

007/06

MEMORANDUMOFFICE 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: April 24, 1997

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

Attached to this memorandum in a \$400,000.00 check (Chemical Bank check #136 drawn 4/23/97 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 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 a previously received check for \$800,000, the Division has now received \$1.2 million from the Trustee. 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."

PJJO  
PJJO

## 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**

**VOID AFTER 90 DAYS**

CHECK NUMBER  
136

<sup>1</sup>  
645  
CASE                      ESTATE OF                      TID #640001

94-M12794 SUNNYSIDE COAL COMPANY  
312686144866  
PARTIAL PAYMENT OF SECURED CLAIM  
PURSUANT TO STIPULATION AND ORDER.

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

1-12  
210

MON-DAY-YEAR

AMOUNT

04 - 23 - 97

\*\*\*\*\*400,000.00

*Four Hundred Thousand Dollars and 00/100*

PAY TO THE  
ORDER OF: DIV. OF OIL, GAS & MINING

  
TRUSTEE

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

⑈000 136⑈ ⑆0 2 1000 1 28⑆ 13 1 2686 144866⑈ ⑆0040000000⑆