



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 LAND RECLAMATION PROGRAM
 PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES - 1 O CSR 40-10.020(1)

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Heartland Materials, LLC		DATE 9/10/2010	
MAILING ADDRESS P.O. Box 558		CITY Benton	STATE MO
CONTACT PERSON Danny Dumey		ZIP CODE 63736-	TELEPHONE NUMBER WITH AREA CODE 573-545-3030

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MO. LAND RECLAMATION COMM.

OCT 04 2010

CHECK ANY THAT APPLY
 New Permit Permit Amendment Permit Revision Permit Expansion

Site Name or Number	Acreage	Location: County, Section, Township, Range (east or west)
1. Heartland Quarry	17	SUR 799 & 2192, T-32N, R-13E, Cape Girardeau Co.
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ATTACH ADDITIONAL SHEETS IF NECESSARY - SIGNATURE AND NOTARIZATION REQUIRED FOR ALL APPLICANTS

SIGNATURE OF APPLICANT <i>Danny Dumey</i>	TITLE <i>Shareholder</i>	DATE <i>9-30-10</i>
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Appeared before me this 30th day of Sept, 2010, to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSE	STATE <i>Missouri</i>	COUNTY (OR CITY OF ST. LOUIS) <i>Perry</i>
	SUBSCRIBED AND SWORN BEFORE ME, THIS <i>30th</i> DAY OF <i>Septembe</i> YEAR <i>2 10</i>	RUBBERSTAMP CLEAR AREA BELOW
	NOTARY PUBLIC SIGNATURE <i>Janet I. Cornelius</i>	JANET I. CORNELIUS NOTARY SEAL PUBLIC - STATE OF MISSOURI COUNTY OF PERRY MY COMMISSION EXPIRES: 5-14-12 COMMISSION # 08413100
	MY COMMISSION EXPIRES <i>05/14/12</i>	
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <i>Janet I. Cornelius</i>	

MISSOURI DEPARTMENT OF NATURAL RESOURCES
 LAND RECLAMATION PROGRAM
 P.O. BOX 176
 JEFFERSON CITY, MO 65102-0176
 PHONE: 573-751-4041
 FAX: 573-751-0534

FOR DEPARTMENT USE ONLY: APPROVED BY	DATE APPROVED	PERMIT NUMBER	EXPIRATION DATE
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1072



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
GEOLOGICAL SURVEY PROGRAM

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MO. LAND RECLAMATION COMM.

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PERMIT APPLICATION FOR INDUSTRIAL MINERAL MINES
GEOLOGIC RESOURCES FEE WORKSHEET 256.700 RSMo.

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL Heartland Materials, LLC.		DATE September 10, 2010	
ADDRESS P.O. Box 558	CITY Benton	STATE MO	ZIP CODE 63736
CONTACT PERSON Danny Durney		TELEPHONE NUMBER 573-545-3030	
TYPE OF PERMIT REQUEST. CHECK ANY THAT APPLY <input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Amendment <input type="checkbox"/> Permit Expansion			
SITE NAME OR NUMBER (Add sheet for additional sites)	ACREAGE	LOCATION County, Section, Township and Range (East or West)	COMMODITY
1. Heartland Quarry	17	Cape Girardeau Co, SUR 799 & 2192,	LS
2.		T-32N, R-13E	
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FEE SCHEDULE			
A. Annual Permit Fee: (\$50.00 per operator)			\$50.00
B. Site Fee: (\$50.00 per site)			\$ 50.00
C. Acreage Fee: (\$6.00 per acre on first 300 acres bonded; plus \$3.00 per bonded acre in excess of 300 acres)			\$ 102.00
TOTAL: (add items A, B and C)			\$ 202.00
NOTE: Operators mining less than 5,000 tons of gravel annually are EXEMPT.			
NOTE: Maximum Geologic Resources Fee for any operator is \$3,500.00.			
SIGNATURE OF APPLICANT <i>Danny Durney</i>		TITLE <i>Site Manager</i>	DATE <i>9-30-10</i>
NOTE: This form and payment must be mailed to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176. You may combine this payment with fees associated with your Land Reclamation Commission permit application form (MO 780-1007).			

OCT 1 2010

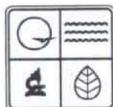


MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
SITE INFORMATION

COMPLETE THIS FORM FOR EACH SEPARATE AREA OF DISTURBANCE ASSOCIATED WITH MINING OPERATIONS			
SITE			
SITE NAME OR NUMBER Heartland Quarry		PERMIT NUMBER Pending	
COMPANY Heartland Materials, LLC			
COUNTY Cape Girardeau	1/4 SECTION	SECTION SUR 799	
TOWNSHIP T-32N	RANGE R-13E	ACRES 72	
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) NA			
MINERAL COMMODITY Limestone		ESTIMATED TONS/YEAR (GRAVEL SITES) NA	
LANDOWNER			
NAME OF LANDOWNER (COMPLETE A SEPARATE FORM FOR EACH LANDOWNER) Hoffmeister Real Estate			
MAILING ADDRESS P.O. Box 331			
CITY Jackson	STATE MO	ZIP CODE 63755	
<input type="radio"/> Mineral Deed <input type="radio"/> Warranty Deed <input type="radio"/> Other (Describe):		<input type="radio"/> Lease <input checked="" type="checkbox"/> Verbal DATE OF AGREEMENT April 10, 2010	
MINERAL RIGHTS OWNER			
MINERAL RIGHTS OWNER (COMPLETE A SEPARATE FORM FOR EACH MINERAL RIGHTS OWNER) As Above			
MAILING ADDRESS			
CITY	STATE	ZIP CODE	
		-	
<input type="radio"/> Mineral Deed <input type="radio"/> Warranty Deed <input type="radio"/> Other (Describe):		<input type="radio"/> Lease <input type="radio"/> Verbal DATE OF AGREEMENT	
Note: Each site must be shown on a map and be included in a pUblc notice and an approved mine plan.			
FOR DEPARTMENT USE ONLY			
Land Reclamation Program Site Number_____			

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MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
SITE INFORMATION

COMPLETE THIS FORM FOR EACH SEPARATE AREA OF DISTURBANCE ASSOCIATED WITH MINING OPERATIONS		
SITE		
SITE NAME OR NUMBER Heartland Quarry		PERMIT NUMBER Pending
COMPANY Heartland Materials, LLC		
COUNTY Cape Girardeau	¼ SECTION	SECTION SUR 2192
TOWNSHIP T-32N	RANGE R-13E	ACRES 89
RIVER OR STREAM NAME (FOR IN-STREAM ACRES) NA		
MINERAL COMMODITY Limestone		ESTIMATED TONS/YEAR (GRAVEL SITES) NA
LANDOWNER		
NAME OF LANDOWNER (COMPLETE A SEPARATE FORM FOR EACH LANDOWNER) Joe Hoffmeister Family Farms		
MAILING ADDRESS P.O. Box 331		
CITY Jackson	STATE MO	ZIP CODE 63755
<input type="radio"/> Mineral Deed <input type="radio"/> Warranty Deed <input type="radio"/> Other (Describe):		DATE OF AGREEMENT April 10, 2010
<input type="radio"/> Lease <input checked="" type="checkbox"/> Verbal		
MINERAL RIGHTS OWNER		
MINERAL RIGHTS OWNER (COMPLETE A SEPARATE FORM FOR EACH MINERAL RIGHTS OWNER) As Above		
MAILING ADDRESS		
CITY	STATE	ZIP CODE -
<input type="radio"/> Mineral Deed <input type="radio"/> Warranty Deed <input type="radio"/> Other (Describe):		DATE OF AGREEMENT
<input type="radio"/> Lease <input type="radio"/> Verbal		
Note: Each site must be shown on a map and be included in a public notice and an approved mine plan.		
FOR DEPARTMENT USE ONLY		
Land Reclamation Program Site Number		



OCT 04 2010

COMPANY NAME
 Heartland Materials, LLC

TYPE OF MINE PLAN (CHECK ONE)
 Short Term - for one permit year Long Term - for period through date 12/31/2110

DESCRIPTION OF SITE PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR). INCLUDING SOIL, VEGETATION AND TOPOGRAPHY.
 This mine plan covers 161 acres. It consists of a combination of agricultural land and pasture bisected by an unnamed intermittent creek tributary draining to the southwest. Slopes are between 5 and 14 % and overall topographic relief is about 60 feet. Mineral formations include the Kimmswick and Plattin Limestones. They are overlain by 10-20 ft of rediduum and the upper limestone is highly weathered for about another 20 feet. According to the Cape Girardeau County Survey (1981), there is only one predominant soil type in the area. It is the Menfro Silt Loam (16C and 16D). Topsoil (A Horizon) thickness averages between 6-8 inches. Subsoil (B Horizon) extends to depths of 49-76 inches. The 100 year period of operation is partly based on the anticipated rock volume to be mined (one-half million tons per year). The quarry has an estimated volume of 80 million tons making the 100-yr period somewhat conservative even if desired annual production is always attained.

OPERATION PLAN - 10 SCR 40 - 10.020(2)(D)1

A. TOPSOIL

AVERAGE DEPTH OF TOPSOIL, PRIOR TO LAND RECLAMATION COMMISSION PERMITTING: 6-8"
 IS TOPSOIL TO BE SOLO OR DISCARDED OFF-SITE? Yes No

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL REMOVAL
 Where present topsoil and underlying subsoil to a depth of 12" will be removed ahead of the leading edge of the pit using a combination of scrapers, dozers, excavator, and end-dump.

DESCRIBE METHODS AND EQUIPMENT USED FOR TOPSOIL STORAGE AND PROTECTION
 Topsoil salvaged during mining operation will be stockpiled using scraper wind dumps in protected areas, away from drainages of other low-lying areas, and seeded with a temporary grass cover to avoid excessive wind and water erosion. Topsoil stockpile will be placed within bonded area of the permit. If necessary, berm will be erected around stockpiles.

PERMIT NUMBER: MO 7801327 (0710) SITE NAME: Heartland Quarry LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER

B. SPOIL

DESCRIBE METHODS AND LOCATION OF SPOIL PLACEMENT AND DISPOSAL

Spoil is undefined under 10 CSR 40-10.100. However, overburden (excess subsoil & weathered rock) will be handled using a combination of dozers/end dumps/excavators. It will be consolidated within low lying areas located east and northeast of the mining area. **Some spoil may also be used for the construction of safety/privacy benns along the northern, eastern, and western margins of the permit.**

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C. ACID MATERIALS

DESCRIBE METHODS AND EQUIPMENT USED FOR HANDLING ACID MATERIALS (IF NONE IS ANTICIPATED, WRITE "NONE" BELOW)

None

D. PIT INFORMATION (GIVE ALL DIMENSIONS IN FEET)

DESCRIBE LOCATION AND ORIENTATION OF PIT, IF NOT CLEAR ON SITE MAPS

Pit will be oriented roughly northeast-southwest and move to the southeast during the initial stages of mining. The long-term progression of mining will be toward future reserves as indicated on the detail map.

Yes	No	
0	<input checked="" type="checkbox"/>	Will any excavation be at or within 50' of the right-of-way of any public road?
0	<input checked="" type="checkbox"/>	Will any highwall consisting of unconsolidated materials be left within 50 feet of the right-of-way of any public road? (Note: For unconsolidated materials left in place, a slope of no more than 40 degrees may start near the right-of-way, and in no case may the excavation be closer to the right-of-way than 50' or 25' plus 1 1/2 time the depth of unconsolidated material, whichever is greater, unless a variance is granted by the Land Reclamation Commission.)
0	<input checked="" type="checkbox"/>	Will any excavation start at or within 50' of any property line? (Note: If the answer is yes, a safety barrier may be needed.)

PERMIT NUMBER

SITE NAME

Heartland Quarry

ILANO RECLAMATION PROGRAM ASSIGNED SITE NUMBER

RECLAMATION PLAN - 10 CSR 40-10.020(2)(D)2

A REVEGETATION (ATIACH ADDITIONAL SHEETS, IF NEEDED)

REVEGETATION MIX #	PURPOSE OR LAND USE Development (Industrial)	SEEDING OR PLANTING TIME (9/1-10/30): 13/15-5/15
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DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING
Seed will be drilled or broadcast using a cyclone seeder. If broadcast, seed will be worked into UIC ground using a harrow or similar 1001 designed for that purpose. Industrial areas that may require revegetation include berms, spoil banks, and isolated parts of the mine plan area.

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Lime and fertilizer will be applied according to recommendations based upon soil analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

Seeded Species	Pounds/Acre	Tree or Shrub Species	Siems/Acre
Fescue	111		
Smooth Brome	5		
Red/Ladino Clover	5		

REVEGETATION MIX #1	PURPOSE OR LAND USE Wildlife	SEEDING OR PLANTING TIME (9/1-10/30): (3/15-5/15)
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DESCRIBE METHODS AND EQUIPMENT TO BE USED FOR SEEDING OR PLANTING
Seed will be drilled or broadcast using a cyclone seeder. If broadcast, seed will be worked into the ground using a harrow or similar 1001 designed for that purpose.

Lime and fertilizer will be applied according to recommendations based upon soil analyses from a qualified soils lab. Mulch will be applied to all slopes exceeding 5:1.

Seeded Species	Pounds/Acre	Tree or Shrub Species	Siems/Acre
Orchard Grass	2	Wheat	30 lbs/ac
Red/Ladino Clover	4		
K. Lespedeza	111		

PERMIT NUMBER	SITE NAME Heartland Quality	ILANO RECLAMATION PROGRAM ASSIGNED SITE NUMBER
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B. GRADING**DESCRIBE PROPOSED RECLAIMED TOPOGRAPHY, INCLUDING SLOPES**

Most of the site will be leveled to a maximum 3% slope to accommodate the post mining land use of development/industrial. Overburden disposal areas will be graded to a free-draining topography traversable by farm machinery and suitable for the intended land use. For wildlife areas, a maximum of 25% of the spoil placement area may consist of steeper slopes, but will be graded to a minimum width of 30 feet or one-half the diameter of the base pile, whichever is less. A consolidated materials highwall may remain after mining.

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C. DESCRIBE THE GENERAL SEQUENCE AND TIMING OF THE FOLLOWING ACTIVITIES**GRADING**

Will be completed within 12 months after mining of viable mineral reserves is complete in that portion of the permit area based on prior mining practices at the site, unless credible evidence is presented to the Director that viable mineral reserves remain.

REPLACEMENT OF TOPSOIL

Topsoil replacement at the site is exempt due to the proposed reclamation land uses of Industrial and Wildlife as per 10 CSR 40-10.050(6)(C)3. However, topsoil and/or subsoil may be placed in designated areas to promote vegetative growth and slope stability to enhance overall reclamation operations at this site.

REVEGETATION

Seeding will be conducted within 24 months after mining of viable mineral reserves is complete in that portion of the permit area based on prior mining practice at the site, unless credible evidence is presented to the Director that viable mineral reserves remain.

****excludes Industrial & Wildlife areas except for voluntary replacement to support reclamation**

AVERAGE DEPTH OF REPLACED TOPSOIL (INCHES)

7" (12" w/subsoil)"

D. USE OF LAND WHEN RECLAIMED

Estimate acreage of each land use below, after reclamation	Estimated Acres
Wildlife (forest or other habitat with livestock excluded)	15
Agricultural (pasture, cropland and horticultural)	
Development (residential, industrial and recreational)	88
Water Impoundments (for wildlife, agriculture or development)	58

PERMIT NUMBER

SITE NAME

Heartland Quarry

LAND RECLAMATION PROGRAM ASSIGNED SITE NUMBER

OCT 01 2010

By my signature. I attest to the following:

1. All statements made on this Mine Plan Form are correct, complete, and true, to the best of *my* knowledge.
2. I, or the company I am authorized to represent, intend to mine in accordance with this Mine Plan form. and in accordance with the Missouri Land Reclamation Act. Sections 444.760 through 444.790, RSMo 2009. and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
3. I have obtained the approval of all landowners. (for all lease agreements made after Aug. 28, 1990 on leased land) for all proposed post-mining land uses.
4. I have obtained the approval of all landowners, (for all lease agreements made after Aug. 28, 1990 on leased land) for all proposed seed mixtures.
5. I have a valid agreement with all landowners that gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and authorized representatives. and I grant such access. and further where I have no such right, I have attached signed affidavits from the landowners. granting such access.

SIGNATURE AND NOTARIZATION REQUIRED

SIGNATURE OF APPLICANT 	TITLE: <u>Shareholder</u>	DATE <u>Sept. 30 2010</u>
----------------------------	------------------------------	------------------------------

Appeared before me this 30th day of September, 2010, to me personally known, who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSE	STATE <u>Missouri</u>	COUNTY (OR CITY OF ST. LOUIS) <u>Perry</u>
	SUBSCRIBED AND SWORN BEFORE ME, THIS <u>30th</u> DAY OF <u>September</u> YEAR <u>2010</u>	RUBBER STAMP CLEAR AREA BELOW JANET L. CORNELIUS NOTARY SEAL NOTARY PUBLIC - STATE OF MISSOURI COUNTY OF PERRY MY COMMISSION EXPIRES: 5-14-12 COMMISSION # 08413100
	NOTARY PUBLIC SIGNATURE 	MY COMMISSION EXPIRES <u>05/14/12</u>
	NOTARY PUBLIC NAME (TYPED OR PRINTED) <u>Janet L. Cornelius</u>	

FOR DEPARTMENT USE ONLY			
APPROVED BY	DATE APPROVED	PERMIT NUMBER	SITE NAME AND NUMBER



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 LAND RECLAMATION PROGRAM
 CONSENT TO ENTRY

RECEIVED
 MO. LAND RECLAMATION COMMISSION

OCT 04 2010

COMPANY NAME Heartland Materials, LLC		PERMIT NUMBER Pending		SITE NAME(S) OR NUMBER(S) Heartland Quarry	
We, the undersigned, hereby grant to the Director of the State of Missouri Land Reclamation Program and authorized representatives the right of entry upon our lands or surface mining operations for the purpose of making necessary field inspections, covering land reclamation in order to ensure compliance with the Land Reclamation Act, Sections 444.760 to 444.790 RSMo.					
LANDOWNER SIGNATURE (FOR GRANTING RIGHT FROM LANDOWNER, WHERE THE OPERATOR HAS NO RIGHT TO GRANT SUCH ENTRY)					
NAME OF LANDOWNER Hoffmeister Real Estate		SIGNATURE <i>[Signature]</i>		DATE 9-22-10	
COUNTY Cape Girardeau	1/4 SECTION	SECTION SUR 700	TOWNSHIP 32N	RANGE 13E	ACRES 72
NAME OF LANDOWNER Joe Hoffmeister Family Farms		SIGNATURE <i>[Signature]</i>		DATE 9-22-10	
COUNTY Cape Girardeau	1/4 SECTION	SECTION SUR 2192	TOWNSHIP 32N	RANGE 13E	ACRES 89
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES
NAME OF LANDOWNER		SIGNATURE		DATE	
COUNTY	1/4 SECTION	SECTION	TOWNSHIP	RANGE	ACRES



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 LAND RECLAMATION COMMISSION
**PERSONAL BOND SECURED BY A LETTER OF CREDIT
 (THE LAND RECLAMATION ACT)**

RECEIVED
 MISSOURI LAND RECLAMATION COMMISSION

CT04 010

P.O. BOX 178
 JEFFERSON CITY MO 65102

BOND NUMBER

PERMIT NUMBER

Letter of Credit # 513

Pending

KNOW ALL MEN BY THESE PRESENTS, That the undersigned Heartland Materials, LLC of

P.O. Box 558, **Benton**, MO 63736

(ADDRESS OF PERMITTEE)

(NAME OF PERMITTEE)

, as Obligor

Is held and firmly bound unto the State of Missouri payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund In the penal sum of Twelve **Thousand Five Hundred** and 001100 Dollars (\$ 12,500.00)

for the payment of such sum, well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns. This obligation is secured by Irrevocable Letter of **Credit** No. 513

dated October 1, 2010 issued by the Montgomery Bank

(NAME OF ISSUING BANK)

of One Montgomery Bank Plaza, Sikeston MO 63801

(ADDRESS OF ISSUING BANK)

in the amount of \$ 12,500.00 , (and an Irrevocable Confirmation of Letter of Credit, Document No. --- ,

dated -- , issued by the -

(NAME OF CONFIRMING BANK)

of

(ADDRESS OF CONFIRMING BANK)

in the amount of \$ -----).

THE CONDITION OF THIS OBLIGATION is SUCH, that:

Whereas, the above named Obligor did on the 1st day of October 2010 , file with the Director of the Land Reclamation Commission and application to secure Permit No. Pending to conduct surface mining and reclamation operations in accordance with the statutes at 444.760 to 444.790 and the regulations at 10 CSR 40 Chapter 10;

Whereas, obligations guaranteed by this bond shall be in effect for the above referenced permit;

Whereas, the Obligor has chosen to post this bond as a guarantee that the reclamation of land disturbed during these surface mining operations will be completed as required by the statutes and regulations and as specified in the permit as Issued and subsequently amended; and

Whereas, the Obligor agrees to guarantee this obligation and to indemnify, defend, and hold harmless the State of Missouri, Land Reclamation Commission from any and all losses and expenses which the Land Reclamation Commission may sustain as a result of the **Obligor's** failure to comply with the conditions of this obligation.

Now, therefore, the conditions of the obligations are such that, this bond shall remain in full force and effect until the Obligor faithfully completes reclamation as set forth in the statutes, regulations and the above referenced permit.

COPY

OCT 04 2010

LIABILITY UNDER THIS OBLIGATION:

a) begins on the date of issuance of the above referenced permit and extends until reclamation is completed to the satisfaction of the Land Reclamation Commission; and

b) continues until the bond is released or replaced in accordance with 10 CSR 40-10.030, or until the permit has been sold, reassigned or otherwise transferred in accordance with 10 CSR 10.020(6);

The failure of the Obligor to fulfill the obligations specified by the statutes, regulations and the permit, shall subject this bond and the underlying letter of Credit to forfeiture. The beneficiary of the forfeited amount shall be the Treasurer of the State of Missouri.

Application for release of the obligations on this bond may be made to the Commission in accordance with the provisions of Sections 444.775, RSMo.

OBLIGOR SIGNATURE

SIGNATURE *[Handwritten Signature]*

NAME Steve Obermann

OFFICIAL TITLE Managing Member

DATE 10-1-10

NOTARY PUBLIC EMBOSSEMENT OR BLACK INK RUBBER STAMP SEAL

STATE Missouri

COUNTY (OR CITY OF ST. LOUIS) Perry

SUBSCRIBED AND SWORN BEFORE ME, THIS 1st DAY of October YEAR 2010

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC SIGNATURE *[Handwritten Signature]*

MY COMMISSION EXPIRES 05/14/12

JANET L. CORNEJUS
NOTARY SEAL
NOTARY PUBLIC - STATE OF MISSOURI
COUNTY OF PERRY
MY COMMISSION EXPIRES: 5-14-12
COMMISSION # 084131

NOTARY PUBLIC NAME (TYPED OR PRINTED) Janet L. Cornejus

Letters of Credit will be accepted only from banks or trust companies in the United States. If the bank is located in another state, a bank located in Missouri must confirm the letter of credit. Letters of credit and confirmations must be irrevocable, and must be on the forms provided by the Director.

BOND ACCEPTED BY THE DIRECTOR: SIGNATURE

DATE

COPY
1 -

OCT 04 2010

IRREVOCABLE LETTER OF CREDIT

DIRECTOR
MISSOURI LAND RECLAMATION COMMISSION
P.O. BOX 176
JEFFERSON CITY, MISSOURI 65102

OUR LETTER OF CREDIT NUMBER

513
DATE OF ISSUANCE
October 1, 2010

DEAR SIR:

We, the Montgomery Bank, NA of
(NAME OF ISSUING BANK)

~~One~~ Montgomery Bank Plaza Sikeston Mo 63801
(ADDR) (ISSUING BANK)

hereby establish, at the request of Heartland Materials, LLC (Customer)

our Irrevocable Letter of Credit No. 513, In favor of the State of Missouri,

Land Reclamation Commission, in the amount of Twelve Thousand Five Hundred and 00/100 dollars

(\$ 12,500.00), effective Immediately.

This Letter of Credit Is Issued in conjunction with certain Personal Bonds given or to be given by Customer to you as a condition of the issuance by you of certain Surface Mining and Reclamation Operations Permits to Customer. The bonds and pemnits to which this Letter of Credit applies are listed in Attachment A hereto Incorporated by reference herein. It Is Intended that as Customer requests additional permits be Issued by you, and submits Personal Bonds to you for the issuance of those permits, we will supplement Attachment A, up to the aggregate sum of Twelve Thousand Five Hundred and 00 1 1 00----- dollars (\$ 12,500.00). Attachment A shall be supplemented by our submittal to you of a substitute Attachment A, in the same form and fully executed, with a cumulative listing of bonds and permits covered by this Letter of Credit.

Funds under this Letter of Credit are available to you upon presentation to us of your written demand for payment, accompanied either by your statement that the Missouri Land Reclamation Commission has declared forfeited one or more of Customer's bonds listed in Attachment A, or by your statement that this Letter of Credit has not been replaced by the Customer as required by Attachment B. The demand and statement shall be substantially in the form of the document set forth In Attachment C, Incorporated by reference herein.

We hereby agree to honor any and all demands for payment made in compliance with the terms of this Letter of Credit, up to the sum stated above. Payment hereunder shall be by our cashier's check payable in U.S. currency to the order of the Treasurer of the State of Missouri to the credit of the Mined Land Reclamation Fund at your address above stated.

Copy

— — — — —
— — — — —
— — — — —

OCT 04 2010

This Letter of Credit will terminate only upon the happening of one of these conditions:

1. We receive written notice from you that all of Customer's above-referenced bonds have been released, accompanied by the original of the Letter of Credit; or
2. We receive written notice from you that all of the Customer's above-referenced bonds have been secured by other instruments, and that this Letter of Credit is no longer needed, accompanied by the original of this Letter of Credit; or
3. We receive written notice from you that the Customer's bond has been forfeited and you draw upon and we pay the total amount of the Letter of Credit; or
4. You receive written notice from us per Attachment 8 that we do not elect to renew this Letter of Credit, in which event you may draw upon this Letter of Credit in accordance with the terms of Attachment B.

Our liability under the Letter of Credit shall be reduced to the extent that you notify us in writing that Customer's above-referenced bond has been partially released in a specified amount.

We warrant that the Issuance of this Letter of Credit will not constitute a violation of any statute or regulation which limits the amount of loans or other credit which can be extended to any single borrower or customer, or which limits the aggregate amount of liabilities, which we may incur at any time from the issuance of Letters of Credit and acceptances. We agree that by making demand for payment hereunder, neither you, nor the Missouri Land Reclamation Commission, nor the State of Missouri, makes any warranties to us, either express or implied.

This Letter of Credit shall be governed by Missouri Law, including the Uniform Commercial Code as found in Chapter 400, RSMo. The Uniform Customs and Practice for Documentary Credits, fixed by the International Chamber of Commerce, shall not be applicable to this Letter of Credit.

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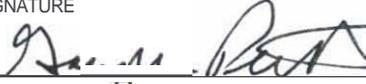
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ceT 042010

Correspondence concerning this Letter of Credit, including demand for payment, shall be addressed to us at Montgomery Bank, NA One Montgomery Bank plaza Sikeston, Ma 63801
We certify that the officer of agent signing this letter is authorized by use to execute this Letter of Credit on our behalf,

Very truly yours,

Gary W. Pewitt

STATE OF MISSOURI COUNTY OF <u>Scott</u>	SIGNATURE 
APPEARED BEFORE ME THIS <u>1st</u> DAY OF <u>October</u> YEAR <u>2010</u> <u>Gary W Pewitt</u>	NAME <u>Gary W. Pewitt</u>
AND <u>Ted J. W...</u> TO ME PERSONALLY KNOWN,	OFFICIAL POSITION <u>CFO</u>
WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS. NOTARY PUBLIC <u>[Signature]</u> MY COMMISSION EXPIRES <u>7-26-12</u>	TELEPHONE <u>573-335-3343</u>
STATE OF MISSOURI COUNTY OF <u>Scott</u> APPEARED BEFORE ME THIS _____ YEAR _____ AND _____ TO ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS. NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____	COUNTERSIGNED <u>Ted J. W...</u> <u>SV President Handling</u> 2012 PRESIDENT OR VICE PRESIDENT

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CT 04 2010

ATTACHMENT A

DATE 10/01/2010 YEAR 2010

FOLLOWING IS A LIST OF THE BOND NUMBERS, PERMIT NUMBERS, AND ACRES PRESENTLY COVERED UNDER LETTER OF CREDIT NUMBER 513, LETTER OF CREDIT NUMBER 513 IS FOR \$ 12,500.00, AND THE DOLLARS BELOW REFLECT THE AMOUNT OF THIS LETTER OF CREDIT WHICH IS COMMITTED TO SPECIFIC BONDS AND PERMITS AS OF THIS DATE,

DESCRIPTION	PERMIT NUMBERS	BOND NUMBER	ACRES	DOLLARS
Original Permit of 17 acres	Pending	LOC# 513	17.0	\$12,500.00

TOTAL BOND APPLICATION TO LETTER OF CREDIT NO. 513 AS OF 10/01 YEAR 2010 IS \$12,500.00

STATE OF MISSOURI
COUNTY OF Capri Girardeau SS.

SIGNATURE
[Signature]

APPEARED BEFORE ME THIS 1st DAY OF

NAME
Gary W. Pewitt

2010, Gary W. Pewitt

AND Ted J. Williams TO ME PERSONALLY KNOWN.

OFFICIAL POSITION
CFU

WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.

TELEPHONE
573-335-3343

NOTARY PUBLIC
[Signature] MY COMMISSION EXPIRES 7-26-2012

COUNTERSIGNED

STATE OF MISSOURI
COUNTY OF Scott

Ted J. Williams
SUP Lending

APPEARED BEFORE ME THIS Commission #08463382 DAY OF 7-26-2012 YEAR

AND TO ME PERSONALLY KNOWN,

PRESIDENT OR VICE PRESIDENT

WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.

NOTARY PUBLIC MY COMMISSION EXPIRES

COPY

OCT 04 2010

ATTACHMENT B

To Letter of Credit No. 513 -

This Letter of Credit shall expire one (1) year from date of Issuance, but shall be deemed automatically renewed for an additional period of one (1) year beyond the current or any future expiration date unless at least ninety (90) days prior to any such expiration date we, the Issuing bank, notify the Missouri Land Reclamation Commission, in writing, certified mail, return receipt requested, at the address shown on page 1 of the Letter of Credit, that we do not elect to renew this Letter of Credit for any such additional period. Upon your receipt of such notification, you may withdraw the total effective amount of the Letter of Credit hereunder by your drafts, at sight, on us, bearing reference to this Letter of Credit number and accompanied by your signed statement that the proceeds of the draft will be retained by the Missouri Land Reclamation Commission and held in lieu of the Letter of Credit. Cancellation shall not affect any liability incurred and accrued hereunder prior to the termination of the ninety (90)-day period.

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MO. LAND RECLAMATIO CO M.

T 1 2011

Montgomery Bank, NA

NAME OF ISSUING OR CONFIRMING BANK
One Montgomery Bank Plaza

ADDRESS OF ISSUING OR CONFIRMING BANK
Sikeston, MO 63801

CITY, STATE AND ZIP CODE OF ISSUING OR CONFIRMING BANK

RE: DEMAND FOR PAYMENT UNDER YOUR LETTER OF CREDIT
(OR CONFIRMATION OF LETTER OF CREDIT) NUMBER 513

DEAR SIRs:

Pursuant to the above-referenced Letter of Credit (or Confirmation of Letter of Credit), we hereby order that you pay to us the sum of \$12,500.00, by your cashier's check to the order of the Treasurer of Missouri, to the credit of the Mined Land Reclamation Fund, directed to the undersigned.

We state to you that the Missouri Land Reclamation Commission has declared and forfeited Personal Bond number 513 given to us by Heartland Materials, LLC PERMITTEE as a condition of the Issuance of Surface Mining and Reclamation Operations Permit No. 1072

Very truly yours,

DIRECTOR,
LAND RECLAMATION COMMISSION

COPY
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MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION PROGRAM
COMPANY INFORMATION SECTION

RECEIVED
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SECTION I: COMPANY INFORMATION - 10 CSR 40-10.020(2)(A)8

A. The applicant is a:

Corporation Partnership Single Proprietorship Association Other (Specify): LLC

In order to receive a permit from the Land Reclamation Commission to conduct commercial surface mining, the applicant must be registered with the Secretary of State.

B. List the applicant and every person with the applicant in a management function responsible for compliance with sections 444.500 to 444.790 RSMo. The definition of "person associated with the applicant in a management function" means any proprietorship, subsidiary, corporation, sister corporation, successor corporation, or the applicant's officers and directors if the applicant is a corporation, and includes all partners if the applicant is a partnership.

As a practical guide, first consider who is "responsible for compliance." Only list names of individuals or companies responsible for the applicant's compliance. For ownership, list only an individual or company that holds 51 percent or more of the value of the applicant's company and who is responsible for compliance.

If no other individuals or companies are associated with the applicant, please check the box at the left, and continue on to Section II - Permit Information Form

NAME <u>Danny Dumy JR</u>		TELEPHONE NUMBER WITH AREA CODE <u>573-545-3030</u>	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS <u>26035 Hwy 61</u>	
CITY <u>Benton</u>	STATE <u>MO</u>	ZIP CODE <u>63736</u>	
OWNER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION - SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF <u>Shareholder</u>	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	
NAME <u>Steven R Obermann</u>		TELEPHONE NUMBER WITH AREA CODE <u>573 334-0004</u>	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS <u>PO Box 2045</u>	
CITY <u>Cape Girardeau</u>	STATE <u>MO</u>	ZIP CODE <u>63702-2045</u>	
OWNER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION - SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF <u>Shareholder</u>	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	
NAME <u>Richard IT Honst</u>		TELEPHONE NUMBER WITH AREA CODE <u>573-547-1670</u>	
BUSINESS ALIAS (IF ANY)		MAILING ADDRESS <u>P.O. Box 151</u>	
CITY <u>Derryville</u>	STATE <u>Mo.</u>	ZIP CODE <u>63775</u>	
OWNER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PERCENT OWNER (OPTIONAL)	TITLE / POSITION - SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF <u>Shareholder</u>	
BEGINNING DATE OF TERM		ENDING DATE OF TERM	

NAME		TELEPHONE NUMBER WITH AREA CODE
BUSINESS ALIAS (IF ANY)	MAILING ADDRESS	RECEIVED MO. LAND RECLAMATION COMMISSION OCT 06 2010
CITY	STATE	ZIP CODE
OWNER	PERCENT OWNER (OPTIONAL)	TITLE POSITION - SHAREHOLDER, OFFICER, PARTNER, DIRECTOR, OTHER OR COMBINATION THEREOF
DYes DNo		
BEGINNING DATE OF TERM		ENDING DATE OF TERM

SECTION II: PERMIT INFORMATION - 10 CSR 40-10.020(2)(A)7

List every permit held by the applicant and any entity listed in SECTION I: COMPANY INFORMATION, This means a permit issued only by the Department of Natural Resources' Land Reclamation Commission, including those that may have been revoked, suspended, expired or bond released.

If no other permits have been issued by the Land Reclamation Commission to the applicant or any other entity associated with the applicant, check the box at the left, sign the last page of this form and have the signature notarized.

NAME OF PERMIT HOLDER	PERMIT NUMBER
Richard Hurst	0217

COMPANY NAME ON PERMIT
Perry County Stone Company

NAME OF PERMIT HOLDER	PERMIT NUMBER
Richard Hurst	0067

COMPANY NAME ON PERMIT
Farmers Limestone Company, Inc

NAME OF PERMIT HOLDER	PERMIT NUMBER

COMPANY NAME ON PERMIT

NAME OF PERMIT HOLDER	PERMIT NUMBER

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NAME OF PERMIT HOLDER	PERMIT NUMBER

COMPANY NAME ON PERMIT

NAME OF PERMIT HOLDER	PERMIT NUMBER

COMPANY NAME ON PERMIT



SECTION III: NOTARIZED SIGNATURE

Note: This form is required with each new permit or when transferring an existing permit or if one has never been completed or if there is a change in management positions.

By signing this form the applicant verifies all information contained in the form is correct, complete, and true to the best of your knowledge.

SIGNATURE OF APPLICANT <i>[Signature]</i>	TITLE <i>Vice President</i>	DATE <i>9-21-10</i>
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Appeared before me this 21st day of September, '2010, to me personally known, who executed the above as their tree acts and deeds.

NOTARY PUBUC EMBOSSER	STATE <i>Missouri</i> SUBSCRIBED AND SWORN BEFORE ME THIS <u>21st</u> DAY OF <u>September</u> YEAR <u>2010</u> NOTARY PUBUC SIGNATURE <i>[Signature]</i> MY COMMISSION EXPIRES <u>05/14/12</u> NOTARY PUBLIC NAME (TYPED OR PRINTED) <u>Janet L. Cornelius</u>	COUNTY (OR CITY OF ST. LOUIS) <u>Perry</u> RUBBER STAMP CLEAR AREA BELOW
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Mail completed copy to:	MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND RECLAMATION PROGRAM P.O. BOX 176 JEFFERSON CITY, MO 65102-0176 PHONE: 573-751-4041 FAX: 573-751-0534	JANET L. CORNELIUS NOTARY SEAL PUBLIC STATE OF MISSOURI COUNTY OF PERRY MY COMMISSION EXPIRES: 5-14-12
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FOR DEPARTMENT USE ONLY: APPROVED BY	DATE APPROVED	PERMIT NUMBER	EXPIRATION DATE
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