

WORKMEN'S COMPENSATION

BOARD

FRANKFORT, KY.

Notice to release given  
deposit of \$10,000.00 in  
U.S. Treasury Bonds now  
held by The Farmers  
Bank & Capital Trust Co.  
of Frankfort, Ky.

Dated October 23, 1959

date. \_\_\_\_\_

The movant states that at present any claims which might  
**IN RE THE ELK HORN COAL CORPORATION**  
have arisen under the Workmen's Compensation Law while this movant was

self-insured has long been barred and outlawed by the statute made and

provided. \_\_\_\_\_  
**MOTION TO RELEASE ESCROW DEPOSIT OF**  
**\$10,000.00 IN U. S. TREASURY BONDS NOW**  
**HELD BY THE FARMERS BANK & CAPITAL**  
**TRUST COMPANY OF FRANKFORT, KENTUCKY** \_\_\_\_\_

who might possibly have a claim against this movant would come within the

coverage provided for by the Eureka Casualty Company, a company authorized

to do Workmen's Compensation. Comes the movant, The Elk Horn Coal Corporation, and

states that in October 1946 this movant elected to deposit U. S. Treasury  
Bonds in an amount of \$20,000.00 with The Farmers Bank and Capital Trust  
Company of Frankfort, Kentucky, as collateral under their contract with the  
Workmen's Compensation Board directed by order that the amount of the  
escrow deposit required be reduced to \$10,000.00 and that at the present time  
Workmen's Compensation Board as a self-insured.

The Farmers Bank and Capital Trust Company of Frankfort, Kentucky, is

holding in escrow On July 16, 1948, this movant became insured with the

Eureka Casualty Company, filing Form No. 14. \_\_\_\_\_  
this movant.

In February of 1951 the movant filed an election to come  
under the silicosis provisions of the Act and elected to be self-insured in so  
far as silicosis coverage was concerned.

the following counties of Kentucky:

That on July 16, 1954, the movant became insured under the  
silicosis provisions of the Act thru the Eureka Casualty Company.

The movant, The Elk Horn Coal Corporation, terminated all  
mining operations at Wayland, Floyd County, Kentucky, on July 15, 1954, and  
terminated all final mining operations in the State of Kentucky, on

August 31, 1955, and has not been engaged in any active mining since that date.

The movant states that at present any claims which might have arisen under the Workmen's Compensation Law while this movant was self-insured has long been barred and outlawed by the statute made and provided.

The movant states that since July 16, 1954, any employee who might possibly have a claim against this movant would come within the coverage provided for by the Eureka Casualty Company, a company authorized to do Workmen's Compensation business in the State of Kentucky.

The movant states that on September 21, 1954, the Workmen's Compensation Board directed by order that the amount of the escrow deposit required be reduced to \$10,000.00 and that at the present time The Farmers Bank and Capital Trust Company of Frankfort, Kentucky, is holding in escrow the sum of \$10,000.00 in U. S. Treasury Bonds as collateral for any Workmen's Compensation claims that might be made against this movant.

The movant states that it has considerable acreage of mineral which it owns within the State of Kentucky and that it owns mineral in the following counties of Kentucky:

Letcher County	4795 Acres
Johnson County	8073 Acres
Pike County	17,762.03 Acres
Floyd County	68,895 Acres
Knott County	13,275 Acres
Magoffin County	26,923.80 Acres

movant has sufficient properties within the State of Kentucky subject to execution to adequately satisfy any claim or judgment against it.

The movant states that the above mineral properties are then, unencumbered and free of debts and subject to execution and that the Capital security afforded by these properties would more than satisfy any conceivable claim which might be made by any employee who might possibly have been covered by Workmen's Compensation and that continuing the escrow deposit would serve no useful purpose or security and that any possible claim could certainly be satisfied on execution against any of the above properties.

THE ELK HORN COAL CORPORATION

The movant states that any claims for Workmen's Compensation for personal injury will be barred by the provisions of K. R. S., 342.185 and K. R. S., 342.270 since it has been more than one year since this movant has had an employee working under the provisions of the Workmen's Compensation Act and that the last date at which such an employee would so qualify would be August 31, 1955.

SCT.

COUNTY OF KANAWHA  
The movant states that any possible claim that might be filed under the provisions of the Occupational Disease Act would now be barred by the provisions of K. R. S., 342.185 and K. R. S., 342.316(4) which was in effect during the year of 1955. Both of the foregoing quoted provisions in effect during the year 1955 provide that no claim shall be considered unless notice is given and claim is made within three years after the last injurious exposure to silica dust.

W. J. Jackson - Secretary-Treasurer of  
The Elk Horn Coal Corporation.

The movant states that in view of the fact that the necessity for having the escrow deposit is no longer present and that the purpose of requiring such a deposit no longer exists ; further that in any event this movant has sufficient properties within the State of Kentucky subject to execution to adequately satisfy any claim or judgment against it.

COUNTY, WEST VIRGINIA.

my Comm. Exp. 10/26/61

WHEREFORE, the movant, The Elk Horn Coal Corporation, requests the Board to enter an order directing The Farmers Bank and Capital Trust Company of Frankfort, Kentucky, to release to this movant the U. S. Treasury Bonds in the amount of \$10,000.00 now held in escrow by said bank. Motion was filed \_\_\_\_\_ day of \_\_\_\_\_, 1959, mailed to The Farmers Bank & Capital Trust Company, Frankfort, Kentucky.

THE ELK HORN COAL CORPORATION

By Fred G. Francis  
ATTORNEYS.

STATE OF WEST VIRGINIA  
SCT.  
COUNTY OF KANAWHA.

The affiant, W. J. JACKSON, states that he has read the above and foregoing Motion and certifies that the statements contained therein are true as he verily believes.

W. J. Jackson  
W. J. Jackson - Secretary-Treasurer of  
The Elk Horn Coal Corporation.

Subscribed and sworn to before me by W. J. Jackson, this  
the 23 day of October, 1959.

Stelen B. Fleckman  
NOTARY PUBLIC - Kanawha  
COUNTY, WEST VIRGINIA.  
my Comm. Exp. 10/26/61

The undersigned hereby certifies that a true copy of the  
above Motion was this \_\_\_\_\_ day of \_\_\_\_\_, 1959,  
mailed to The Farmers Bank & Capital Trust Company, Frankfort,  
Kentucky.

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ATTORNEY.