

## FAX COVER SHEET

T.L. Swint Industries, Inc.  
P.O. Box 277  
Paletine, IL 60078-0277  
Phone: (847) 358-3834  
Fax: (847) 776-2801  
CELL 847-274-7432

<b>SEND TO</b> Company name <b>DIVISION OF RECLAMATION</b>	<b>From</b> <b>THOMAS SWINT</b>
<b>Attention</b> <b>DUSTIN CZAPLA</b>	<b>Date</b> <b>MARCH 21, 2014</b>
<b>Office location</b>	<b>Office location</b>
<b>Fax number</b> <b>970-241-1516</b>	<b>Phone number</b>

☐ Urgent    ☐ Reply ASAP    ☐ Please comment    ☒ Please review    ☒ For your information

Total pages, including cover: 3

## COMMENTS

Per your request



**T.L. SWINT**  
Industries, Inc.

P.O. Box 277  
Palatine, IL 60078-0277  
(847) 358-3834 Fax (847) 776-2061

---

March 21, 2014

Via Fax: (970) 241-1516

Mr. Dustin Czapla  
Division of Reclamation, Mining and Safety  
101 South 3<sup>rd</sup>, Suite 301  
Grand Junction, CO 81501

Re: March 7, 2014 Letter to Avalanche Creek Marble and Alabaster, LLC, regarding White Banks Mine, Permit No. M-1999-042, Request to Update Contact/Proxy

Dear Mr. Czapla:

I have received your letter regarding the above-referenced matter. A brief background is in order. Avalanche Creek Marble and Alabaster, LLC (ACMA) is the record permit holder, but has no present operational control over the White Banks Mine. The permit was obtained when ACMA was a lessee of the mining claims comprising the White Banks Mine. The claims were subsequently sold to Mystic Eagle Quarry by the lessor, and ACMA surrendered its operating right to a new lessee, Elbram Stone (now controlled by Robert Congdon and Walter Brown). The permit was supposed to be transferred by the filing of a succession of operator application to DRMS and substitution of a new financial assurance (bond). That never occurred. Thus, the permit remains in ACMA's name, and the bond posted on behalf of ACMA remains at risk.

In response to your specific requests for verification:

Regarding item one, because of ACMA's continuing exposure on the bond, I believe that, as a president of T.L. Swint Industries, Inc. (a member and representative of ACMA), I should remain a contact in connection with the formal notices regarding the permit.

Regarding items two and three, because Elbram Stone is the de facto operator of the White Banks Mine, Robert Congdon and Walter Brown, on behalf of Elbram Stone and Mystic Eagle Quarry, are authorized to act on behalf of the White Banks Mine and, to the limited extent described below, to act on behalf of ACMA. The authority described under this letter extends only to actions necessary on behalf of the permittee to deal with the DRMS and Mined Land Reclamation Board (Board) in connection with the permit, mine plan, reclamation, and related operational matters concerning the White Banks Mine. This includes filing annual reports, responding to inquiries from DRMS staff regarding mining and reclamation, addressing notices of alleged violations, and stipulations to be entered into as to proceedings before the DRMS or Board, including those concerning alleged violations. These parties are expressly authorized to appear in connection with Permit No. M-1999-042 scheduled before the Board on May 21-22, 2014 as detailed in your second letter of March 7, regarding "Reason to Believe a Violation Exists and Notice of Board Hearing." Neither Robert Congdon nor Walter Brown is a general agent of ACMA and, except as expressly described in this letter should not be considered to have authority to represent ACMA on matters other than before DRMS or the Board.

We would request in any event that all correspondence related to this matter be copied to Mr. Congdon and to Mr. Brown or, if directed to one of them, copied to me.

If you have any questions regarding this, please feel free to contact my attorney, James M. King, at Baker & Hostetler LLP, 303 E 17<sup>th</sup> Ave., Denver, CO 80203, Phone: 303-764-4087, e-mail: [jking@bakerlaw.com](mailto:jking@bakerlaw.com).

Sincerely,



Thomas L. Swint,  
President of T.L. Swint Industries,  
Member of ACMA

Cc: Walter Brown  
Robert Congdon