

## Exhibit 5: Property Interests / Right of Entry

## 5.1 Permit Area

Map Key		Name & Address of Owner	Means to Enter & Is Litigation Pending	Supp "C"
1, 3 & 4	Surface	John Kosky Contracting, Inc. PO Box 136 Cuddy, PA 15031-1513	Lease dated May 23, 2018 which is not subject to pending court litigation	Note #1
	Minerals	Same as surface		
2	Surface	Clyde Holding, Inc. 17592 Route 322 Strattanville, PA 16258	Lease dated August 6, 2020 which is not subject to pending court litigation	Note #2
	Minerals	Same as surface		
5	Surface	John Alan & Stacy A. Kosky PO Box 42 Cuddy, PA 15031-1513	Note #3	Note #3
	Minerals	Same as surface		
6 & 7	Surface	Peoples Natural Gas Company LLC 375 North Shore Dr. Suite 600 Pittsburgh, PA 15212-1513	Note #4	Note #4
	Minerals	Unknown		
36 & 37	Surface	John Alan & Stacy A. Kosky PO Box 42 Cuddy, PA 15031-1513	Note #5	Note #5
	Minerals	Unknown		

Note #1 - The original Supplemental "C" Form for properties 1, 3 and 4 is on file with the Department under SMP #63100401. A copy of the Supplemental "C" Form is attached with this Module.

Note #2 - The original Supplemental "C" Form for property 2 is on file with the Department under SMP #63100401. A copy of the Supplemental "C" Form is attached with this Module.

Note #3 - A Supplemental "C" Form is included on pages 5-11 to 5-16.

Note #4 - The Supplemental "C" Form for these properties is currently being pursued by the operator.

Note #5 - These properties were purchased on June 16, 2023. The Supplemental "C" Form is currently being recorded in the Washington County courthouse.

## 5.2 Contiguous Area

- 8 Kathleen Martincic & Dan B. Derber
- 9 Cathy H. & John P. Lozosky
- 15 John L. Jr. & Kim Ondrik
- 23 East Bethlehem Church
- 27 Webeck, David A & James C.
- 31 Southwestern PA Water Authority
- 35 Mark A. Yohe
- 38 Frank G. & Margaret J. & Joseph J. Startare
- 46 Harold & Kathleen Rice

Note: Addresses of the contiguous landowners are given in Module 15 on pages 15-1 and 15-2.

## 5.3 Adjacent Area

- 10 Dolores Thompson & Leslie A. Hutchins, Jr.
- 10A Edgar C. Sweany, Jr., & Carol Hupp
- 10B Raymond R & Tammy M. Schmitt
- 11 Frank & Mary Jane Efaw
- 12 Travis D. & Shannon R. Rhodes
- 13 William & Dana Mikolay
- 14 Wilford A. & Pearlle Buel
- 16 Paul & Deanne Hein
- 17 Robert E. & Patricia L. Kiefer
- 18 David K. & Robert G. Sloan
- 19 Brian L. Lancaster
- 20 Virginia A. Crawford Rev. Trust
- 21 Christopher J. & Brittany N. Coffield
- 22 Christopher J. & Brittany N. Coffield
- 24 Kenneth & Cathleen Harasty
- 25 Michael J. & Sylvia A. Burke
- 26 Alyssa M. Ford
- 28 Joshua A. Zuchowski
- 29 James C. & Marilou Webeck
- 30 Robert J. Sweany
- 30A Robert J. & Marsha L. Sweany
- 31 Southwestern Pennsylvania Water Authority
- 32 Renee E. Simpson
- 33 William L. Beck
- 34 Buckingham Cemetery Assn
- 39 Joseph J. & Nena M. Startare
- 40 Jason White
- 41 Freddie D. Ervin
- 42 Deborah J. & Joseph C. Shriner
- 43 Deborah J. & Joseph C. Shriner
- 44 Robin L. Doman & Susan G. Gunchuck
- 45 Joseph A. & Shirley S. Yablonski and Joseph M. Yablonski
- 47 Harold & Kathleen Rice
- 48 Margaret A. Furman & Katherine M. Kasula
- 49 Margaret A. Furman & Katherine M. Kasula
- 50 Bethanne L. Morgan
- 51 John A. Cantoni
- 52 David A. Smereczniak
- 53 Joanna L. Dragan

Parcel ID #220-005-00-00-0024-01  
#220-005-00-00-0024-02



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROG

**CONTRACTUAL CONSENT OF LANDOWNER  
(NONCOAL/INDUSTRIAL MINERALS)**

(I) (We), the undersigned, being the owner(s) of +/- 0.85 acres of land  
located in Deemston Borough, Washington County, as described  
(Township, Borough, City)

in the deed(s) recorded in the Recorder of Deeds Office Instrument Numbers 202311765 and 202311764  
and shown by crosshatched lines on the map attached hereto which is signed in the original by the landowner upon which  
Neiswonger Construction, Inc.  
(Name of Mining Operator)

proposes to engage in surface mining activities for which application for permit will be made to the Department of Environmental Protection and of which application this consent will be made a part, **DO HEREBY ACKNOWLEDGE THAT THE MINING OPERATOR HAS THE RIGHT TO ENTER UPON AND USE THE LAND FOR THE PURPOSES OF CONDUCTING SURFACE MINING ACTIVITIES.** Furthermore, (I) (We), the undersigned, do hereby irrevocably grant to the mining operator, his heirs, executors, administrators, successors, transferees, and assigns and to the Commonwealth of Pennsylvania, the right to enter upon the aforesaid land before beginning the mining activity(ies), and for a period of five (5) years after the termination, completion or abandonment of the mining activity(ies) for the purposes of inspecting, studying, backfilling, planting and reclaiming the land and abating pollution in accordance with the provisions of the Noncoal Surface Mining Conservation and Reclamation Act and The Clean Streams, as amended, rules and regulations promulgated thereunder, and the provisions of permit(s) issued to the Mining Operator. (I) (We) do hereby grant in addition to the Commonwealth, for the aforesaid period of time, a right of entry across any adjoining or contiguous lands owned by (us) (me) in order to have access to the land described herein. It is specifically agreed and understood that this contractual consent gives the Commonwealth the right to enter, inspect, study, backfill, plant and reclaim the land and abate pollution therefrom as a matter within the police power but does not obligate the Commonwealth to do so, and does not constitute any ownership interest by the Commonwealth in the aforesaid land.

This Consent shall not be construed to impair any contractual agreement between the Mine Operator and the landowner.

(INSERT ADDITIONAL PROVISIONS OR CROSS OUT)

In witness whereof and intending to legally bind (myself) (ourselves), (my) (our) heirs, successors and assigns, (I) (we) have hereunto set (my) (our) hand(s) and seal this 6th day of October, 2023 (year)

John Alan Kosky and Stacy A. Kosky  
LANDOWNER (Print Name)

By: [Signature]  
(Signature)

John Alan Kosky  
(Print Name)

By: [Signature]  
(Signature)

Stacy A. Kosky  
(Print Name)

**ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS**

**LANDOWNER**

STATE OF :  
COUNTY OF : ss

On Oct. 6, 2023, before me, the undersigned Notary, personally appeared

John Alan Kosky and Stacy A. Kosky

(Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and who acknowledged that they executed the same and desires it to be recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) [Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_ (Date)

Commonwealth of Pennsylvania Notary Seal  
Steven J. Dobis II, Notary Public  
Allegheny County  
My commission expires November 7, 2025  
Commission number 1040836  
Member, Pennsylvania Association of Notaries

**LANDOWNER**

STATE OF :  
COUNTY OF : ss

On \_\_\_\_\_, before me, the undersigned Notary, personally appeared

(Name (s))

known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument, and who acknowledged that \_\_\_\_\_ executed the same and desires it to be recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ (Date)

**ACKNOWLEDGEMENT OF CORPORATIONS**

**LANDOWNER**

STATE OF :  
COUNTY OF : ss

On Oct. 6, 2023 before me, the undersigned Notary, personally appeared

John A. Kosky

who acknowledged (herself) (himself) to be the \_\_\_\_\_ of \_\_\_\_\_

President  
(Title of Person)

John Kosky Contracting, Inc., a \_\_\_\_\_

(Name of Corporation)

corporation, and that (she) (he), as such officer, being authorized to do so, executed the foregoing instrument and desires that this instrument be recorded.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal.

(SEAL) [Signature]  
Notary Public

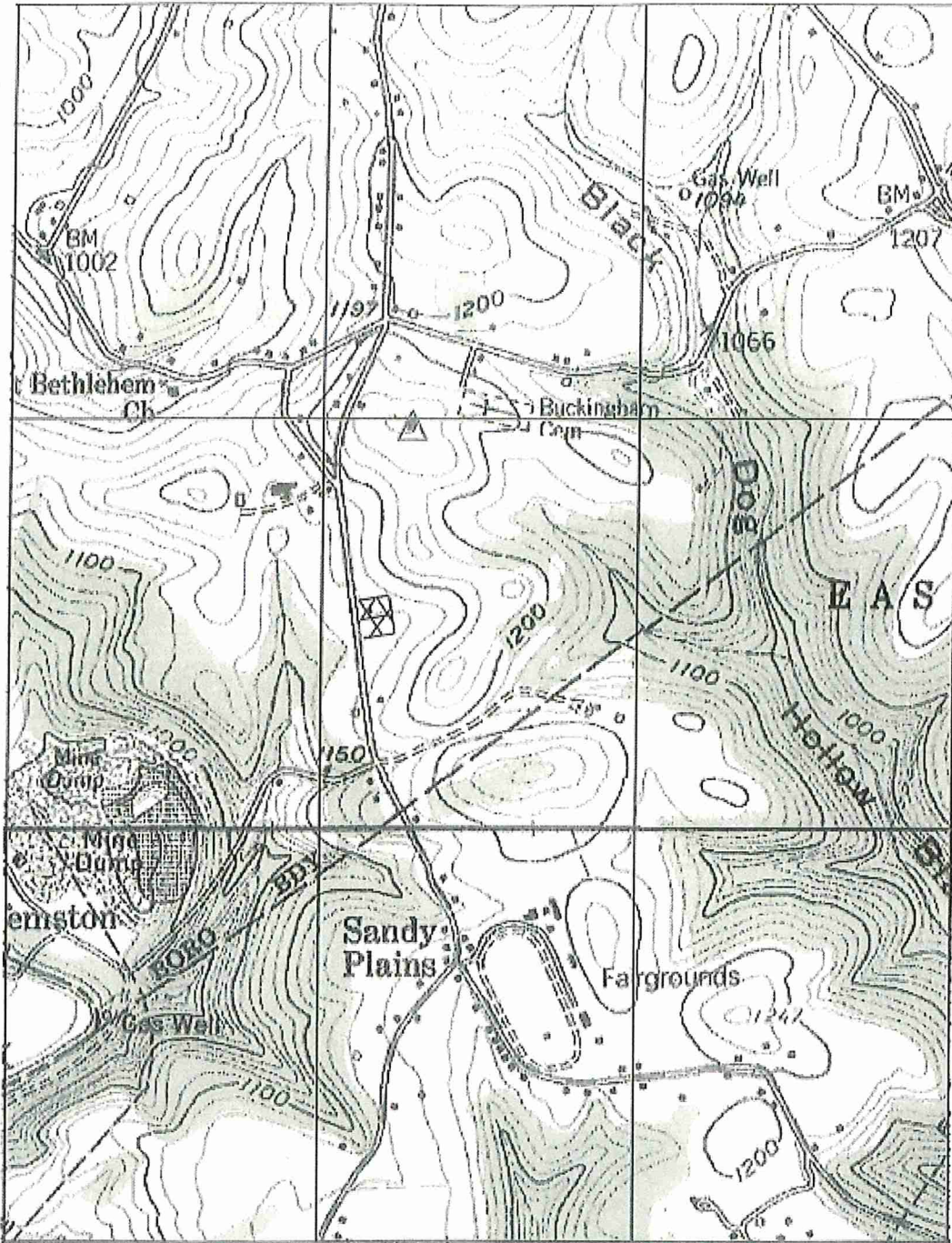
My Commission Expires: \_\_\_\_\_ (Date)

Commonwealth of Pennsylvania Notary Seal  
Steven J. Dobis II, Notary Public  
Allegheny County  
My commission expires November 7, 2025  
Commission number 1040836  
Member, Pennsylvania Association of Notaries

This instrument has been recorded in \_\_\_\_\_  
County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_,  
(year), at Book \_\_\_\_\_, Page(s) \_\_\_\_\_.

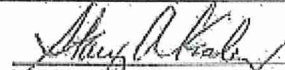
\_\_\_\_\_  
(Signed) + (Print Name)

\_\_\_\_\_  
(Seal)



**LANDOWNERS:** John Alan Kosky & Stacy A. Kosky

  
John Alan Kosky

  
Stacy A. Kosky



For Dept. use only  
SMP No. \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROGRAMS

**BUILDING WAIVER  
SURFACE NONCOAL MINING ACTIVITIES**

To: Commonwealth of Pennsylvania Property No. 36  
Department of Environmental Protection Tax Map No. 220-005-00-00-0024-02

Address for each dwelling, commercial building or associated building under this waiver:  
1989 Morey Road, Fredericktown, PA 15333

**Directions:** For wording in brackets [ ], underline the correct choice and strike through the item that is not applicable.

[~~+/~~ We] John Alan and Stacy A. Kosky, P.O. Box 42, Cuddy, PA 15031, the owner(s)  
Name Address  
of the [dwelling / building(s)] situated in Deemston Borough Township,  
Washington County, PA, do hereby acknowledge  
that [~~+/~~ We] have the legal right to deny surface mining operations closer than 300 feet to [~~my~~ our]  
building(s) according to 25 Pa. Code § 77.504(a)(2). [~~+/~~ We] knowingly waive that right and consent to  
Neiswonger Construction, Inc. conducting  
Operator

- Surface mining operations to include blasting (waiving § 77.564(g)(4))
- Surface mining operations not to include blasting
- Support activities related to surface mining (Explain: Haul Road)

within 300 feet of my building(s), but no closer than 200 feet.

(INSERT ADDITIONAL PROVISIONS OR CROSS OUT)

In witness whereof and intending to legally bind [~~myself~~ ourselves], [~~my~~ our] heirs, successors and assigns, [~~+/~~ we] have hereunto set [~~my~~ our] hand(s) and seal this 6th day of October, 2023.  
Month Year

John Alan Kosky and Stacy A. Kosky  
BUILDING OWNER (Print Name)

By: [Signature]  
(Signature) (Seal-if applicable)

If the Building Owner is a Corporation then the Corporate Seal must be affixed.

John Alan Kosky  
(Print Name)

By: [Signature]  
(Signature)

Stacy A. Kosky  
(Print Name)

### ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

#### DWELLING OWNER

STATE OF PA  
COUNTY OF Allegheny

ss

On \_\_\_\_\_, before me, the undersigned Notary, personally appeared

John Alan Kosky and Stacy A. Kosky

(Name (s))

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to this instrument, and who acknowledged that

they executed the same and desires it to be recorded.  
(he, she or they)

Commonwealth of Pennsylvania - Notary Seal  
Steven J. Dobis II, Notary Public  
Allegheny County  
My commission expires November 7, 2025  
Commission number 1040836  
Member, Pennsylvania Association of Notaries

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL) Steven J. Dobis II  
Notary Public

My Commission Expires: 11-7-25  
(Date)

### ACKNOWLEDGEMENT OF CORPORATIONS

#### DWELLING OWNER

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ss \_\_\_\_\_

On \_\_\_\_\_, before me, the undersigned Notary, personally appeared

who acknowledged (herself) (himself) to be the \_\_\_\_\_ of  
(Title of Person)

\_\_\_\_\_, a  
(Name of Corporation)

corporation, and that (she) (he), as such officer, being authorized to do so, executed the foregoing instrument on behalf of the said corporation and desires that this instrument be recorded.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal.

(SEAL) \_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
(Date)

This instrument has been recorded in \_\_\_\_\_  
County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_  
(year), at Book \_\_\_\_\_, Page(s) \_\_\_\_\_

\_\_\_\_\_  
(Signed) + (Print Name)

\_\_\_\_\_  
(Seal)