

## EXHIBIT B

### "The Properties"

Schedule of Rights of Entry and Access to Facilities Expressed in Contractual Consent of Landowner Forms described as follows:

1. Landowner – George Poorbaugh, Jr. and Jennie Poorbaugh for land in Brothersvalley Township, Somerset County, Pennsylvania which was recorded on August 17, 1994, in the Office of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 496, Page 566.
2. Landowner – Barbara Westgren and Lynn Merrill Turpack for land in Brothersvalley Township, Somerset County, Pennsylvania which was recorded on May 28, 2008, in the Office of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 2044, Page 473.
3. Landowner – Edgar D. Schrock (now Dwight D. Lepley) for land in Summit and Brothersvalley Townships, Somerset County, Pennsylvania which was recorded on October 14, 1986, in the Office of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 978, Page 647.
4. Landowner – Virgil Romesburg for land in Southampton Township, Somerset County, Pennsylvania which was recorded on September 17, 1991, in the Office of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 1138, Page 230.
5. Landowner – Robert, Richard and Edmund Sanner for land in Summit Township, Somerset County, Pennsylvania which was recorded on February 3, 1989, in the Office of the Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 1050, Page 1053.
6. Landowner – Larry R. Sanner, Kathryn K. Sanner, Douglas L. Sanner, and Roxanne S. Sanner for land in Summit Township, Somerset County, Pennsylvania which was recorded on March 31, 2005, in the Office of Recorder of Deeds of Somerset County Pennsylvania at Vol. 1810, Page 198.
7. Landowner – Larry R. Sanner, Kathryn K. Sanner, Terry M. Pletcher, and Judith S. Pletcher for land in Summit Township, Somerset County, Pennsylvania which was recorded on January 21, 2005, in the Officer of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 1799, Page 780.
8. Landowner – Alexander M. and Marilyn K. Yacynch for land in Summit Township, Somerset County, Pennsylvania which was recorded on August 15, 2005, in the Office of Recorder of Deeds of Somerset County, Pennsylvania, at Vol. 1835, Page 620.

## EXHIBIT C

Personal Property Comprising the Treatment Facilities for Action's Poorbaugh Strip, Schrock Strip, and Romesburg Strip Mine and for Future Industries' Jopa No. 1 surface mines in Brothersvalley, Summit, and Southampton Townships, Somerset County, Pennsylvania:

### Descriptions of Personal Property

#### Romesburg Strip Mine:

1. Three 2000 gallon steel tanks for caustic storage.
2. One 500 gallon steel tank for caustic storage.
3. One automatic dosing siphon that regulates the amount of caustic used to treat mine discharges to correspond with the flow of the discharge.

#### Poorbaugh Strip:

1. Three 1000 gallon steel tanks for caustic storage.
2. One 3000 gallon plastic tank for collection of mine discharges for pumping to the upslope treatment facility.
3. One 2 H.P. Powerflow submersible pump for pumping mine discharges to the upslope treatment facility.
4. 250 feet of electric line that extends from the pre-existing utility company's electric line to the collection tank and 2 H.P. pump.
5. 580 feet of underground, 2 inch diameter pvc pipe that conveys the mine discharges from the collection tank to the upslope treatment facility.

#### Schrock Strip:

1. 250 feet of above-ground 6 inch diameter pvc pipe that conveys a mine discharge from a collection pond to the passive treatment facility.

## EXHIBIT D

Schedule of Ongoing Payments, Dates and Amounts Thereof to be Made by the Settlor:

- On February 12, 2010, Action shall deposit \$110,000.00 into the Primary Trust Account.
- On February 12, 2011, Action shall deposit \$110,000.00 into the Primary Trust Account.
- On February 12, 2012, Action shall deposit \$110,000.00 into the Primary Trust Account.
- On February 12, 2013, Action shall deposit \$110,000.00 into the Primary Trust Account.
- On February 12, 2014, Action shall deposit \$86,551.00 into the Primary Trust Account. This final payment amount may need adjusted to correspond with the performance of the Trust Fund.

## EXHIBIT E

### Trustee Schedule of Fees

- **ANNUAL CHARGE**

.004 of market value

- **MINIMUM ANNUAL CHARGE**

\$500.00

Unless otherwise expressed in the instrument, all fees for services shall be first charged against income and if income is insufficient, then against principal.

The above fees are based upon market value of the trust on a quarterly basis. When the bank serves with a co-fiduciary, the bank shall be entitled to above fee and the co-fiduciary fee shall be determined at the time the account is opened and shall be in addition to the bank's fee.

- **CHECKWRITING CHARGE**

A fee of \$2.00 per check written is charged after the 5<sup>th</sup> check written in any month.