

October 11, 2017

VIA US MAIL & E-MAIL koonjm@dhec.sc.gov

Mr. Joe Koon
SCDHEC
Division of Mining and Solid Waste Management
2600 Bull Street
Columbia, SC 29201

**RE: RDA, LLC Application for Mine Operating Permit
RDA Mine - Williamsburg County**

Dear Mr. Koon:

On August 7, 2017, I sent you a letter in accordance with the requirements of DHEC Regulation 89-60(A)(4) to provide information on the ownership of the tracts of land located in Williamsburg County, South Carolina related to the above-referenced Application for Mine Operating Permit (the "Application"). A copy of that letter is attached hereto as **Exhibit "A"** (the "Letter"). Since then, the ownership of the tract of land identified as **Tract 3** has changed based on a deed from the prior owner of the fee simple interest to the new owner coupled with an assignment of the lease with the tenant RDA, LLC, both dated as of October 9, 2017. Therefore, please allow this letter to serve as an update to the Letter so as to reflect the change of ownership of **Tract 3**. I remain a licensed attorney in the State of South Carolina, and I have examined documents relating to the title to **Tract 3**. Based upon my review of these documents, I provide the following updated information as to **Tract 3**:

Tract 3: This tract is identified by Williamsburg County Tax Map Parcel Number 45-360-001. This tract contains 158.11 acres. MHS Holdings, LLC, conveyed its fee simple interest in and to Tract 3 to Triangle 1065, LLC, by deed dated October 9, 2017, recorded October 11, 2017, and has assigned all of its interests as landlord in that certain Real Estate Lease Agreement by and between it as landlord and RDA, LLC as tenant dated effective as of June 1, 2017 to Triangle 1065, LLC. Said lease remains in full force and effect.

As amended herein, the Letter remains in full force and effect.

Sincerely,

SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC



Wilson W. McDonald

WWM/kse

cc: Craig Kennedy (via e-mail only)
Jennifer R. Kellahan (via e-mail only)
Clark Wooten (via e-mail only)
Frank R. Ellerbe, III (via e-mail only)

EXHIBIT A



SOWELL GRAY
ROBINSON

Litigation + Business

WILSON W. MCDONALD

DIRECT 803 227.1140 DIRECT FAX 803 744.1540

wmcdonald@sowellgray.com

August 7, 2017

VIA US MAIL & E-MAIL koonjm@dhec.sc.gov

Mr. Joe Koon
SCDHEC
Division of Mining and Solid Waste Management
2600 Bull Street
Columbia, SC 29201

**RE: RDA, LLC Application for Mine Operating Permit
RDA Mine - Williamsburg County**

Dear Mr. Koon:

In accordance with the requirements of DHEC Regulation 89-60(A)(4), I am providing information on the ownership of the tracts of land located in Williamsburg County, South Carolina related to the above-referenced Application for Mine Operating Permit (the "Application"). I am a licensed attorney in the State of South Carolina, and I have examined documents relating to the title to the tracts of land subject to the above-referenced Application. Based upon my review of these documents, I provide the following.

The Application covers land identified by three separate Williamsburg County Tax Map Parcel Numbers, and the respective ownership is outlined below.

Tract 1: This tract is identified by Williamsburg County Tax Map Parcel Number 45-360-002. Tax Map Parcel 45-360-002 is shown more particularly on a plat prepared by Black River Land Surveying, LLC, dated December 16, 2016, entitled "Fidelity National Title Insurance Company ALTA Boundary Re-Survey Policy No. 273064040-210623428" and recorded in the Office of the Clerk of Court for Williamsburg County in Plat Slide S1259 at page 10. This tract contains 529.61 acres. RDA, LLC owns a fee simple interest in and to all surface and mineral rights to this Tract 1, less and except that portion of Tract 1 marked on the attached Exhibit "A" and identified as a part of the "Former C. K. Fagan Tract" (the "Fagan Tract"). As to the Fagan Tract, RDA, LLC owns a fee simple interest in and to all surface right and a portion of the mineral rights. The Fagan Tract will be used only for the purpose of the



processing and transporting of minerals mined from the other parts of the permitted area pursuant to RDA, LLC's mining operations

Tract 2: This tract is identified by Williamsburg County Tax Map Parcel Number 45-335-095. Tax Map Parcel 45-335-095 is shown more particularly on a plat prepared by Black River Land Surveying, LLC, dated December 16, 2016, and recorded in the Office of the Clerk of Court for Williamsburg County in Plat Slide S1256 at page 5. This tract contains 280.68 acres. Jump N Run, LLC, owns a fee simple interest in and to all surface and mineral rights to this Tract 2 less and except that portion of Tract 2 marked on the attached Exhibit "A" and identified as a part of the "Former C. K. Fagan Tract" (the "Fagan Tract"). As to the Fagan Tract, Jump N Run, LLC owns a fee simple interest in and to all surface right and a portion of the mineral rights. The Fagan Tract will be used only for the purpose of the processing and transporting of minerals mined from the other parts of the permitted area pursuant to RDA, LLC's mining operations. Jump N. Run, LLC has leased all the surface and mineral interest it owns to RDA, LLC pursuant to that certain Real Estate Lease Agreement by and between the parties dated effective as of June 1, 2017.

Tract 3: This tract is identified by Williamsburg County Tax Map Parcel Number 45-360-001. This tract contains 158.11 acres. MHS Holdings, LLC, owns a fee simple interest in and to all surface rights and a portion of the mineral rights to the Tract 3 and has leased all the surface and mineral interest it owns to RDA, LLC pursuant to that certain Real Estate Lease Agreement by and between the parties dated effective as of June 1, 2017.

Sincerely,

SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC

Wilson W. McDonald

WWM/kse

cc: Craig Kennedy (via e-mail only)
Jennifer R. Kellahan (via e-mail only)
Clark Wooten (via e-mail only)
Frank R. Ellerbe, III (via e-mail only)



Mining Form MR-700

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF LAND AND WASTE MANAGEMENT
DIVISION OF MINING AND SOLID WASTE PERMITTING
2600 Bull Street, Columbia, SC 29201
Telephone Number: (803) 896-4261 Fax Number: (803) 896-4001

Permit No. _____

STATE OF SOUTH CAROLINA) LAND ENTRY AGREEMENT FOR LAND
COUNTY OF WILLIAMSBURG) LEASED BY MINE OPERATOR

WITNESSETH:

WHEREAS, Triangle 1065, LLC

hereinafter referred to as Lessor, is the Lessor of a tract of land lying and situated in the County of

Williamsburg, State of South Carolina, and whereas

RDA, LLC, hereinafter referred to as Lessee, is the Lessee of that

identical tract of land, more particularly described as follows:

See Attached Exhibit A

WHEREAS, Lessor has leased the aforesaid tract of land to Lessee, hereinafter sometimes referred to as Operator, who has or will conduct a mining operation on the aforesaid tract of land, pursuant to Mining Permit No. _____ and is obligated to reclaim the aforesaid tract of land in accordance with Operator's approved RECLAMATION PLAN (Form MR-500) dated _____, with any modification thereto.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Lessor and the Lessee acknowledge and agree that in the event that a bond forfeiture is ordered pursuant to Section 48-20-170, Code of Laws of South Carolina, 1976 (as amended), the South Carolina Department of Health and Environmental Control and its representatives and its contractors shall have the right, and are hereby permitted, to make whatever entries on the subject land and to take whatever actions as may be necessary in the sole judgment of the South Carolina Department of Health and Environmental Control or its representatives, in order to carry out reclamation which the Operator has failed by the terms of the permit, reclamation plan, or reclamation bond to complete; provided, however, that the rights herein granted shall terminate upon the release of the reclamation bond, or within two years after forfeiture of the reclamation bond, unless this agreement is terminated earlier by the South Carolina Department of Health and Environmental Control.

The Lessor and the Lessee acknowledge and agree that the South Carolina Department of Health and Environmental Control shall have the right to record this agreement.

This document is executed in accordance with Section 48-20-70 of the 1976 South Carolina Code of Laws, as amended.

IN WITNESS WHEREOF, I have caused my hand and seal to be set hereunto this 17th day of October, ~~2017~~ 2017.

IN THE PRESENCE OF:

Jennifer R. Kellahan (w1)
(witness 1)
Regina D. Ard (w2)
(witness 2)

FOR THE LESSEE:

[Signature]
(Lessee signature)

Clark H. Wooten, Managing Member
(Lessee printed name and title)

RDA, LLC

(Lessee Company)

Address: P.O. Box 527

Newton Grove, NC 28366

Permit No. _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF Williamsburg)

PERSONALLY appeared before me Jennifer R. Kellahan (w1) and made oath that S he saw the within-named RDA, LLC (lessee) sign, seal, and as its (his or her)

act, deliver the within-written Land Entry Agreement for land leased by Mine Operator for the uses and purposes therein mentioned and that S he with Regina D. Ard (w2) witnessed the execution thereof.

[Signature]
(signature of witness w1)

SWORN to before me this 11th day of October, 2017.
Regina D. Ard

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 8/23/26

Permit No. _____

IN THE PRESENCE OF:

[Signature] (w3)
(witness 3)
Regina D. Ard (w4)
(witness 4)

FOR THE LESSOR:

[Signature]
(Lessor signature)

Clark H. Wooten, Managing Member
(Lessor printed name and title)

Triangle 1065, LLC
(Lessor Company)

Address: P.O. Box 527
Newton Grove, NC 28366

Telephone: _____

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)

PERSONALLY appeared before me Jennifer R. Kellahan (w3) and made oath that s he saw the within-named Triangle 1065, LLC sign, seal, and as its (his or her) (lessor)

act, deliver the within-written Land Entry Agreement for land leased by Mine Operator for the uses and purposes therein mentioned and that s he with Regina D. Ard (w4) witnessed the execution thereof.

[Signature]
(signature of witness w3)

SWORN to before me this 17th day of October, 2017

Regina D. Ard
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 8/23/26