

MO1000002130

CSC
1201 HAYS STREET
TALLAHASSEE, FL 32301

CONTACT: *Jeanne Reynolds*

ACCOUNT #: 072100000032

REF#: *489939-5*

AUTHORIZATION: *Patricia Pizitz*

COST LIMIT: *\$15500*

ORDER DATE: *9-19-01*

ENTITY NAME: *Oxbow Elk Creek, LLC*

• DOMESTIC FILING

FOREIGN FILING

----- ARTICLES OF INCORPORATION

----- CERTIFICATE OF LIMITED PARTNERSHIP

----- QUALIFICATION

☒ ----- CERTIFICATE OF LLC

----- ARTICLES OF AMENDMENT

----- STAMPED COPY

☒ ----- CERTIFIED COPY

----- CERTIFICATE OF GOOD STANDING

PLEASE RETURN

300004598443--9

RECEIVED
SEP 19 PM 12:11
TALLAHASSEE, FLORIDA
SECRETARY OF STATE
DIVISION OF CORPORATE FILINGS

APPROVED
AND
FILED
01 SEP 19 PM 1:05
SECRETARY OF STATE
TALLAHASSEE, FLORIDA
10-19-01

**APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO
TRANSACTION BUSINESS IN FLORIDA**

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACTION BUSINESS IN THE STATE OF FLORIDA:

1. OXBOW ELK CREEK, LLC
(Name of foreign limited liability company)
2. Delaware 3. 65-1135317
(Jurisdiction under the law of which foreign limited liability company is organized) (FEI number, if applicable)
4. 8/09/01 5. Perpetual
(Date of Organization) (Duration: Year limited liability company will cease to exist or "perpetual")
6. 8/09/01
(Date first transacted business in Florida. (See sections 608.501, 608.502, and 817.155, F.S.))
7. 1601 Forum Place, Suite P-2
West Palm Beach, Florida 33401
(Street address of principal office)

8. If limited liability company is a manager-managed company, check here ☒

9. The name and usual business addresses of the managing members or managers are as follows:

William I. Koch, 1601 Forum Place, Suite P-2, West Palm Beach, Florida 33401

Bernard H. Cherry, 1601 Forum Place, Suite P-2, West Palm Beach, Florida 33401

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida: Ownership, operation and maintenance of coal mines and related facilities.

J. Michael Smith
Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)

J. Michael Smith, Assistant Secretary

Typed or printed name of signee

01 SEP 19 PM 1:06
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

**CERTIFICATE OF DESIGNATION OF
REGISTERED AGENT/REGISTERED OFFICE**

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES,
THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING
STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE
STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

OXBOW ELK CREEK, LLC

2. The name and the Florida street address of the registered agent and office are:

Corporation Service Company

(Name)

1201 Hays Street

Florida street address (P.O. Box **NOT** ACCEPTABLE)

Tallahassee

FL

32301

(City/State/Zip)

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S.

(Signature)
BRIAN COURTNEY, ASST. V.P.

\$ 100.00	Filing Fee for Application
\$ 25.00	Designation of Registered Agent
\$ 30.00	Certified Copy (optional)
\$ 5.00	Certificate of Status (optional)

01 SEP 19 PM 1:06
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

APPROVED
AND
FILED

State of Delaware
Office of the Secretary of State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "OXBOW ELK CREEK, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF SEPTEMBER, A.D. 2001.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3424414 8300

AUTHENTICATION: 1345832

010460102

DATE: 09-18-01

APPROVED
AND
FILED
01 SEP 19 PM 1:06
SECRETARY OF STATE
TALLAHASSEE, FLORIDA