

(SCC)UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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 In re : Chapter 11
 PATRIOT COAL CORPORATION, et al., :
 Debtors. : Case No. 12-12900 (SCC)
 : (Jointly Administered)
 :
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 EASTERN ROYALTY LLC f/k/a EASTERN :
 ROAYALTY, CORP., :
 Plaintiff, : Adv. Pro. No. 12-01786 (SCC)
 v. :
 BOONE EAST DEVELOPMENT CO., :
 PERFORMANCE COAL CO., AND NEW RIVER :
 ENERGY CORP., :
 Defendants. :
 -----x

STATE OF WEST VIRGINIA)
 : ss
COUNTY OF KANAWHA)

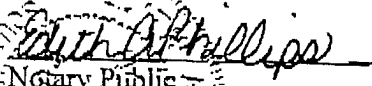
AFFIDAVIT OF SERVICE

Darren Brown, being duly sworn, deposes and says that I am over the age of 18, am not a party to this action and am self-employed; and that on August 15, 2012, at approximately 3:25 PM, I served three true copies of the 1) Summons and Notice of Pretrial Conference in an Adversary Proceeding, 2) Complaint for Declaratory Relief, 3) Exhibits to the Complaint for Declaratory Relief, including those subject to being Filed Under Seal, and 4) Plaintiff's Motion for an Order Authorizing Plaintiff to File Under Seal the Agreements as Exhibits to Plaintiff's Complaint for Declaratory Relief, upon Defendants Boone East

Development Co., Performance Coal Co., and New River Energy Corp., by personally serving one copy of the aforesaid papers for each of the above named defendants at the office of their registered agent, Corporation Service Company, 209 West Washington Street, Charleston, WV 25302, by personally delivering and leaving the papers with Christy Legg, Secretary, white female, 5' 5", 150, 45 yoa, brown hair, being an authorized person in Corporation Service Company and empowered to receive such service.


Darren Brown

Sworn to before me this
20 day of August, 2012.


Notary Public
EDITH A. PHILLIPS
Notary Public, State of South Carolina
My Commission Expires 6/10/2021