ASSIGNMENT OF SAVINGS ACCOUNT

This Assignment, made and entered into the _____ day of_____, 20__, by

and between _____of _____,
(applicant) (address)

City of _____, County of _____, State of North Carolina and the North Carolina Department of Environment and Natural Resources; and

WHEREAS, The undersigned _____
(applicant)
(hereinafter referred to as "Operator") is desirous of engaging in mining operations in the State of North Carolina and such mining operations are subject to the provisions of the Mining Act of 1971, Article 7, Chapter 74 of the General Statutes of North Carolina; and

WHEREAS, NCGS 74-50 requires that mine operators obtain a permit from the Department of Environment and Natural Resources (hereinafter referred to as "Department") before engaging in mining operations, and NCGS 74-54 requires that a surety bond in favor of the State be maintained or other security be filed with the Department, in connection with said permit; and

WHEREAS, Operator has a savings account in _____
(bank name)
at _____, City of _____, County of
(address)
_____, State of North Carolina, Savings Account No. _____;

and

WHEREAS, NCGS 74-54 authorizes the Department to accept from Operator an assignment of a savings account in a North Carolina bank, in lieu of a surety bond;

NOW, THEREFORE, in consideration of the premises and the Department accepting an assignment of said savings account in lieu of a surety bond, the undersigned Operator does hereby sell, assign, transfer, set over to the Department of Environment and Natural Resources _____dollars ($_____) of the sums on
(dollar amount written)
deposit in his name in _____, City of _____
(bank name)
County of _____, State of North Carolina, Savings Account No.

_____ and further authorizes _____
(bank name)
to pay over to the Department of Environment and Natural Resources the above sum of

_____ dollars ($_____)
(dollar amount written)

out of the above money deposit in the above account in his name.

The condition of the foregoing assignment is that if the assignor Operator conducts the mining operations faithfully, honestly, and lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable Rules and Regulations adopted pursuant thereto, then this assignment shall be null and void; otherwise it shall remain in full force and effect. Compliance with the requirement of the Mining Act of 1971 and applicable Rules and Regulations shall be determined by the Department.

This assignment is made and the _____
(passbook, deposit book, etc.)
is to be held by the Department as collateral security for all direct or indirect liabilities of the assignor Operator to the assignee Department that may arise by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina.

This assignment shall be direct authorization to _____
(bank name)
to pay said sum to Department on demand by Department.

_____
(Signature of Applicant)

Sworn to before me this _____
day of _____, 20___

Notary Public
My Commission Expires

_____
(Affix Seal)

ACKNOWLEDGEMENT BY BANK
The foregoing Assignment of Savings Account is hereby acknowledged this ___ day of _____, 20___. It is further acknowledged that funds in the above mentioned account shall not be disbursed except to the assignee, Department of ENR while the assignment remains in effect.

This the _____ day of _____, 20___ by _____
(authorized agent for bank)

_____
(mailing address of bank)

Sworn to before me this _____ day of _____, 20___.

Notary Public _____

My Commission Expires _____
(Affix Seal)

PLEASE MAIL THIS FORM AND THE ATTACHED INSTRUMENT TO THE FOLLOWING ADDRESS:
LAND QUALITY SECTION
1612 Mail Service Center
Raleigh, NC 27699-1612