



# ARKANSAS

## ENERGY & ENVIRONMENT

### REAL PROPERTY COLLATERAL BOND AND AGREEMENT

Collateral is given by \_\_\_\_\_

Name of Principal

as Principal, to the Arkansas Department of Energy & Environment (Department) with the established penal value of \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

**WHEREAS**, the Principal has applied to the Department for a permit to engage in open-cut mining within the state of Arkansas as required by and in accordance with the Arkansas Open-Cut Land Reclamation Act (the "Act") and the Open-Cut Land Reclamation Rule (the "Rule"); and

**WHEREAS**, the granting of the permit is conditioned on the Principal's giving bond to insure the reclamation of any affected area that has been mined or will be mined;

**WHEREAS**, the Principal has agreed to grant a first security interest in the Collateral described and identified on an attachment to this Bond with an appraised fair market value; and

**WHEREAS**, where applicable the Department will file a lien or mortgage against the Collateral,

**NOW, THEREFORE**, the condition of this obligation is such, that if the Principal performs all requirements of the Act, complies with the Rule, and reclaims all affected lands in accordance with the Act and/or the approved reclamation plan, then this obligation shall be null and void. Failure to comply will result in forfeiture by the Department of the Bond and the Collateral.

The Principal may withdraw the Collateral at any time by filing with the Department a ninety (90) day written notice of its desire to do so, provided; however, that the Collateral shall not be withdrawn without substitution of the Collateral with other collateral or alternate bond instrument of equal or greater value as determined by and acceptable to the Department.

Date this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Principal:**

Officer's Signature: \_\_\_\_\_

Officer's Name: \_\_\_\_\_

Officer's Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Accepted by the Arkansas Department of Energy & Environment**

Representative's Signature: \_\_\_\_\_

Representative's Name: \_\_\_\_\_

Representative's Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_