

For Official Use Only

DEQ #

Permit #

Air, Energy & Mining Division

**Department of Environmental Quality USDI Office of Surface Mining Reclamation & Enforcement**

**Mining Bureau – Coal Section Casper Field Office**

**P.O. Box 200901 100 East B Street Room 2128**

**Helena, MT 59620-0901 Casper, WY 82601-1918**

**Phone: (406) 444-4970 Phone: (307) 261-6550**

 **CERTIFICATE OF DEPOSIT ASSIGNMENT**

**TRIBAL LANDS**

**SPECIAL INSTRUCTIONS:**

1. The Department of Environmental Quality must have the original of this form and a Certificate of Deposit Account Receipt. A legible, accurate copy of these documents must be provided to the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement.

2. The Certificate of Deposit Account must be in the Permittee’s, Montana Department of Environmental Quality, and the and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement names as co-owners. The Account must state that the Permittee’s right to withdraw funds is restricted as provided in this Assignment until the Department of Environmental Quality and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement have issued the Authorizations for Release provided below.

3. An Acknowledgment of the Permittee’s signature must be completed. If the Permittee is an individual, the "PERSONAL ACKNOWLEDGMENT" section must be completed. If the Permittee is a corporate entity, the "CORPORATE ACKNOWLEDGMENT” section must be completed.

4. The authorized signature for the Bank issuing the Certificate of Deposit must be notarized.

5. The Department of Environmental Quality may accept only automatically renewable certificates of deposits from a United States Bank. The amount of the Certificate(s) of Deposit from a single bank may not exceed the FDIC limit of $250,000.

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1. For value received,      , the Permittee, does hereby assign, transfer, and set over to the State of Montana, Department of Environmental Quality (DEQ), and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), all rights and interest in a Certificate of Deposit No.       in the amount of      DOLLARS ($     ),issued by       (hereinafter referred to as the "Bank") and payable to the Permittee, DEQ, and OSMRE.

2. The Permittee makes this assignment as a collateral bond for State of Montana Surface Mining Permit No.       issued by the DEQ on       covering the following described property in       County, Montana:

3. The Permittee may withdraw or dispose of any earnings attributed to the Certificate of Deposit while the Certificate of Deposit is assigned to DEQ and OSMRE, but may not withdraw any of the principal balance until DEQ and OSMRE has issued the Authorizations of Release provided below.

4. The Permittee may, with the prior consent of DEQ and OSMRE, renew or replace this Certi­fi­cate of Deposit. The Permittee shall be entitled to the rights provided in Clause 3 with respect to a new Certificate of Deposit. A new Certificate of Deposit assignment shall be executed if the Certificate of Deposit is replaced with another Certificate of Deposit.

5. DEQ and/or OSMRE may at any time after the Permittee fails to comply with state or federal laws, rules, or regulations or provisions of state or federal permits or licenses, the failure of which authorizes bond forfeiture, and after giving written notice to the Permittee, surrender the Certificate of Deposit to the Bank for money.

6. The Permittee authorizes and directs the Bank to pay the principal balance of the Certificate of Deposit as instructed by DEQ and/or OSMRE until the Bank receives the releases provided below executed by DEQ and OSMRE. The Bank shall not be liable to inquire whether there has been performance by the Permittee or to see to the application of any monies paid on instruction of DEQ and/or OSMRE. In such matters, the Bank may rely upon the instructions of DEQ and OSMRE executed over the signature of the persons or their designees appearing under the Acceptance below without the need to verify the authority of such persons. Nothing herein shall prevent DEQ or OSMRE from designating a person authorized to act for it in any lawful manner.

7. Drafts under this Certificate of Deposit may be made jointly or severally by DEQ and OSMRE. All payments, whether made pursuant to drafts made by one or more than one agency or made pursuant to section 2 or section 4 above, shall be made to the Department of Environmental Quality and USDI Office of Surface Mining Reclamation and Enforcement jointly.

8. The Certificate of Deposit shall be held by DEQ during the term of its assignment.

9. The Bank is a member of the Federal Reserve System. The Bank’s FDIC number is or NCUA Certificate number is **.**

10. This Certificate of Deposit Assignment may be released only by execution of all releases provided below by DEQ and OSMRE.

11. The Bank hereby waives any lien or right of setoff in the above-described Certificate of Deposit, regardless of whether its rights in the Certificate of Deposit accrued prior to or subsequent to its execution by this Assignment form.

 Signed and dated at , this \_\_\_\_\_\_ day of , \_\_\_\_\_\_\_\_\_\_\_\_.

Permittee

By:

Title

 **Personal Acknowledgement**

STATE OF )

: ss.

County of )

On this day of , \_\_\_\_\_\_\_\_\_, before me, the undersigned, a Notary Public for the State of personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year first hereinabove written.

(NOTARY SEAL) Notary Public for the State of

Residing at

My Commission expires

 **Corporate Acknowledgement**

STATE OF )

: ss.

County of )

On this day of , \_\_\_\_\_\_\_\_\_, before me, the undersigned, a Notary Public for the State of personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Principal's signatory) known to me to be the person who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year first herinabove written.

(NOTARY SEAL) Notary Public for the State of

Residing at

My Commission expires

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 **BANK'S ACCEPTANCE**

The Bank, as witnessed below by the signature of a duly authorized officer, hereby recognizes the above assignment of Certificate of Deposit No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_in the amount of

Dollars this day of , \_\_\_\_\_\_\_\_\_.

Authorized Signature

Bank

Address

**CORPORATE (BANK) ACKNOWLEDGEMENT**

STATE OF )

: ss.

County of )

On this day of , \_\_\_\_\_\_\_\_\_, before me, the undersigned, a Notary Public for the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ known to me to be the

person who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal the day and year first herinabove written.

(NOTARY SEAL) Notary Public for the State of

Residing at

My Commission expires

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 **DEQ’S ACCEPTANCE**

The State of Montana, Department of Environmental Quality hereby accepts the foregoing Certificate of Deposit No. in the amount of $

Dollars this day of , \_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dan Walsh, Mining Bureau Chief Date

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 **OSMRE'S ACCEPTANCE**

United States Department of Interior, Office of Surface Mining Reclamation and Enforcement hereby accepts the foregoing Certificate of Deposit No. in the amount of $

Dollars this day of , \_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Casper Field Office Director Date

Office of Surface Mining Reclamation and Enforcement

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 **DEQ’S** **RELEASE**

The State of Montana, Department of Environmental Quality hereby releases the foregoing Certificate of Deposit No. drawn on Bank in the amount of $ Dollars this day of , \_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dan Walsh, Mining Bureau Chief Date

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 **OSMRE’S** **RELEASE**

United States Department of Interior, Office of Surface Mining Reclamation and Enforcement hereby releases the foregoing Certificate of Deposit No. drawn on Bank in the amount of $ Dollars this day of , \_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Casper Field Office Director Date

Office of Surface Mining Reclamation and Enforcement

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Proof of Agency for Permittee must be attached.