" West 339.97 feet; thence South 7°11'17" West 107.76 feet; thence South 14°07'33" East 52.92 feet; thence South 30°40'45" East 51.62 feet; thence South 39°41'04" East 116.94 feet; thence South 42°24'14" East 118.54 feet; thence South 57°09'51" East 73.91 feet; thence South 64°12'04" East 144.94 feet; thence South 57°52'21" East 285.97 feet; thence South 63°59'34" East 314.49 feet; thence South 63°11'37" East 252.20 feet; thence South 58°33'48" East 109.37 feet; thence South 54°24'42" East 285.18 feet; thence South 55°35'18" East 105.21 feet; thence South 44°25'04" East 66.93 feet; thence South 32°01'37" East 56.07 feet; thence South 16°11'20" East 182.96 feet; thence South 14°37'10" East 1444.71 feet; thence South 14°38'13" East 730.51 feet; thence South 2°53'48" East 138.25 feet; thence South 7°06'01" West 101.71 feet; thence South 9°14'35" West 106.36 feet; thence South 11°14'33" West 189.66 feet; thence South 12°49'57" West 149.55 feet; thence South 9°02'55" East 51.27 feet; thence South 18°55'16" East 53.99 feet; thence South 31°22'46" East 117.78 feet; thence South 41°33'26" East 178.99 feet to the South line of said Section 20; thence North 88°14'57" West 623.15 feet to the South Quarter Corner of said Section 20; thence North 89°04'21" West 2645.18 feet to the Southwest Corner of said Section 20; thence North 0°40'17" West 2639.28 feet to the West Quarter Corner of said Section 20; thence North 01°40'16" West 2639.28 feet to the Northwest Corner of said Section 20; thence North 89°35'27" East 1139.63 feet along the Section line to the point of beginning.

Section 21: E1/2, EXCEPTING therefrom all coal.  
West 1/2.

Section 22: ALL, EXCEPTING therefrom all coal.

Section 23: W1/2; SE1/4; SW1/4 NE1/4, EXCEPTING therefrom all Coal.  
N1/2 NE1/4; SE1/4 NE1/4.

Section 24: E1/2 NE1/4, EXCEPTING therefrom all coal, petroleum gas, nitrogen and phosphate.

SW1/4 NW1/4; E1/2 SE1/4, EXCEPTING therefrom all coal.  
NW1/4 NW1/4; E1/2 NW1/4; SW1/4 NE1/4; W1/2 SE1/4; E1/2 SW1/4;  
SW1/4 SW1/4.

Section 25: W1/2 NE1/4; NE1/4 NW1/4; S1/2 NW1/4; W1/2 SE1/4; SW1/4, EXCEPTING therefrom all coal.  
E1/2 NE1/4; E1/2 SE1/4.

Section 26: ALL, EXCEPTING therefrom all coal

Section 27: ALL, EXCEPTING therefrom all coal

Section 28: ALL

Section 29: ALL, LESS the following located West of the Whitmore Canyon Road:

Description of Property West of Road In Section 29

BEGINNING at the Northwest Corner of Section 29, Township 14 South, Range 14 East, Salt Lake Base and Meridian, and running thence South 89°04'21" East 2645.18 feet to the North one quarter of said Section 29, thence South 88°14'57" East 623.15 feet along the Section line to the center of the existing county road; thence along the following courses and distances following the center line of the existing county road; thence South 41°33'26" East 254.12 feet; thence South 38°56'10" East 68.72 feet; thence South 26°10'8" East 151.47 feet; thence South 14°14'47" East 249.34 feet; thence South 7°32'05" East 581.26 feet; thence South 2°30'44" East 258.27 feet; thence South 4°35'17" West 263.48 feet; thence South 0°10'14" East 170.40 feet; thence South 4°47'10" East 162.47 feet; thence South 6°55'27" East 255.08 feet; thence South 5°14'09" East 137.35 feet; thence South 2°40'19" West 70.68 feet; thence South 6°25'50" West 70.12 feet; thence South 14°26'12" West 342.34 feet; thence South 16°33'29" West 687.33 feet; thence South 17°31'48" West 553.78 feet; thence South 13°25'41" West 139.24 feet; thence South 6°01'00" West 161.56 feet; thence South 4°00'51" West 449.93 feet; thence South 6°37'18" West 339.09 feet to the South line of said Section 29; thence South 89°34'26" West 3089.75 feet along the Section line to the Southwest Corner of said Section 29; thence North 0°49'50" West 1318.63 feet along the Section line to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said section 29; thence North 0°0'34" West 1319.01 feet to the West Quarter Corner of said section 29; thence North 0°31'49" West 2627.48 feet along the Section line to the point of beginning.

ALSO, LESS the following from said Section 29:

DESCRIPTION FOR RODEO GROUNDS AT SUNNYSIDE:

A parcel of land located in Carbon County, State of Utah, which is in the Southeast Quarter of Section 29, Township 14 South, Range 14 East, Salt Lake Base and Meridian, being further described as follows, with a bearing of North 0°50'12" West between the Southwest Corner and the West Quarter Corner of said Section 29 used as the basis of bearing.

BEGINNING at a point which is located North 0°50'12" West 908.51 feet along the Section line and North 89°09'48" East 3,230.59 feet from the Southwest Corner of Section 29, Township 14 South, Range 14 East, Salt Lake Base and Meridian, said point of beginning is a rebar in a projecting ledge approximately 40 feet East of the center line of an existing County Road; and running thence North 15°39'05" East 1,407.46 feet along the Easterly side of a County Road to a 5/8 inch rebar approximately 1.0 foot South of a telephone pole; thence South 74°29'40" East 154.06 feet to a rebar; thence South 0°05'44" West 904.31 feet to a rebar in a projecting ledge; thence North 89°49'49" East 512.73 feet to an existing fence line at the base of an existing ledge line, thence South 6°08'32" West 392.64 feet to a rebar; thence South 88°47'58" West 997.60 feet to the point of beginning.

Section 31: Lot 4, LESS the portion thereof within Ridgeway Subdivision: SE1/4; SE1/4 SW1/4.

Section 32: ALL, LESS that portion of land conveyed to Sunnyside City described as follows:

BEGINNING at a point 1114.51 feet North and 1629.87 feet East of the Southwest Corner of Section 32, Township 14 South, Range 14 East, Salt Lake Base and Meridian; said point also being on the North right-of-way line of the State Highway 123; and running thence North 17°58'31" East 117.11 feet; thence North 77° East 59.73 feet; thence South 13° East 100.41 feet to the North right-of-way line of said Highway; thence South 77° West 120.00 feet to the point of beginning.

ALSO LESS the following located West of the Whitmore Canyon Road:

DESCRIPTION OF PROPERTY WEST OF ROAD IN SECTION 32

BEGINNING at the Northwest Corner of Section 32, Township 14 South, Range 14 East, Salt Lake Base and Meridian and running thence North 89°4'26" East 3089.75 feet along the Section line to the center line of an existing county road, thence along the following courses and distances following the center line of the existing county road; thence South 6°37'18" West 67.67 feet; thence South 13°08'13" West 69.41 feet; thence South 33°02'31" West 320.05 feet; thence South 29°34'09" West 83.14 feet; thence South 14°28'09" West 88.97 feet; thence South 8°36'57" West 87.76 feet; thence South 8°50'37" West 266.84 feet; thence South 10°22'15" West 490.43 feet; thence South 11°03'34" West 540.64 feet; thence South 2°30'13" West 150.26 feet; thence South 10°52'22" East 136.30 feet; thence South 16°55'13" East 208.47 feet; thence South 12°24'16" East 102.53 feet; thence South 4°08'18" East 282.53 feet; thence South 3°47'00" East 236.67 feet; thence South 9°53'38" West 207.29 feet; thence South 14°02'10" West 451.91 feet; thence South 26°55'03" West 167.85 feet; thence South 54°24'31" West 151.37 feet; thence South 60°34'21" West 89.63 feet to the forty acre line; thence South 89°12'49" West 2246.77 feet along the forty acre line to the Southwest Corner of the Northwest Quarter of the Southwest

Quarter of said Section 32; thence North 0°53'52" West 1319.49 feet to the West Quarter Corner of said Section 32; thence North 0°39'36" West 2639.64 feet along the Section line to the point of beginning.

ALSO LESS the Ambulance Garage area in the Southwest Quarter of said Section.

Section 33: All

Section 34: East One-Half, EXCEPTING therefrom all coal.  
West One-Half.

Section 35: All, EXCEPTING therefrom all coal

Section 36: W1/2; S1/2 NE1/4; W1/2 SE1/4, EXCEPTING therefrom all coal. N1/2 NE1/4; E1/2 SE1/4.

Township 14 South, Range 15 East, Salt Lake Base and Meridian

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Section 19: W1/2 SW1/4 (Lots 3 & 4); SE1/4 SW1/4

Section 30: W1/2

Section 31: NW1/4 SW1/4, EXCEPTING therefrom all coal and other minerals.  
NW1/4

Township 15 South, Range 13 East, Salt Lake Base and Meridian

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Section 1: Lot 3; Lot 1, LESS the portion thereof within RIDGEWAY SUBDIVISION; SW1/4 NE1/4, LESS the following described portion thereof: BEGINNING at the center of Section 1 and running thence North 0°15' West 266 feet; thence North 89°01' East 164 feet; thence South 0°15' East 266 feet; thence South 89°01' West 164 feet to beginning.  
SE1/4 NW1/4.

EXCEPTING therefrom all oil, gas and minerals.

BEGINNING at a point 516.4 feet South 89°01' West of the East Quarter Corner of Section 1; thence South 0°59' East 102.6 feet; thence South 89°01' West 75 feet along the North right-of-way of Denver Avenue; thence North 0°59' West 102.6 feet; thence North 89°01' East 75 feet.



LESS any portion conveyed to Sunnyside City for the cemetery described as follows: A parcel of land situated in the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 1, Township 15 South, Range 13 East, Salt Lake Base and Meridian, more particularly described as follows: BEGINNING at the West Quarter Corner of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian; running thence South 89°05'55" West 510.90 feet; thence North 01°01'14" West 158.19 feet; thence North 77°40'24" East 527.19 feet; thence South 0°18'05" West 262.68 feet to the point of beginning.

Section 2: NE1/4, EXCEPTING therefrom all coal and other minerals.

Section 3: E1/2 NE1/4; NE1/4 SE1/4, EXCEPTING therefrom an undivided 15/16 interest in all oil, gas and minerals.

Township 15 South, Range 14 East, Salt Lake Base and Meridian  
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Section 1: Lots 3 and 4; SW1/4 NE1/4; SW1/4 SW1/4, EXCEPTING therefrom all coal. Lots 1 and 2; SE1/4 NE1/4; E1/2 SE1/4.

Section 2: ALL, EXCEPTING therefrom all coal.

Section 3: East One-Half, EXCEPTING therefrom all coal. West One-Half.

Section 4: ALL

Section 5: ALL, EXCEPTING therefrom the portion thereof which is within Sunnyside No.1 Plat, the State Highway #123, and the D&RGW Railroad Right-of-Way.

Section 6: All that portion of the North One-Half lying North of State Highway #123. EXCEPTING therefrom the following described portions thereof labeled (a) through (d);

LESS: (a) The following subdivisions:

Sunnyside Subdivision - Plat "A"

Sunnyside Subdivision - Plat "A" (Revised)

Sunnyside Subdivision - Plat "B"

Sunnyside Subdivision - Plat "C"

Sunnyside No. 1 Plat

Sunnyside No. 2 Plat

Sunnyside No. 2 Plat (Revised)

Ridgeway Subdivision.

LESS: (b) BEGINNING at the Southwest Corner of Lot 19, Block 7-A, Sunnyside Subdivision - Plat "B", according to the official plat thereof and running thence North 1°08' West 100 feet to the Northeast Corner of said Lot 19; thence 50.0 feet in an Easterly direction along the arc of a curve to the right whose radius is 377.18 feet; thence North 360.0 feet; thence West 770.0 feet; thence South 540.77 feet; thence East 399.53 feet to the Northeast Corner of Lot 26, Block 4, Sunnyside Subdivision - Plat "B"; thence South 48°32'55" East 100.0 feet to the Southeast Corner of said Lot 26; thence 49.38 feet in an Easterly direction along the arc of a curve to the left whose radius is 615.00 feet; thence 251.69 feet in an Easterly direction along the arc of a curve to the right whose radius is 277.18 feet (which curve is the North side of Edgehill Dr.) to the point of beginning. (Carbon County School District).

LESS: (e) BEGINNING at a point on the West line of said SW1/4 NW1/4 of said Section 6, 261 feet North of the SW Corner thereof, which point is the SE Corner of that certain tract conveyed to Carbon County School District by Deed from Kaiser Steel Corp. dated November 8, 1957 and filed for record November 15, 1957 in the office of the Recorder of Carbon County and of record in Book 51 at Pages 65, et seq., Official Records of said County, running thence along the East line of said tract North 3°31' West 331.13 feet to the true point of beginning of the tract herein conveyed, which point is also the SW Corner of this tract; thence continuing along the East line of the aforementioned school tract North 3°31' West 157.2 feet; thence North 72°35' East 222.5 feet, m/l, to a point of the Westerly boundary line of an existing road known as Valley View; thence along the Westerly boundary of said existing road South 18°07' East 150 feet; thence South 72°35' West 271.4 feet, m/l, to the point of beginning.

LESS: (d) BEGINNING at the W1/4 Corner of Section 6, T15S, R14E, SLBM, thence North 0°18' 05" East for a distance of 262.68 feet; thence North 89°05'55" East for a distance of 75.00 feet; thence South 0°18'05" West for a distance of 262.68 feet; thence South 89°05'55" West 75.00 feet to the point of beginning.

Section 7: All that land comprising an area of 181.34 acres, m/l, in Lots 1,2,3 and 4 and East One-Half West One-half and West One-Half West One-Half of Southeast Quarter of said Section 7, lying East of the Carbon County Railroad Right-of-Way, the Easterly boundary of said Railroad Right-of-Way being 100.0 feet distant from the centerline of said right-of-way, more or particularly described as follows:

COMMENCING at the intersection of the South line of Section 7, Township 15 South, Range 14 East, Salt Lake Base and Meridian, and the Easterly right-of-way line of the Carbon County Railroad, said point being more or less, South 89°59' East 2053.10 feet from the South Closing Corner between Section 7 and 18 on the range line between Range 13 East and 14 East In Township 15 South, Salt Lake Base and Meridian, as established by the 1899 survey of the General Land office; thence South 89°59' East 1233.70 feet to the Southeast Corner of the West One-Half of West One-Half of Southeast Quarter of said Section 7; thence North 2640.0 feet, m/l, to the Northeast Corner of the West One-Half of West One-Half of Southeast Quarter of

said Section 7; thence North 89°59' West 660.0 feet, m/l, to the center of said Section 7; thence North along the Quarter Section line 2640.0 feet, m/l, to the North Quarter Corner of said Section 7; thence along the Section Line South 89°27' West as established by a Dependent Resurvey of the North boundary of said Section 7 by the General Land Office in 1942 a distance of 1860.02 feet, m/l, to a point of intersection of said Section line and the Easterly right-of-way line of the Carbon County Railroad, said point being located on the arc of 673.7 feet radius curve right and 100.0 feet Easterly from the centerline of said railroad; thence following Southerly around the arc of said 673.7 feet radius curve 490.0 feet, m/l, to a point located 100.0 feet at right angles to the Easterly from station 107+05.9 of the Carbon County Railroad, said Station being at P.T. of a 10° curve to the right; thence South 21°23' West 245.4 feet along a line 100.0 feet from and parallel to the center line of said railroad to a point at right angles from Station 109+51.4, said station being the P.C. of an 8° curve left; thence Southerly along and around the arc of a 616.8 feet radius curve 100.0 feet from and parallel to the centerline of said railroad 305.0 feet to a point located at right angles from Station 113+05.9 P.T. of said railroad centerline; thence South 6°57' East 2782.6 feet along a line 100.0 feet from and parallel to the centerline of said railroad to a point at right angles from Station 140+88.2 said Station being the P.C. of a 40 curve left; thence along and around the arc of a 1332.7 feet radius curve 100.0 feet from and parallel to the centerline of said railroad 896.81 feet to a point located at right angles from Station 150+50.7 P.T. of said railroad center line; thence South 45°27' East 982.76 feet along a line 100.0 feet from and parallel to the centerline of said railroad to a point at right angles from Station 160+33.66 of said railroad centerline and which point is a point of intersection of said Section line between Sections 7 and 18 and the Easterly right-of-way line of said railroad, said point being the point of beginning.

LESS the following described portions thereof:

Lot 1; Northeast Quarter Northwest Quarter; North One-Half South One-Half Northwest Quarter.

Section 8: Lots 3 and 4, EXCEPTING therefrom all coal and other minerals.

Lots 1 and 2; Southeast Quarter of Northeast Quarter; Northeast Quarter of Southeast Quarter; South One-Half of Southeast Quarter.

Section 9: All

Section 10: Northeast Quarter, EXCEPTING therefrom all coal. Northwest Quarter; South One-Half.

Section 15: West One-Half; North One-Half of Northeast Quarter.

Section 16: All, EXCEPTING therefrom the following described portion thereof: BEGINNING at the Southwest Corner of said Section 16, and running thence North 500 feet; thence East 900 feet; thence South 500 feet; thence West 900 feet to the point of beginning.

Section 17: East One-Half of Northeast Quarter; Northeast Quarter of Southeast Quarter.

Section 32: East One-Half of Northeast Quarter; East One-Half of Southeast Quarter; Southwest Quarter of Southeast Quarter, EXCEPTING therefrom all coal.

Township 15 South, Range 15 East, Salt Lake Base and Meridian

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Section 6: West One-Half; Southwest Quarter of Southeast Quarter, EXCEPTING therefrom all coal.

Section 7: East One-Half of Northwest Quarter; Northwest Quarter of Northeast Quarter; South One-Half of Northeast Quarter; North One-Half Southeast Quarter; Southeast Quarter of Southeast Quarter, EXCEPTING therefrom all coal.

Section 8: Southwest Quarter of Southwest Quarter, EXCEPTING therefrom all coal.

Section 17: West One-Half of Northwest Quarter; Southeast Quarter of Northwest Quarter; Southwest Quarter, EXCEPTING therefrom all coal.

Section 18: Northeast Quarter of Northeast Quarter, EXCEPTING therefrom all coal.

Section 20: East One-Half of Northwest Quarter; Northwest Quarter of Northwest Quarter; Northwest Quarter of Southeast Quarter; East One-Half of Southwest Quarter, EXCEPTING therefrom all coal.

Section 29: East One-Half of Southeast Quarter; Northwest Quarter of Southeast Quarter, EXCEPTING therefrom all coal.

All of Lot 18, Block 6, SUNNYSIDE SUBDIVISION - PLAT "B", as per official plat thereof.

LESS and EXCEPTING therefrom the following described lands located in Carbon County which is referred to as the "FOOTPRINT":

Section 32, Township 14 South, Range 14 East, Salt Lake Base and Meridian:

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S1/2 NW1/4 SW1/4 NE1/4; SW1/4 SW1/4 NE1/4; W1/2 NE1/4 NW1/4 SE1/4; W1/2 NW1/4 SE1/4;  
W1/2 NW1/4 SW1/4 SE1/4; S1/2 SE1/4 NE1/4 SW1/4 SE1/4 SW1/4; E1/2 SE1/4 SW1/4 SW1/4.

Section 33, Township 14 South, Range 14 East, Salt Lake Base and Meridian:

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S1/2 SW1/4 SW1/4

Section 4, Township 15 South, Range 14 East, Salt Lake Base and Meridian:

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N1/2 NW1/4 NW1/4.

Section 5, Township 15 South, Range 14 East, Salt Lake Base and Meridian:

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NW1/4 NW1/4 NE1/4; NE1/4 NW1/4 NE1/4; NW1/4 NE1/4 NE1/4; N1/2 NE1/4 NE1/4 NE1/4;  
W1/2 NW1/4 NE1/4 NW1/4; NE1/4 NW1/4 NW1/4; W1/2 SE1/4 NW1/4 NE1/4; W1/2 SW1/4  
NW1/4; E1/2 NW1/4 NW1/4 NW1/4; SW1/4 NW1/4 NW1/4; W1/2 E1/2 NW1/4 SW1/4; W1/2  
NW1/4 SW1/4; NW1/4 SW1/4 SW1/4.

ALSO LESS AND EXCEPTING therefrom the following described lands located in Carbon County known as the "REFUSE AREA":

Refuse Area: Township 15 South, Range 14 East, Salt Lake Base and Meridian:

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Section 5: South One-Half of Southeast Quarter of Southeast Quarter; South One-Half of North One-Half of Southeast Quarter of Southeast Quarter

Section 8: North One-Half of Northeast Quarter of Northeast Quarter

Section 4: South One-Half of Southwest Quarter of Southwest Quarter

ALSO TOGETHER with an Easement Estate over and across the following Access Road located in Carbon County and more particularly described as follows:

A 30 foot wide right-of-way over and across the present road, described as follows:  
BEGINNING at a gate on the Road-Right-of-Way in the Southeast Quarter of Southwest Quarter of Section 32, Township 14 South, Range 14 East, Salt Lake Base and Meridian; thence along the present road located in the Northwest one-Quarter of Northwest Quarter of Northeast Quarter; Northeast Quarter of Northwest Quarter of Northeast Quarter; Northwest Quarter of Northeast Quarter of Northeast Quarter; North One-Half of Northeast Quarter of Northeast Quarter of Northeast Quarter of said Section 32.

ALSO LESS AND EXCEPTING therefrom the following described lands located in Carbon County known as the "WELL SITE":

In Section 17, Township 14 South, Range 14 East, Salt Lake Base and Meridian:

BEGINNING at a point being South 2027.0 feet and West 2704.6 feet from the Northeast Corner of Section 17, Township 14 South, Range 14 East, Salt Lake Base and Meridian; and running thence North 30°51'53" East 298.83 feet; thence North 65°29'32" East 361.39 feet; thence South 49°46'31" East 37.83 feet to the Northwesterly edge of Water Canyon Road; thence (along that edge for the next four calls) South 43°42'57" West 173.61 feet; thence South 28°45'45" West 143.14 feet; thence South 26°24'26" West 169.85 feet; thence South 22°58'53" West 110.97 feet; thence North 58°46'17" West 237.74 feet to the point of beginning.

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**"DENNIS LANDS"**

PARCEL 1:

Township 15 South, Range 14 East, Salt Lake Base and Meridian

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Section 11: W1/2 SW1/4

Section 12: S1/2 SE1/4; S1/2 SW1/4

Section 13: N1/2 NE1/4; N1/2 NW1/4; S1/2

Section 14: W1/2 NW1/4

Section 24: NW1/4 NW1/4; NE1/4 NE1/4

Township 15 South, Range 15 East, Salt Lake Base and Meridian

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Section 18: Lots 1, 3, and 4; NE1/4 SW1/4; NW1/4 SE1/4

PARCEL 1: EXCEPTING from all of said lands all coal.

ALSO EXCEPTING from all of said lands an undivided 3/4 interest in all oil, gas and other minerals.

PARCEL 2:

Township 15 South, Range 14 East, Salt Lake Base and Meridian

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Section 1: S1/2 NW1/4; N1/2 SW1/4, W1/2 SE1/4;  
LESS all oil, gas, coal and other minerals.

Section 11: SE1/4; E1/2 SW1/4; S1/2 NW 1/4; LESS all oil, gas, coal and other minerals.  
S1/2 NE1/4: Lots 1, 2, 3 and 4; LESS all coal.

Section 12: N1/2 SE1/4; N1/2 SW1/4; S1/2 NW1/4; Lot 4; LESS all oil, gas, coal and other minerals.

Section 14: NE1/4; E1/2 SE1/4; E1/2 NW1/4; LESS all oil, gas, coal and other minerals.

Section 23: NE1/4 NE1/4; LESS all oil, gas, coal and other minerals.

(Tax ID # 2A-1839, 2A-1841, 2A-1842, 2A-1843, 2A-1858, 2A-1894, 2A-1824, 2A-1856)  
Situate in Carbon County, State of Utah.

**Notwithstanding anything in the foregoing Exhibit A, the property described on the attached Exhibits G-1 and G-2 are not transferred but are retained by the Grantor holding such property.**

**Exhibit G-1**  
**Excluded Assets – CBM 1 Well and Property**

Well Name: CBM #1

Location: SWNE 1/4 SEC. 17, T14S, R14E, CARBON COUNTY

Licence Number: API 43-019-31457

Surface Coordinates: 2051' FNL 2008' FEL SEC. 17, T14S, R14E



**Exhibit G-2**  
**Excluded Assets – Ash Lease Property**

Approximately ninety (90) acres of property located in Carbon County, Utah, southeast of Sunnyside City within the area described below:

- NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 8, T15S, R14E, SLB&M
- W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 8, T15S, R14E, SLB&M
- S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 5, T15S, R14E, SLB&M
- SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 5, T15S, R14E, SLB&M