

0003

MEMORANDUM

OFFICE OF THE UTAH ATTORNEY GENERAL

To: Carl Roberts, Budget & Accounting, Division of Oil, Gas & Mining, Department of Natural Resources, State of Utah

From: Patrick J. O'Hara, Assistant Attorney General, State of Utah

Date: July 1, 1997

Re: Sunnyside Coal Company--Chapter 7 Bankruptcy--New Deposit to Special Account for Sunnyside Reclamation Funds

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Attached to this memorandum in a \$650,184.00 check (Chemical Bank check #138 drawn 6/20/97 by Kenneth A. Rushton, Trustee of the Sunnyside Coal Company Chapter 7 Estate) payable to the Utah Division of Oil, Gas & Mining (the "Division"). The check was mailed to me by the Trustee 6/30/97, and received by me 7/1/97. The payment has been made by the Trustee to the Division pursuant to that certain "Stipulation for Use of Cash Collateral; Allowance and Distribution of Secured Claim; Relief From Stay" effective 11/22/96 (the "Stipulation"). When combined with two previously received checks, one for \$800,000 and another for \$400,000, the Division has now received \$1,850,184.00 from the Trustee, which is the full amount of the "Allowed Secured Claim" under the Stipulation. Under the terms of the Stipulation, the funds reflected by the attached check may only be used for reclamation activity at the Sunnyside Mine, and unused or unneeded monies, if any, will have to be returned to the Trustee. Therefore, it will be necessary to place the funds in the previously-created separate, designated interest-bearing account strictly limited to Division-approved Sunnyside Mine reclamation activities. In case the Trustee, OSM or any party in interest should ever ask for a complete accounting of the account, the State should be prepared to do that, so this is to remind you that the Division must keep separate files of all documents pertaining to future disbursements from the fund. Also, in disbursing funds from the account, please note that the Division agreed in the Stipulation that it "shall not destroy or reclaim the existing four (4) building structures on the footprint property until after July 31, 1997."

PJO *PJO*

Attachment

cc: James W. Carter (w/ copies of attachments)  
Lowell P. Braxton (w/ copies of attachments)  
Mary Ann Wright (w/ copies of attachments)

THE FACE OF THIS DOCUMENT HAS THE "CHEMICAL" LOGO FADING IN THE BACKGROUND. THIS PAPER IS ALTERATION PROTECTED.

CHEMICAL BANK  
678  
CASE ESTATE OF TID #640001

94-M12794 SUNNYSIDE COAL COMPANY  
312686144866

PAYMENT OF SECURED CLAIM PURSUANT TO  
STIPULATION AND ORDER.

VOID AFTER 90 DAYS

CHECK NUMBER  
138

KENNETH A. RUSHTON, TRUSTEE  
99 WEST MAIN STREET  
P.O. BOX 212  
LEHI, UTAH 84043

1-12  
210

MON-DAY-YEAR  
06 - 20 - 97

AMOUNT  
\*\*\*\*\*650,184.00

Six Hundred Fifty Thousand One Hundred Eighty-Four Dollars and 00/100

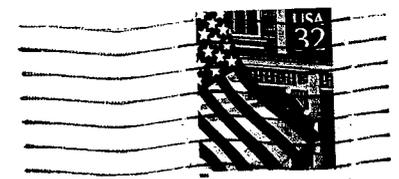
PAY TO THE  
ORDER OF: UTAH DIVISION OF OIL, GAS & MINING

*Kenneth A. Rushton*  
TRUSTEE

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW.

⑈000138⑈ ⑈021000128⑈ ⑈1312686144866⑈ ⑈0065018400⑈

KENNETH A. RUSHTON  
*Attorney and Counselor at Law*  
99 WEST MAIN STREET  
P.O. BOX 212  
LEHI, UTAH 84043



RECEIVED

JUL 01 1997

PATRICK O'HARA  
OFFICE OF ATTORNEY GENERAL  
DIVISION OF OIL, GAS & MINING  
1594 WEST NORTH TEMPLE  
BOX 145801  
SALT LAKE CITY UT 84114-5801

ATTORNEY GENERAL  
Natural Resource Division

84114-5801

