

## Module 5: Property Interests/Right of Entry

**Instructions:** Provide the following information on an 8 1/2" x 11" sheet of paper. Attach the page(s) to this module and identify as Exhibit 5: Property Interests/Right of Entry. Identify the module number and letter (e.g 5.1c) on the attached page(s). Each owner name listed in this module must be exactly the same as the name is identified on the maps and other documents.

**5.1 Permit Area. [§77.163] For each parcel of land within the permit area provide the following information: (identify each parcel and key to maps.)**

- a) the names and addresses of every legal or equitable owner of record; the holders of record of any leasehold interest; and any purchaser of record under a real estate contract of the surface property to be affected by surface operations and facilities and of the mineral to be mined;

Please refer to Exhibit 5.

- b) the documents on which the applicant bases the legal right to enter and commence noncoal mining activities and whether that right is subject of pending court litigation; and

Please refer to Exhibit 5.

- c) a Consent of Landowner Form "Supplemental C" Form 5600-FM-MR0050 when applicable (indicate whether the Form is contained in this application or will be submitted with successive bonding phases – if Consent of Landowner is not applicable, indicate reasons.)

Please refer to Exhibit 5.

**5.2 Contiguous Area. [§77.410(a)(1)] For each parcel of land contiguous to the permit area provide the names of the owners of record of the surface. (Identify each parcel and key to maps.)**

Please refer to Exhibit 5.

**5.3 Adjacent Area. [§ 77.410(a)(3)] For each parcel of land within 1,000 feet of the permit area provide the name of the owner of record of the surface property. (Identify each parcel and key to maps.)**

Please refer to Exhibit 5.

## 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 136 Cuddy, PA 15031-1513	Note #3	Note #3
	Minerals	Same as surface		
36 & 37	Surface	Earl II & Tracy L. Gilpin 1989 Morey Road Clarksville, PA 15322	Note #4	Note #4
	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 - This property is not yet leased. A Supplemental "C" Form will be provided after the property has been leased.

Note #4 - Currently, there are no plans to mine under this property.

### 5.2 Contiguous Area

- 6 Equitable Gas Company
- 7 Equitable Gas Company
- 8 Kathleen Martincic et al.
- 9 Cathy H. & John P. Lozosky
- 15 John L. Jr. & Kim Ondrik
- 23 East Bethlehem Church
- 27 Thelma L. Webeck
- 31 Southwestern PA Water Authority
- 35 Mark A. Yohe
- 38 Frank G. & Margaret J. Startare
- 46 Harold & Kathleen Rice

### 5.3 Adjacent Area

10 Dolores Thompson & Leslie A. Hutchinson, Jr.  
10A Edgar C. Sweany, Jr., & Carol Hupp  
10B Gary F. Wolf  
11 Frank & Mary Jane Efaw  
12 Travis D. & Shannon R. Rhodes  
13 William & Dana Mikolay  
14 Wilford A. & Pearlie Buel  
16 Paul & Deanne Hein  
17 Robert E. & Patricia L. Kiefer  
18 David K. & Robert G. Sloan  
19 Bryan L. Lancaster  
20 Virginia A. Crawford Rev. Trust  
21 Christopher J. & Brittany N. Coffield  
22 Harriet Keys Estate & William M. Keys  
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 Sweany and Donald & Marilou Webeck  
30A Robert J. & Marsha L. Sweany  
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 & S.G. Gunchuck & Mr. & Mrs. Tracy M. Doman, Jr.  
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 Arlene Rhodes  
51 John A. Cantoni  
52 David A. Smereczniak  
53 Joanna L. Dragan

Parcel ID #220-004-00-00-0035-00

5600-FM-BMP0050 11/2012  
"Supplement C"



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROGRAMS

APPL. NO. (Department Use Only)

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

(I) (We), the undersigned, being the owner(s) of +163 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 Book(s) and page(s) \_\_\_\_\_ 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 6<sup>th</sup> day of August, 2020 (year)

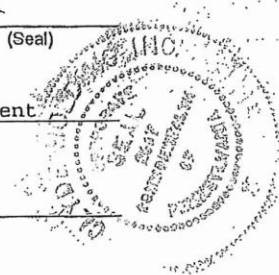
Clyde Holding, Inc.  
LANDOWNER (Print Name)

By: [Signature]  
(Signature) (Seal)

Vincent C. Neiswonger, President  
(Print Name)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)



Parcel ID #220-004-00-00-0035-00

ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

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

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

ACKNOWLEDGEMENT OF CORPORATIONS

STATE OF PENNSYLVANIA :
COUNTY OF Allegheny : ss

On August 5, 2022, before me, the undersigned Notary, personally appeared

Vincent C. Neiswonger
who acknowledged (herself) (himself) to be the President of
Clyde Holding, Inc. (Title of Person)
(Name of Corporation)

Commonwealth Of Pennsylvania - Notary Seal
CAROLYN W GRAY, Notary Public
Allegheny County
My Commission Expires 8/8/2022
Commission # 1334495

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.

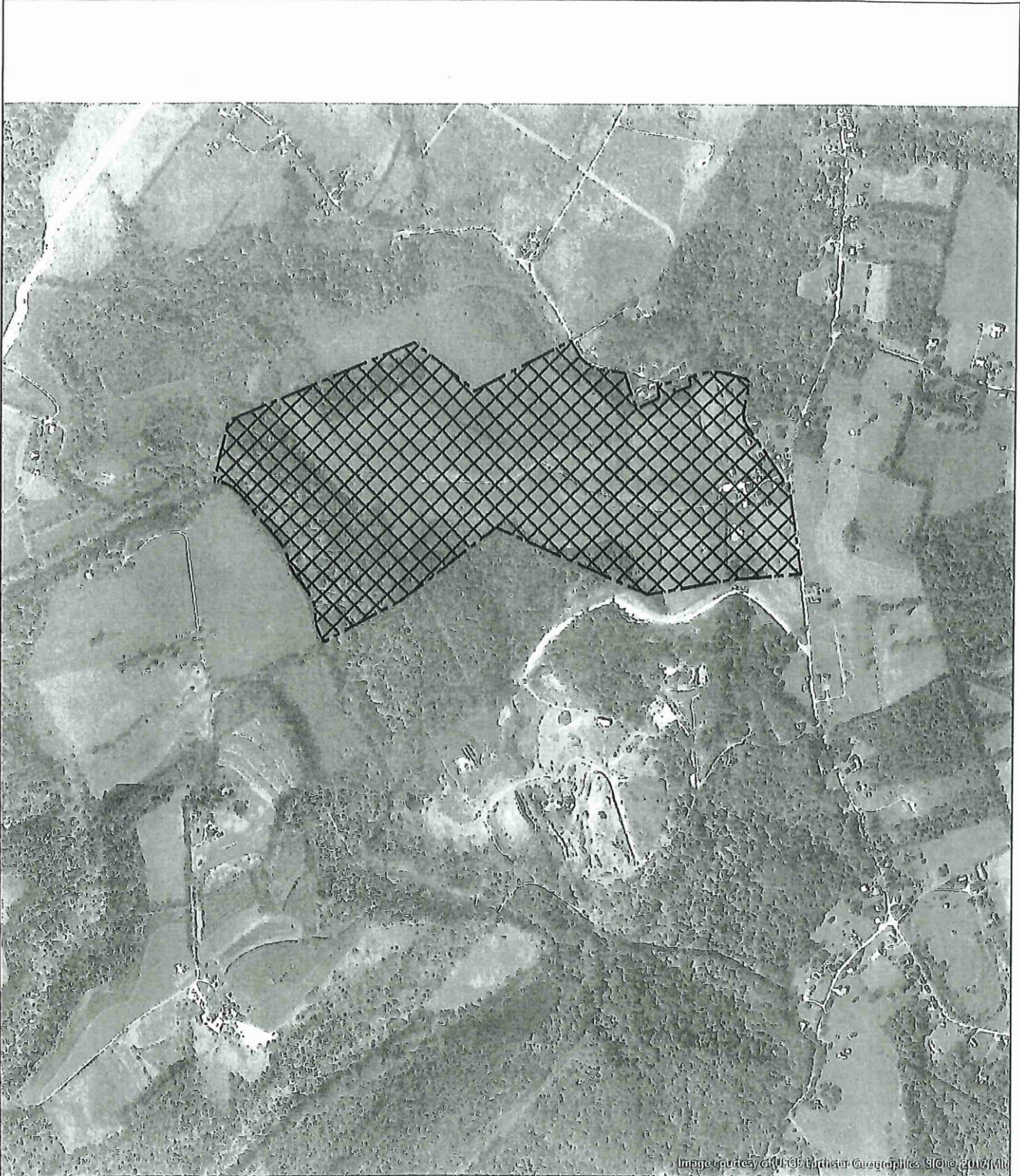
(SEAL) Carolyn W. Gray My Commission Expires: 08/08/2022 (Date)
Notary Public

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

(Signed) + (Print Name)

(Seal)





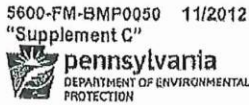
**LANDOWNER:** Clyde Holding, Inc.  
*Vincent C. Neiswonger*  
\_\_\_\_\_  
Vincent C. Neiswonger, President



CERTIFIED PROPERTY IDENTIFICATION NUMBERS  
220-004-00-00-003500 DEEMSTON BORO  
LCGIS REGISTRY 08/07/2020 BY JM

Inst. # 202018754 - Page 1 of 3

Parcel ID #220-004-00-00-0035-00



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROGRAMS

APPL. NO. (Department Use Only)

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

(I) (We), the undersigned, being the owner(s) of ±163 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 Book(s) and page(s) \_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2020 (year)

DEBORAH BARDELLA  
RECORDER OF DEEDS  
WASHINGTON, PA  
Pennsylvania  
  
INSTRUMENT NUMBER  
202018754  
RECORDED ON  
Aug 10, 2020  
8:55:34 AM  
Total Pages: 3  
  
RECORDING FEES \$29.00  
TOTAL PAID \$29.00  
INV: 772575 USER: PM

Clyde Holding, Inc.  
LANDOWNER (Print Name)  
  
By: X Vincent C. Neiswonger (Signature) (Seal)  
  
Vincent C. Neiswonger, President  
(Print Name)  
  
By: \_\_\_\_\_ (Signature)  
  
\_\_\_\_\_  
(Print Name)

5600-FM-MR0050 Rev. 5/98  
"Supplement C"

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION

TRACER NUMBERS

220-005-00-00-0024-00 60.6  
220-004-00-00-0034-00 106.7  
220-004-00-00-0034-02 75.1

APPL. NO. (Department Use Only)



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

(I) ~~(We)~~, the undersigned, being the owner(s) of 238.8 +/- 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 Book(s) and page(s) DB 3028 PG 4 & DB 3238 PG 36 and shown by crosshatched lines on the map attached hereto which is signed in the original by the landowner upon which Pennsylvania Coal Reclamation, 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 28<sup>th</sup> day of October, 2010 (year)

John Kosky Contracting, Inc. John A. Kosky  
LANDOWNER (Print Name)  
By: [Signature] (Signature)  
John A. Kosky PRESIDENT  
(Print Name)



RECEIVED

NOV 05 2010

DEP-GBG

DEBORAH BARDELLA  
RECORDER OF DEEDS  
WASHINGTON, PA  
Pennsylvania

INSTRUMENT NUMBER  
201035069

RECORDED ON  
NOV 03, 2010  
12:45:32 PM  
Total Pages: 3

RECORDING FEES \$49.00  
TOTAL PAID \$49.00

INW: 458172 USER: MH



ACKNOWLEDGEMENT OF INDIVIDUALS OR PARTNERS

LANDOWNER

STATE OF ... COUNTY OF ... 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)

LANDOWNER

STATE OF ... COUNTY OF ... 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

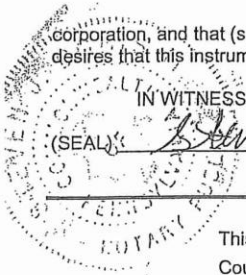
LANDOWNER

STATE OF Pennsylvania COUNTY OF Allegheny On Oct. 28, 2010 before me, the undersigned Notary, personally appeared John Allan Kosky who acknowledged (herself) (himself) to be the President of John Kosky Construction, Inc. (Title of Person) (Name of Corporation) a 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. Commonwealth of Pennsylvania

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

(SEAL) ... Notary Public My Commission Expires: ...

NOTARIAL SEAL Steven J. Dobis II, Notary Public SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY My Commission Expires November 07, 2013



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

(Signed) + (Print Name)

(Seal)

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NOV 06 2010

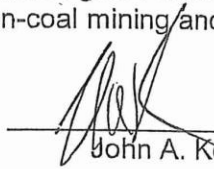
DEP-GBG





**CONTRACTUAL CONSENT OF LANDOWNER**

The cross-hatched area shown above, located in Deemston Borough, Washington County, is where I give Pennsylvania Coal Reclamation, Inc., permission to conduct non-coal mining and reclamation activities.

  
 \_\_\_\_\_  
 John A. Kosky

Reference: Mather & Ellsworth, PA 7½' U.S.G.S. Quadrangle Maps  
Scale: 1" = 2000'

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NOV 06 2010

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