

**MINED LAND RECLAMATION BOND**



BOND NUMBER

EFFECTIVE DATE OF BOND

**INSTRUCTIONS**

- 1. Form 85-02-3 shall be filed with the New York State Department of Environmental Conservation (Department), Division of Mineral Resources, 625 Broadway – 3rd Floor, Albany, NY 12233-6500 by the mining permit applicant or permittee.
2. The form shall be typed and be executed by responsible individuals who have full and complete knowledge of the facts stated and the authority to bind the applicant or permittee.

**KNOW ALL PERSONS BY THESE PRESENTS:**

That we \_\_\_\_\_ as Principal, of permanent address \_\_\_\_\_ (Principal) \_\_\_\_\_, and \_\_\_\_\_ (Street Address, City, State, Zip Code) \_\_\_\_\_ as surety, of \_\_\_\_\_ (Surety) \_\_\_\_\_ (Mailing Address and Telephone Number of Responsible District Office)

have issued a bond as specified in this form.

The Surety, a corporation organized and existing under the laws of the State of \_\_\_\_\_ and authorized to transact the business of suretyship in the State of New York, are held and firmly bound unto the State of New York in the penal sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), lawful money of the United States of America, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is that whereas the said Principal has been issued or has applied for a mining permit re:

Mine File Number(s): \_\_\_\_\_ by the Department.

**NOW, THEREFORE**, if said Principal shall comply with the conditions of the permit, and shall reclaim the mine site as called for in the mined land reclamation plan and shall at all times remain in compliance with all applicable legal requirements then this obligation shall be void; otherwise to remain in full force and effect, in which case the Department may call upon the surety to complete the reclamation.

This bond shall be further subject to the following conditions:

- 1. The bond shall be continuous and shall remain in force until the Surety is released from liability by the Department, or until the bond is canceled by the Surety as herein provided. Without prejudice to any liability accrued prior to such cancellation, the Surety may cancel this bond upon ninety (90) days advance notice in writing sent by mail to the Principal and to the Department, Division of Mineral Resources.
2. In no event shall the total liability of the Surety for any one or more recoveries under this bond exceed in the aggregate the total sum hereof.
3. The Surety will give prompt notice to the Principal and to the Department of any notice received or action filed alleging the insolvency or bankruptcy of the Surety, or alleging any violations of regulatory requirements which could result in suspension or revocation of the Surety's license to do business. In the event the Surety becomes unable to fulfill its obligation under the bond for any reason, notice shall be given immediately to the Principal and to the Department.

**IN WITNESS HEREOF**, said Principal and said Surety have caused these presents to be duly signed and sealed.

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (Principal) \_\_\_\_\_ (Signature) (Title)

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (Surety) \_\_\_\_\_ (Attorney-in-Fact<sup>1</sup>)

<sup>1</sup>Where one signs by virtue of Power of Attorney or Corporate Resolution for a Surety, or corporate Principal, a certified copy of Power of Attorney or Corporate Resolution must be filed with this bond.

Note: If applicable, include the name, address, and phone number of Agent representing the Surety Company.

FOR PRINCIPAL'S USE ONLY (Use Only One)

**INDIVIDUAL ACKNOWLEDGEMENT**  
Unless a Corporation

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is mentioned and described in and who executed the foregoing instrument and daily acknowledged to me the execution of the same.

\_\_\_\_\_ Notary Public

**CORPORATE ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the managing member of the \_\_\_\_\_ corporation described in and which executed the above instruments; that he/she/they know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she/they signed his/her/their name thereto by like order. and known to me to be the person mentioned and described in and who executed the foregoing instrument and daily acknowledged to me the execution of the same.

\_\_\_\_\_ Notary Public

FOR SURETY USE ONLY

**SURETY ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, personally know to me, or proved to me on the basis of satisfactory evidence to be the Attorney-in-fact of \_\_\_\_\_ (surety), and the corporation described in and which executed the above instruments; that he/she/they know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by order of the Board of Directors of said corporation, and that he/she/they signed his/her/their name thereto by like order.

\_\_\_\_\_ Notary Public