



Since 1891

ACME BRICK COMPANY  
CAP - 579  
P.O. BOX 425  
FT. WORTH, TX 76102

*Mining 7-9*

6838

DATE 7-5-2012

32-61 31105  
1110

PAY TO THE ORDER OF ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY \$ 300<sup>00</sup>

THREE HUNDRED & <sup>00</sup>/<sub>100</sub> DOLLARS


NO CHECKS GREATER THAN \$5,000.00

*WY*

⑈006838⑈ ⑆111000614⑆ ⑈1576100612⑈

THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNTS LISTED

Security Features  
included.  
Check on Back.

BANK ONE  
Bank One  
Bank One  
www.bankone.com

DELIVER BY



July 2, 2012

Mr. James F. Stephens  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72218-5317

Dear Mr. Stephens,

Please find enclosed the following items for renewal of Permit No. 0659-MN

1. Two signed and notarized permit application forms
2. Permit application fee in the amount of \$300.00
3. Proof of Right To Mine
4. Mining Plan
5. Reclamation Plan
6. Maps
  - a. 7.5 min. topographic quadrangle vicinity map
  - b. Site Map / Mining Plan
  - c. Reclamation Map
7. Bond determination
8. Letter of Credit
9. Disclosure Statement

If you have any questions concerning this, please contact me at 870-935-5182

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg May', is written over a faint, circular green stamp.

Greg May, Plant Manager

## **Application Forms**

APPLICATION FOR PERMIT TO ENGAGE IN  
OPEN-CUT MINING IN THE STATE OF ARKANSAS  
Submit in Duplicate

Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317  
Telephone: (501) 682-0807

Date: 6-28-2012

(I) (We) (The) ALMA BRICK COMPANY  
(Name of Company, Corporation, Partnership or Individual)  
2905 RAINBOW BLVD. Box 250 JONESBORO AR. 72403 870-935-5182  
Street City State Zip Code Phone Number

make application:

- ( ) For a new permit  
() Open-Cut  
( ) In-Stream  
( ) To amend Permit No. \_\_\_\_\_ as follows  
() For an extension of time for Permit No. 0659-MN  
( ) Transfer of Permit No. \_\_\_\_\_

to mine CLAY Mineral by the open-cut method for a 5 year period (not to exceed five years)  
in the following area: CRANEHEAD 12 18N 4E  
County Section Township Range

Front Gate Location: Latitude: 35° 57' 4.1 " N Longitude: 90° 36' 53.8 " W

Name of Mine "911" Address of Mine  
BRAND 2193 CO. RR. 792

Estimated annual production (tons) 31,455 Total Acres to be permitted 30

Based upon the attached mining and reclamation plans, a bond, duly executed in accordance with the Arkansas Open-Cut Land Reclamation Act and the Arkansas Open-Cut Mining and Reclamation Code in the amount of 68,279, together with a check for the application fee in keeping with the Act and the Code in the amount of \$300.00 is enclosed. The Applicant certifies that all required documentation is attached.

JEFF JOYCE REG. REP. MGR.  
Typed Name of Official Title

[Signature]  
Signature of Official

Subscribed and sworn to before me this 28th day of July 2012

My commission expires Feb. 16, 2021  
[Signature]  
Notary Public

Approved: \_\_\_\_\_  
Date For the Department Permit Number

APPLICATION FOR PERMIT TO ENGAGE IN  
OPEN-CUT MINING IN THE STATE OF ARKANSAS  
Submit in Duplicate

Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317  
Telephone: (501) 682-0807

Date: 6-28-2012

(I) (We) (The) ALMA BRICK COMPANY  
(Name of Company, Corporation, Partnership or Individual)  
2952 W. Ave. Box 250 JONESBORO AR. 72403 870-935-5182  
Street City State Zip Code Phone Number

make application:

- ( ) For a new permit  
() Open-Cut  
( ) In-Stream  
( ) To amend Permit No. \_\_\_\_\_ as follows \_\_\_\_\_  
() For an extension of time for Permit No. 0659-MN  
( ) Transfer of Permit No. \_\_\_\_\_

to mine CLAY Mineral by the open-cut method for a 5 year period (not to exceed five years)  
in the following area: CRANEHEAD County, 12 Section, 19N Township, 4E Range

Front Gate Location: Latitude: 35° 57' 4.1 " N Longitude: 90° 36' 55.8 " W

Name of Mine "911" Address of Mine  
BRAND 2193 Co. RR. 792

Estimated annual production (tons) 51,455 Total Acres to be permitted 30

Based upon the attached mining and reclamation plans, a bond, duly executed in accordance with the Arkansas Open-Cut Land Reclamation Act and the Arkansas Open-Cut Mining and Reclamation Code in the amount of 68,279, together with a check for the application fee in keeping with the Act and the Code in the amount of \$300.00 is enclosed. The Applicant certifies that all required documentation is attached.

JEFF JOYCE Typed Name of Official REG. ENG. MGR. Title  Signature of Official

Subscribed and sworn to before me this 28<sup>th</sup> day of, June 2012

My commission expires February 16, 2021  Notary Public

Approved: \_\_\_\_\_ Date \_\_\_\_\_ For the Department \_\_\_\_\_ Permit Number \_\_\_\_\_

## **Permit Application Fee**

## **Proof of Right to Mine**

WARRANTY DEED

STATE OF ARKANSAS

COUNTY OF CRAIGHEAD

§  
§  
§

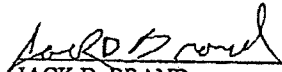
KNOW ALL MEN BY THESE PRESENTS:

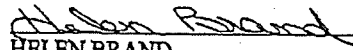
That we, JACK D. BRAND and HELEN BRAND, husband and wife (collectively, "Grantors"), for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration paid by ACME BRICK COMPANY, a Delaware corporation ("Grantee"), whose mailing address is 2821 West 7<sup>th</sup> Street, Fort Worth, Texas 76107, the receipt of which is hereby acknowledged, hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee and Grantee's successors and assigns forever, all that certain land situated in Craighead County, Arkansas, and described on Exhibit "A" which is attached hereto and incorporated herein by reference for all purposes (the "Land"), together with any improvements, easements, rights-of-way, licenses, permits, interests, rights, and appurtenances thereon or in any way appertaining to the Land including, without limitation, (i) any and all rights of Grantors in and to all roads, alleys, easements, streets, and ways adjacent to the Land, all strips and gores and rights of ingress and egress thereto, and any reversionary rights relating to the Land, and (ii) all minerals and other substances of any nature whatsoever in, on or under the Land including, without limitation, all oil, gas, lignite, coal, other hydrocarbons, uranium, gravel, clay, clay shale, claystone, silt, siltstone, sand, sandstone, any substance or mineral that may be used in the manufacture of bricks, and all other surface or subsurface minerals and other substances of any nature however mined or severed (collectively, the "Property").

TO HAVE AND HOLD the Property, together with all and singular the rights and appurtenances thereunto belonging, unto Grantee and Grantee's successors and assigns forever, with all appurtenances thereunto belonging, and Grantors covenant with Grantee and Grantee's successors and assigns that Grantors will forever warrant and defend the title to the Property against all claims whatever.

And Grantors for and in consideration of said sum of money, do hereby release and relinquish unto Grantee all our rights of dower, curtesy and homestead, if any, in and to the Property.

WITNESS our hands and seals on this XII day of June, 2005.

  
\_\_\_\_\_  
JACK D. BRAND

  
\_\_\_\_\_  
HELEN BRAND



DEED BOOK 700 PAGE 340

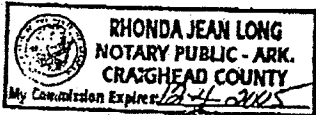
WARRANTY DEED  
PAGE 2

ACKNOWLEDGMENT

STATE OF ARKANSAS §  
  §  
COUNTY OF CRAIGHEAD §

On this day, personally appeared before me JACK D. BRAND and HELEN BRAND, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and official seal this 8th day of June, 2005.

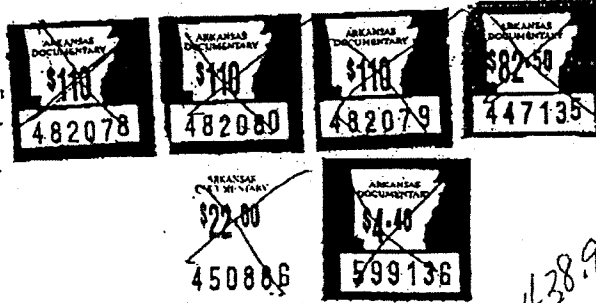


[SEAL]

*Rhonda Jean Long*  
Notary Public

"I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument."

By *Acme Brick Company*  
Grantee/Grantor's agent  
Address: 2821 West 7th Street  
Fort Worth, Texas 76102



4389  
133.000

After recording, please return to:

Acme Brick Company  
c/o Chad A. Key  
Kelly, Hart and Hallman, P.C.  
201 Main Street, Suite 2500  
Fort Worth, Texas 76102

DEED BOOK 700 PAGE 341

*split?*  
*14894*

EXHIBIT "A"

Description of the Property

A part of the Northeast Quarter of the Northwest Quarter of Section 12, Township 15 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows: Beginning at the Southwest corner of the Northeast Quarter of the Northwest Quarter, Section 12, Township 15 North, Range 4 East; thence North 00 degrees 27'14" East 1283.59 feet; thence North 00 degrees 27'14" East 40.00 feet; thence South 89 degrees 30'10" East 870.68 feet; thence South 00 degrees 29'31" West 40 feet; thence South 00 degrees 29'31" West 168.71 feet; thence South 89 degrees 30'10" East 417.43 feet; thence South 00 degrees 29'31" West 1110.17 feet; thence North 89 degrees 42'45" West 643.62 feet; thence North 89 degrees 42'45" West 643.62 feet to the point of beginning, containing 37.06 acres, more or less.

*Timber 15*

DEED BOOK 700 PAGE 339 - 341  
DATE 06/22/2005  
TIME 12:18:46 PM  
RECORDED IN  
OFFICIAL RECORDS OF  
CRAIGHEAD COUNTY  
ANN HUDSON  
CIRCUIT CLERK  
*Ann Hudson*, D.C.  
RECEIPT# 136894

# **Mining Plan**



## **Brand Pit Mining Plan 6-28-12**

1. Mining and reclamation will be carried out in one year increments (maximum of 5 Acres) as shown on the mining and reclamation maps.
2. Thickness of the topsoil, overburden and the clay material vary greatly and are shown on the cross sections of the mining maps.
3. Overburden will be removed until we reach the desired clay material. This material will be removed to the desired final depth.
4. Storm water runoff from the mining area will drain away from the property at the point identified on the site map. The storm water Permit # is AR00C426.
5. The perimeter of the property is fenced.
6. All entrances to the property are posted with warning signs.
7. Top soil will be stored on site as necessary to be used for reclamation.

## **Reclamation Plan**



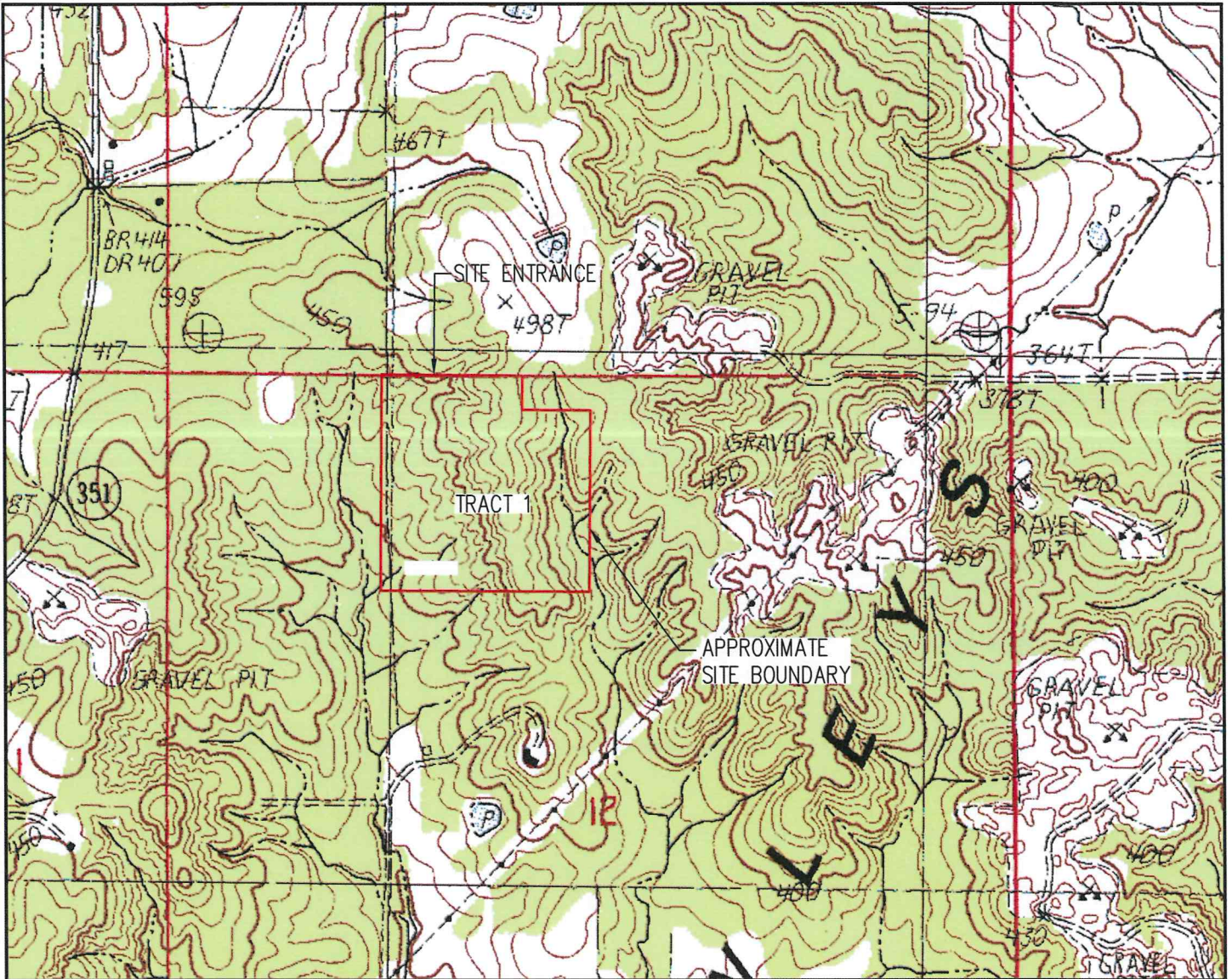
## Brand Pit Reclamation Plan 6-28-12

1. Reclamation will comply with Regulation 15.308 and will be an ongoing process as we remove overburden and utilize this material minimizing the total size of the disturbed area.
2. If the original slope of the affected land was less steep than one (1) vertical to three (3) horizontal (1:3), then no final slope shall be steeper than 1:3.
3. Temporary and permanent erosion and sediment control best management practices (BMPs) utilized at the site will be dependent upon site specific conditions. BMPs will be selected based on sound engineering practices consistent with EPA's published guidance on storm water runoff control.
4. Storm water runoff from the area will drain away from the property at the point identified on the site map. The storm water permit number is AR00C426.
5. Reclamation Vegetation will be planted at a seed rate recommended by the University of Arkansas Cooperative Extension Service Office and the Arkansas State Forestry Commission guidelines. Vegetation will consist of but may not be limited to:
  - a. Bermuda Grass
  - b. Rye Grass
  - c. Fescue Grass
  - d. Pine Trees
6. Topsoil available onsite will be stored as necessary on the property and utilized in the reclamation of the mined out area.
7. Vegetation and trees will be utilized respectively to reach state recommended coverage of the mined out area for erosion control.
8. Prior to planting, soil analysis will be sent to the University of Arkansas Cooperative Extension Service Office to obtain soil amendment data for optimum vegetation growth in the mined out area.
9. Where used, grass vegetation will be planted and maintained at a 70% coverage rate to deem the area reclaimed.
10. If an area can be used for a pine plantation, that may be the chosen method of reclamation, and in that instance the success rate of the trees will be greater than 50% after (2) Growing Seasons in order for the area to be deemed to be reclaimed.
11. No equipment will be left in reclaimed areas.
12. All acid forming materials will be covered by not less than three (3) feet of nonacid materials.

## **Maps**

**MAP(S)/PLAN(S) SCANNED IN  
SEPARATE FILE**





## CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT HAYWOOD, KENWARD, BARE, AND ASSOCIATES, INC., PROFESSIONAL LAND SURVEYORS, HAVE SURVEYED THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### TRACT 1:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 12, TOWNSHIP 15 NORTH, RANGE 4 EAST; THENCE  $N00^{\circ}27'14''E-1283.59'$ ; THENCE  $N00^{\circ}27'14''E-40.00'$ ; THENCE  $S89^{\circ}30'10''E-870.68'$ ; THENCE  $S00^{\circ}29'31''W-40.00'$ ; THENCE  $S00^{\circ}29'31''W-168.71'$ ; THENCE  $S89^{\circ}30'10''E-417.43'$ ; THENCE  $S00^{\circ}29'31''W-1110.17'$ ; THENCE  $N89^{\circ}42'45''W-643.62'$ ; THENCE  $N89^{\circ}42'45''W-643.62'$  TO THE POINT OF BEGINNING CONTAINING 37.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD.

Project Mng:	JDW	Project No.	074-005-35107167
Drawn By:	JDW	Scale:	1" = 1000'
Checked By:	FOC	File No.	001
Approved By:	FOC	Date:	07-20-10

**Terracon**  
Consulting Engineers and Scientists  
25809 I-30 SOUTH BRYANT, AR 72022

SITE LOCATION MAP  
PROPOSED MINING PERMIT MAP AND RECLAMATION PLAN  
**ACME BRICK**  
WHEELER PLANT

FIG. No.  
**1**

## **Bond Determination**

ARKANSAS BOND DETERMINATION FORM

A. Backfill					
1) Material moved less than 500 ft.:	19,360	cubic yards	\$ 1.10	(1a) \$	21,296
2) Material moved more than 500 ft.:	0	cubic yards	\$ 1.50	(1b) \$	-
B. Topsoil Replacement (as necessary)	0	acres	\$ 4,000	2) \$	-
C. Topsoil Spreading (use one of the two choices below)					
1) Topsoil spread by cubic yard:	19360		\$ 1.50	3a) \$	29,040
2) Topsoil spread by the acre:			\$ 1,300	3b) \$	-
D. Revegetation of the site:	5	acres	\$ 1,035	(4) \$	5,175
				(5) \$	55,511
				(6) \$	11,102
F. Mobilization (2.5% of lines 5 plus 6)				(7) \$	1,665
				(8) \$	68,279

Subtotal (add lines 1 through 4):

E. Engineering, Reclamation Management, and Administration (20% of Line 5):

Bond Total ( Add lines 5, 6 and 7):

# **Letter of Credit**



JPMorgan Chase Bank, N.A.  
Global Trade Services  
131 South Dearborn, 5th Floor  
Mail Code: IL1-0236  
Chicago, IL 60603-5506

NOV 18, 2011

L/C NO.: 00331145

ITEM NO: 0044

TO:  
ARKANSAS DEPT. OF ENVIRONMENTAL  
QUALITY  
8001 NATIONAL DRIVE  
LITTLE ROCK, AR 72219-8913

RE: 00331145

NOTIFICATION OF AUTO EXTENSION

OUR STANDBY LETTER OF CREDIT NO. 00331145

APPLICANT NAME:  
ACME BRICK COMPANY  
2821 WEST 7TH STREET  
FORT WORTH, TX 76107

WE HEREBY INFORM YOU THAT THE ABOVE REFERENCED LETTER OF CREDIT HAS BEEN AUTOMATICALLY EXTENDED WITHOUT AMENDMENT TO EXPIRE FEBRUARY 24, 2013 IN ACCORDANCE WITH THE LETTER OF CREDIT'S AUTOMATIC EXTENSION TERMS AND CONDITIONS.

PLEASE ADDRESS ALL CORRESPONDENCE REGARDING THIS LETTER OF CREDIT TO THE ATTENTION OF THE STANDBY LETTER OF CREDIT UNIT, 131 SOUTH DEARBORN, 5TH FLOOR, MAIL CODE IL1-0236, CHICAGO, IL 60603-5506, INCLUDING THE LETTER OF CREDIT NUMBER MENTIONED ABOVE. FOR TELEPHONE ASSISTANCE, PLEASE CONTACT THE STANDBY CLIENT SERVICE UNIT AT 1-800-634-1969, SELECT OPTION 1, AND HAVE THIS LETTER OF CREDIT NUMBER AVAILABLE.

JPMORGAN CHASE BANK, N.A.

  
\_\_\_\_\_  
AUTHORIZED SIGNER

## **Disclosure Documentation**

**BERKSHIRE HATHAWAY INC.**  
**and Subsidiaries**  
**CONSOLIDATED BALANCE SHEETS**  
*(dollars in millions)*

	<b>December 31,</b>	
	<b>2011</b>	<b>2010</b>
<b>ASSETS</b>		
<i>Insurance and Other:</i>		
Cash and cash equivalents .....	\$ 33,513	\$ 34,767
Investments:		
Fixed maturity securities .....	31,222	33,803
Equity securities .....	76,063	59,819
Other .....	13,111	19,333
Receivables .....	19,012	20,917
Inventories .....	8,975	7,101
Property, plant and equipment .....	18,177	15,741
Goodwill .....	32,125	27,891
Other .....	18,121	13,529
	<u>250,319</u>	<u>232,901</u>
<i>Railroad, Utilities and Energy:</i>		
Cash and cash equivalents .....	2,246	2,557
Property, plant and equipment .....	82,214	77,385
Goodwill .....	20,056	20,084
Other .....	12,861	13,579
	<u>117,377</u>	<u>113,605</u>
<i>Finance and Financial Products:</i>		
Cash and cash equivalents .....	1,540	903
Investments in fixed maturity securities .....	966	1,080
Other investments .....	3,810	3,676
Loans and finance receivables .....	13,934	15,226
Goodwill .....	1,032	1,031
Other .....	3,669	3,807
	<u>24,951</u>	<u>25,723</u>
	<u>\$392,647</u>	<u>\$372,229</u>
<b>LIABILITIES AND SHAREHOLDERS' EQUITY</b>		
<i>Insurance and Other:</i>		
Losses and loss adjustment expenses .....	\$ 63,819	\$ 60,075
Unearned premiums .....	8,910	7,997
Life, annuity and health insurance benefits .....	9,924	8,565
Accounts payable, accruals and other liabilities .....	18,466	15,826
Notes payable and other borrowings .....	13,768	12,471
	<u>114,887</u>	<u>104,934</u>
<i>Railroad, Utilities and Energy:</i>		
Accounts payable, accruals and other liabilities .....	13,016	12,367
Notes payable and other borrowings .....	32,580	31,626
	<u>45,596</u>	<u>43,993</u>
<i>Finance and Financial Products:</i>		
Accounts payable, accruals and other liabilities .....	1,224	1,168
Derivative contract liabilities .....	10,139	8,371
Notes payable and other borrowings .....	14,036	14,477
	<u>25,399</u>	<u>24,016</u>
Income taxes, principally deferred .....	37,804	36,352
Total liabilities .....	<u>223,686</u>	<u>209,295</u>
<i>Shareholders' equity:</i>		
Common stock .....	8	8
Capital in excess of par value .....	37,807	37,533
Accumulated other comprehensive income .....	17,654	20,583
Retained earnings .....	109,448	99,194
Treasury stock, at cost .....	(67)	—
Berkshire Hathaway shareholders' equity .....	<u>164,850</u>	<u>157,318</u>
Noncontrolling interests .....	4,111	5,616
Total shareholders' equity .....	<u>168,961</u>	<u>162,934</u>
	<u>\$392,647</u>	<u>\$372,229</u>

*See accompanying Notes to Consolidated Financial Statements*