Affidavit of Authority to Execute Financial Warranty Documents

| | Before me this day, the undersigned | Albert Frei, Jr. | | [name of authorized person], in his/her |
|----------|--|---|-------------------------------|---|
| capacity | / as Manager of Frei Management LLC, as General Partner of Henderson Ag | gregate, Ltd. [title of autho | orized person] ("Affiant"), p | personally appeared and, being first duly |
| sworn u | pon oath said: | | | |
| 1. | This affidavit is being executed and organization], $a(n)$ Colorado Limito partnership, limited liability compan | ed Partnership | [legal form of business or | rganization, e.g., corporation, |
| 2. | It is in the interest of the Company to execute certain financial warranty documents associated with file number M-1977-526 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents"). | | | |
| 3. | Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same. | | | |
| 4. | Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents. | | | |
| 5. | Affiant will inform the Division of R authorization to execute Financial W | | | |
| Further, | Affiant sayeth not. | | | |
| | Frei, Jr. t's Name | | | |
| STATE | COLONATIO |) -) ss.:) | | |
| | | ager of Frei Management LLC, as General Pa | of Henderson Agg of | Aggregate, Ltd. |
| | St | HELLE A. STEIN Notary Public ate of Colorado /ID # 19994012130 | Notary Pul My Commission Exp | Carrier State |