



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 LAND RECLAMATION PROGRAM  
**PERSONAL BOND SECURED BY A LETTER OF CREDIT**

LETTER OF CREDIT NUMBER	PERMIT NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned \_\_\_\_\_ of  
Name of Permittee

\_\_\_\_\_ as Obligor, is held and  
Mailing Address of Permittee

firmly bound unto the State of Missouri payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund in the penal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) for the payment of such sum, well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns. This obligation is secured by Irrevocable Letter of Credit Number \_\_\_\_\_ dated \_\_\_\_\_, issued by the \_\_\_\_\_  
Name of Issuing Bank

of \_\_\_\_\_  
Mailing Address of Issuing Bank

in the amount of \$ \_\_\_\_\_, (and an Irrevocable Confirmation of Letter of Credit, Document Number \_\_\_\_\_, dated \_\_\_\_\_, issued by the \_\_\_\_\_  
Name of Confirming Bank

of \_\_\_\_\_  
Mailing Address of Confirming Bank

in the amount of \$ \_\_\_\_\_).

THE CONDITION OF THIS OBLIGATION is such, that:

Whereas, the above named Obligor did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, file with the Director of the Land Reclamation Commission and application to secure Permit Number \_\_\_\_\_ to conduct surface mining and reclamation operations in accordance with the statutes at 444.760 to 444.790 and the regulations at 10 CSR 40 Chapter 10; and

Whereas, obligations guaranteed by this bond shall be in effect for the above referenced permit;

Whereas, the Obligor has chosen to post this bond as a guarantee that the reclamation of land disturbed during these surface mining operations will be completed as required by the statutes, regulations and as specified in the permit as issued and subsequently amended; and

Whereas, the Obligor agrees to guarantee this obligation and to indemnify, defend, and hold harmless the State of Missouri, Land Reclamation Commission from any and all losses and expenses which the Land Reclamation Commission may sustain as a result of the Obligor's failure to comply with the conditions of this obligation.

Now, therefore, the conditions of the obligations are such that, this bond shall remain in full force and effect until the Obligor faithfully completes reclamation as set forth in the statutes, regulations and the above referenced permit.

**LIABILITY UNDER THIS OBLIGATION:**

a) Begins on the date of issuance of the above referenced permit and extends until reclamation is completed to the Satisfaction of the Land Reclamation Commission; and

b) Continues until the bond is released or replaced in accordance with 10 CSR 40-10.030, or until the permit has been sold, Reassigned or otherwise transferred in accordance with 10 CSR 40-10.020(6);

The failure of the Obligor to fulfill the obligations specified by the statutes, regulations and the permit, shall subject this bond and the Underlying Letter of Credit to forfeiture. The beneficiary of the forfeited amount shall be the Treasurer of the State of Missouri.

Applications for release of the obligations on this bond may be made to the Commission in accordance with the provisions of Sections 444.775, RSMo.

**OBLIGOR'S SIGNATURE**

PRINTED NAME	OFFICIAL TITLE
SIGNATURE	DATE

**NOTARY SIGNATURE**

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (PRINTED)		

Letters of credit will be accepted only from banks or trust companies in the United States. If the bank is located in another state, a bank located in Missouri must confirm the letter of credit. Letters of credit and confirmations must be irrevocable, and must be on the forms provided by the Director.

BOND ACCEPTED BY THIS DIRECTOR SIGNATURE	DATE
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MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 LAND RECLAMATION PROGRAM  
**IRREVOCABLE LETTER OF CREDIT**

DIRECTOR  
 MISSOURI LAND RECLAMATION COMMISSION  
 P.O. BOX 176  
 JEFFERSON CITY, MO 65102

OUR LETTER OF CREDIT NUMBER

DATE OF ISSUANCE

DEAR SIR,

We, the \_\_\_\_\_  
NAME OF ISSUING BANK

of \_\_\_\_\_  
ADDRESS OF ISSUING BANK

Hereby establish, at the request of \_\_\_\_\_  
CUSTOMER

our Irrevocable Letter of Credit No. \_\_\_\_\_ in favor of the State of Missouri, Land Reclamation Commission  
 in the amount of \_\_\_\_\_ dollars, effective immediately.

This Letter of Credit is issued in conjunction with certain Personal Bonds given or to be given by Customer to you as a condition of the issuance by you of certain Surface Mining and Reclamation Operations Permits to Customer. The bonds and permits to which this Letter of Credit applies are listed in Attachment A hereto incorporated by reference herein. It is intended that as Customer requests additional permits be issued by you, and submits Personal Bonds to your for the issuance of these permits, we will supplement Attachment A, up to the aggregate sum of \_\_\_\_\_ dollars. Attachment A shall be supplemented by our submittal to you of a substitute Attachment A, in the same form and fully executed, with a cumulative listing of bonds and permits covered by this Letter of Credit.

Funds under this Letter of Credit are available to you upon presentation to us of your written demand for payment, accompanied either by your statement that the Missouri Department of Natural Resources has declared forfeited one or more of Customer's bonds listed in Attachment A, or by your statement that this Letter of Credit has not been replaced by the Customer as required by Attachment B. The demand and statement shall be substantially in the form of the document set forth in Attachment C, incorporated by reference herein.

We hereby agree to honor any and all demands for payment made in compliance with the terms of this Letter of Credit, up to the sum stated above. Payment hereunder shall be by our cashier's check payable in U.S. currency to the order of the Treasurer of the State of Missouri to the credit of the Mined Land Reclamation Fund at your address above stated.

**This Letter of Credit will terminate only upon the happening of one of these conditions:**

1. We receive written notice from you that all of Customer's above-referenced bonds have been released, accompanied by the original of this Letter of Credit; or
2. We receive written notice from you that all of Customer's above-referenced bonds have been secured by other instruments, and that this Letter of Credit is no longer needed, accompanied by the original of this Letter of Credit; or

3. We receive written notice from you that the Customer's bond has been forfeited and you draw upon and we pay the total amount of this Letter of Credit; or

4. You receive written notice from us per Attachment B that we do not elect to renew this Letter of Credit, in which event you may draw upon this Letter of Credit in accordance with the terms of Attachment B.

Our liability under this Letter of Credit shall be reduced to the extent that you notify us in writing that Customer's above-referenced bond has been partially released in a specified amount.

We warrant that the issuance of this Letter of Credit will not constitute a violation of any statute or regulation which limits the amount of loans or other credit which can be extended to any single borrower or customer, or which limits the aggregate amount of liabilities, which we may incur at any one time from the issuance of Letters of Credit and acceptances. We agree that by making demand for payment hereunder, neither you, nor the Missouri Land Reclamation Commission, nor the State of Missouri, makes any warrants to us, either express or implied.

This Letter of Credit shall be governed by Missouri Law, including the Uniform Commercial code as found in Chapter 400, RSMo. The uniform Customs and Practices for Documentary Credits, fixed by the international Chamber of Commerce, shall not be applicable to this Letter of Credit.

Correspondence concerning this Letter of Credit, including demands for payment, shall be addressed to us at \_\_\_\_\_.

We certify that the officer or agent signing this letter is authorized by us to execute this Confirmation of Letter of Credit on our behalf.

**BANK AGENT'S SIGNATURE**

PRINTED NAME	OFFICIAL TITLE
SIGNATURE	DATE

**NOTARY SIGNATURE**

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (PRINTED)		

**COUNTER SIGNATURE**

COUNTERSIGNED – PRESIDENT OR VICE-PRESIDENT	OFFICIAL TITLE
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**NOTARY SIGNATURE**

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (PRINTED)		



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 LAND RECLAMATION PROGRAM  
**IRREVOCABLE LETTER OF CREDIT ATTACHMENTS**

**ATTACHMENT A**

Date \_\_\_\_\_, Year \_\_\_\_\_

Following is a list of bond numbers and acres presently covered under Letter of Credit Number \_\_\_\_\_.

Letter of Credit Number \_\_\_\_\_ is for \_\_\_\_\_ and the dollars below reflect the amount of this Letter of Credit which is committed to specific bonds and permits as of this date.

DESCRIPTION	PERMIT NUMBERS	BOND NUMBER	ACRES	DOLLARS

Total Bond Application to Letter of Credit Number \_\_\_\_\_ as of \_\_\_\_\_, year \_\_\_\_\_ is \_\_\_\_\_.

**BANK AGENT'S SIGNATURE**

PRINTED NAME	OFFICIAL TITLE
SIGNATURE	TELEPHONE WITH AREA CODE

**NOTARY SIGNATURE**

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (PRINTED)		

**COUNTER SIGNATURE**

COUNTERSIGNED – PRESIDENT OR VICE-PRESIDENT	OFFICIAL TITLE
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**NOTARY SIGNATURE**

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
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NOTARY PUBLIC NAME (PRINTED)		

**ATTACHMENT B**

To Letter of Credit Number \_\_\_\_\_

This letter of credit will expire one (1) year from the date of issuance, but shall be deemed automatically renewed for an additional period of one (1) year beyond the current or any future expiration date unless at least ninety (90) days prior to any such expiration date we, the issuing bank, notify the Missouri Land Reclamation Commission, in writing, certified mail, return receipt requested, at the address shown on page 1 of the letter of credit, that we do not elect to renew this Letter of Credit for any such additional period. Upon your receipt of such notification, you may withdraw the total effective amount of the Letter of Credit hereunder by your drafts, at sight, on us, bearing reference to this Letter of Credit number and accompanied by your signed statement that the proceeds of the draft will be retained by the Missouri Land Reclamation Commission and held in lieu of the Letter of Credit. Cancellation shall not affect any liability incurred and accrued hereunder prior to the termination of the ninety (90)-day period.

**ATTACHMENT C – DEMAND FOR PAYMENT LETTER**

\_\_\_\_\_  
NAME OF ISSUING OR CONFIRMING BANK

\_\_\_\_\_  
ADDRESS OF ISSUING OR CONFIRMING BANK

\_\_\_\_\_  
CITY, STATE AND ZIP CODE OF ISSUING OR CONFIRMING BANK

RE: DEMAND FOR PAYMENT UNDER YOUR LETTER OF CREDIT

(OR CONFIRMATION OF LETTER OF CREDIT) NUMBER \_\_\_\_\_

DEAR SIRs:

Pursuant to the above-referenced Letter of Credit (or Confirmation of Letter of Credit), we hereby order that you pay to us the sum of \_\_\_\_\_, by your cashier's check to the order of the Treasurer of Missouri, to the credit of the Mined Land Reclamation Fund, directed to the undersigned.

We state to you that the Missouri Land Reclamation Commission has declared and forfeited Personal Bond number

\_\_\_\_\_, given to us by \_\_\_\_\_  
PERMITTEE

as a condition of the Issuance of Surface Mining and Reclamation Operations Permit No. \_\_\_\_\_.

Very truly yours,

DIRECTOR,  
LAND RECLAMATION COMMISSION