

090000847

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA  
§ 45.1-361.26**

**VIRGINIA:**

**BEFORE THE GAS AND OIL BOARD**

**APPLICANTS:**

CNX Gas Company on behalf of Harrison Wyatt LLC and Sue Edwards; Judy Fuller; James Price; Edgar Price Jr.; Katherine Sears; Mary Shorridge Arms; Geraldine O'Quinn; James Ball and Janice Ball.

**DOCKET NO.**

90-1010-0032-04 & 05

**RELIEF SOUGHT:**

**Issuance:** A Supplemental Order for Disbursement of Escrowed Funds  
**Action:** Amending Prior Orders Affecting Drilling **Unit-AA-8, Tracts 1B (a portion of) and 1C** (Referenced herein as "the Subject Drilling Unit")  
**Location:** Buchanan County, Virginia

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit **AA-8** by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

**REPORT OF THE BOARD**

**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on March 17, 2009, at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between

the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On November 8, 1990, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on November 19, 1990, in Deed Book 0367, Page 0219. The Supplemental Order was executed on February 20, 2003, and recorded in with the Clerk of the Court, Buchanan County on February 21, 2003, in Deed Book 0562, Page 0739.
- (b) On October 15, 2002, the Board executed an order, Docket number 90-1010-0032-01, and disbursing escrowed funds from Tract 1A, 1D, 1E, and 1F in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on February 21, 2003, Deed Book 562 Page 739.
- (c) On March 9, 2006, the Board executed an order, Docket number 90-1010-0032-02, and disbursing escrowed funds from Tract 1B in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 13, 2006, Instrument No. 06-0000766.
- (d) On January 31, 2008, the Board executed an order, Docket number 90-1010-0032-03, and disbursing escrowed funds from Tract 1B in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on February 7, 2008, Instrument No. 08-0000443.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Harrison-Wyatt LLC, and the gas and oil ownership interests of Sue Edwards; Judy Fuller; James Price; Edgar Price Jr.; Katherine Sears; Mary Shortridge Arms; Geraldine O'Quinn; James Ball and Janice Ball in tracts known as 1B and 1C, in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding Tracts 1B and 1C, a copy of which is attached to and made a part hereof, states under oath that Harrison-Wyatt LLC and the Applicants have entered into an agreement with regards to Tract 2, and that by the terms of the agreements, Harrison-Wyatt LLC has entered into a split agreement regarding these Tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required.
- 4.4 The Unit Operator gave notice to Harrison-Wyatt LLC and the applicants that the Board would consider its disbursement authorization at its hearing on March 17, 2009, and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tracts 1B and 1C, as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 1B and all of Tract 1C, the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting (Exhibit A) for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

**5.1. Va. Code 45.1-361.22.5 provides:**

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

5.2 Applicant has certified and represented to the Board that:

- (1) Harrison-Wyatt LLC; and Sue Edwards; Judy Fuller; James Price; Edgar Price Jr.; Katherine Sears; Mary Shortridge Arms; Geraldine O'Quinn; James Ball and Janice Ball, respectively, are the owners of the coal estate, gas and oil acreage estate underlying VGOB Tracts 1B and 1C, of the Subject Drilling Unit;
- (2) Of special note are circumstances regarding interests of James Ball and Janice Ball in Tract 1C. The Board was advised on March 17, 2009:
  - (2.1) there exists a divorce decree between James and Janice Ball.
  - (2.2) the divorce decree divided their interest in Escrow of Tract 1C equally.
  - (2.3) Subsequent to the divorce decree, Janice Ball purchased 100% ownership in Tract 1C as of March 9, 2009
  - (2.4) after March 9, 2009 any funds deposited into Escrow or to be paid direct by the operator for Tract 1C are to be paid to Janice Ball.
- (3) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

TABLE 1

	Fractional Acres	Acreage Interest in Unit	Split Agreement %	Equivalent Acres	% of Remaining Escrowed Funds	
<b>Tracts 1B (a portion of) AND 1C</b>						
<b>Disbursement Table Combining -04 &amp; -05</b>						
				16.0715		
<b>From Revised -04 Disbursement</b>						
1 1B	Sue Edwards; PO Box 365; Pembroke, VA 24136	1/120 of 10.58	0.0882	50.0%	0.044	0.27429%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.0882	50.0%	0.044	0.27429%
2 1B	Judy Fuller, 17391 Cleveland Road; Abingdon, VA 24211	1/120 of 10.58	0.0882	50.0%	0.044	0.27429%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.0882	50.0%	0.044	0.27429%
3 1B	Mary June Shortridge Arms; Rt 1 Box 117; Vansant, VA 24656	1/12 of 10.58	0.8817	50.0%	0.441	2.74294%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.8817	50.0%	0.441	2.74294%
4 1B	Geraldine O'Quinn; Rt 1 Box 112; Vansant, VA 24656	1/60 of 10.58	0.1763	50.0%	0.088	0.54859%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.1763	50.0%	0.088	0.54859%
5 1C	Janice S. Ball; HC4 Box 530; Council, VA 24260 <i>PO Box 285 Danport 24239</i>	1/2 of 7.85	3.9250	50.0%	1.963	12.21103%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		3.9250	50.0%	1.963	12.21103%
<b>New -05 Disbursement</b>						
6 1B	James C. Price; 208 Country Meadows Circle; Bristol, TN 37620	1/48 of 10.58	0.2204	50.0%	0.110	0.68574%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.2204	50.0%	0.110	0.68574%
7 1B	Edgar Allen Price, Jr.; 1034 Moore Fork Road; Duck, WV 25063	1/96 of 10.58	0.1102	50.0%	0.055	0.34287%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.1102	50.0%	0.055	0.34287%
8 1B	Katherine Price Sears; PO Box 34; Mount Nebo, WV 26679	1/96 of 10.58	0.1102	50.0%	0.055	0.34287%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		0.1102	50.0%	0.055	0.34287%
9 1C	James Lee Ball; 17401 Morrison Road; Meadowview, VA 24361	1/2 of 7.85	3.9250	50.0%	1.963	12.21103%
	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543		3.9250	50.0%	1.963	12.21103%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

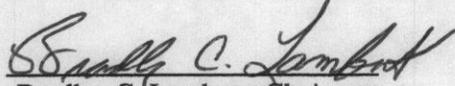
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

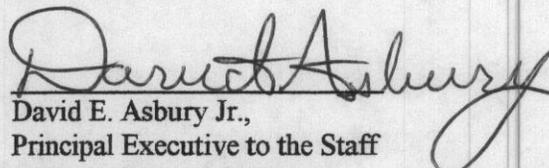
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18 day of March, 2009, by a majority of the Virginia Gas and Oil Board.

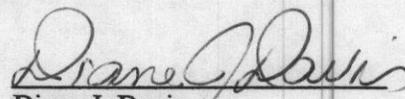
  
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 18<sup>th</sup> day of March, 2009, by an Order of this Board.

  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 18<sup>th</sup> day of March, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 09/30/2009



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 90-1010-0032-04 &  
90-1010-0032-05 (Combined)

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) a portion of 1B and 1C  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES

HEARING DATE: March 17, 2009

DRILLING UNIT: AA-8

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 1B and 1C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Sue Edwards, Judy Fuller, Mary June Shortridge Arms, Geraldine O'Quinn, Janice S. Ball, James C. Price, Edgar Allen Price, Jr., Katherine Sears and James Ball.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

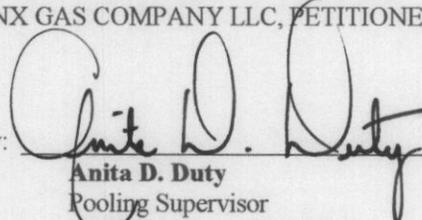
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Sue Edwards, Judy Fuller, Mary June Shortridge Arms, Geraldine O'Quinn, Janice S. Ball, James C. Price, Edgar Allen Price, Jr., Katherine Sears and James Ball, have entered into royalty split agreement(s). Said royalty split agreement(s) allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC  
BY IT'S PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By:



Anita D. Duty  
Pooling Supervisor  
CNX Gas Company LLC  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 12/31/08**

Unit AA-8  
 VGOB 90-1010-0032-04 & 90-1010-0032-05 Combined  
 Acres Escrowed: 16.0715

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$44,449.86
Harrison-Wyatt, LLC - Coal	1B	8.2215			51.1558%	25.5779%	\$11,369.33
W.A. Arms Heirs - O&G		10.58				25.5779%	\$11,369.33
Sue Edwards			0.0882	1/120		0.2743%	\$121.92
Judy Fuller			0.0882	1/120		0.2743%	\$121.92
James C. Price			0.2204	1/48		0.6857%	\$304.81
Edgar Allen Price, Jr.			0.1102	1/96		0.3429%	\$152.40
Katherine Price Sears			0.1102	1/96		0.3429%	\$152.40
Mary June Shortridge Arms			0.8817	1/12		2.7430%	\$1,219.24
Geraldine O'Quinn			0.1763	1/60		0.5486%	\$243.85
<hr/>							
Harrison-Wyatt, LLC - Coal				1/2	48.8442%	24.4221%	\$10,855.60
James Ball - 1/2 O&G				1/2		12.2111%	\$5,427.80
Janice Ball - 1/2 O&G	1C	7.85	7.85	1/2		12.2111%	\$5,427.80

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 562 PAGE 746

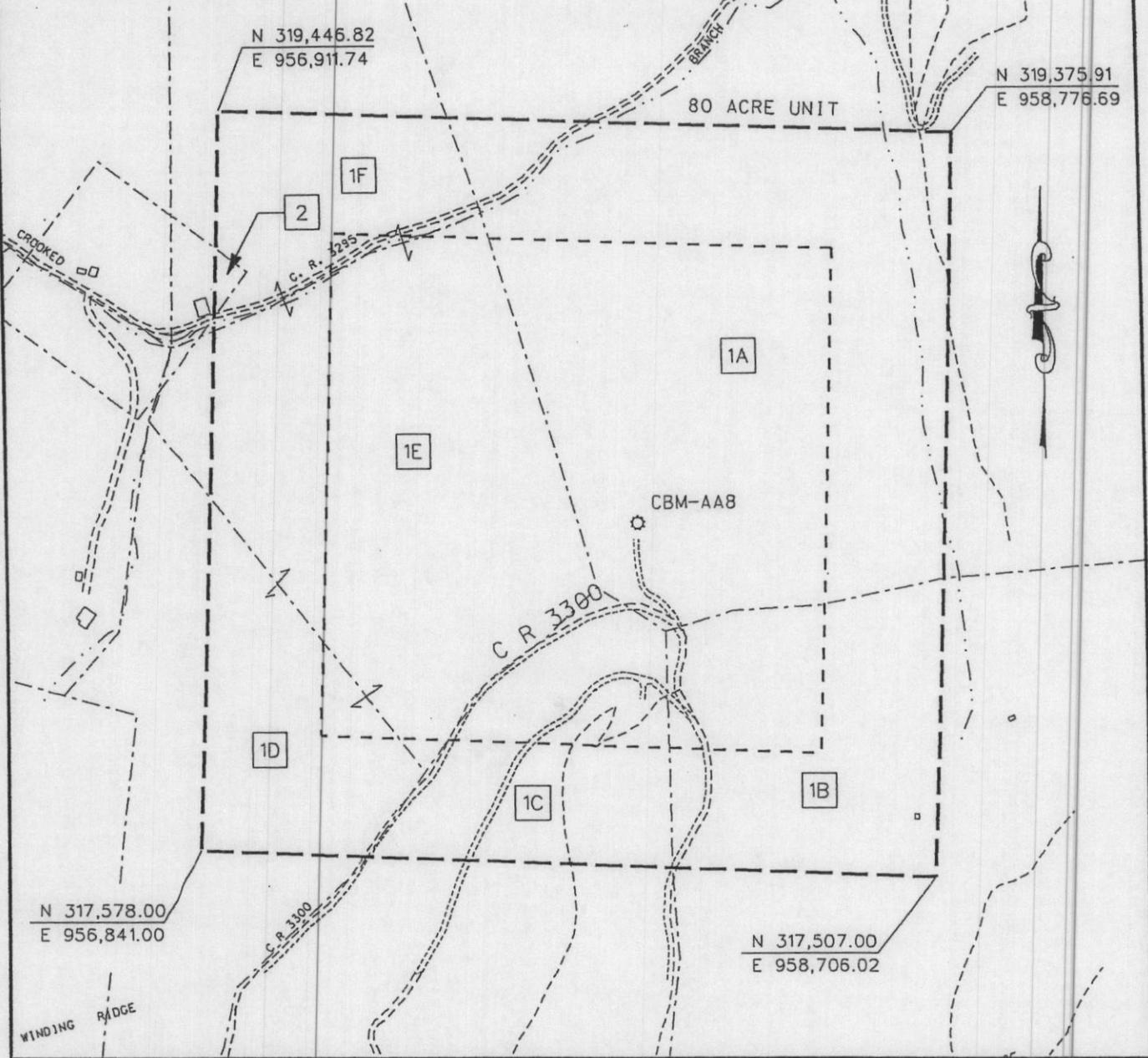
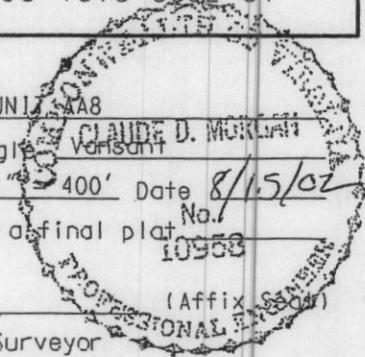


EXHIBIT A  
 OAKWOOD FIELD UNIT AA-8  
 FORCE POOLING  
 VGOB-90-1010-0032-01

Company CONSOL Energy Inc. Well Name and Number UNIT AA8  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Verisart  
 County Buchanan District Prater/Hurricane Scale: 1" = 400' Date 8/15/02  
 This plat is a new plat X; an updated plat \_\_\_\_\_; or a final plat \_\_\_\_\_

Form DGD-GO-7  
 Rev. 9/91

*Claude D. Morlan*  
 Licensed Professional Engineer or Licensed Land Surveyor



**CONSOL Energy, Inc.**  
**UNIT AA-8**  
 Tract Identifications

- 1A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 Wellmore Coal Company - Jawbone and Tiller Seams Leased  
 Buchanan Production Company - CBM Leased  
 Robert A. Rash - Surface, Oil and Gas  
 Buchanan Production Company - Oil, Gas and CBM Leased  
 29.55 acres                      36.9375%
- 1B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 Wellmore Coal Company - Jawbone and Tiller Seams Leased  
 Buchanan Production Company - CBM Leased  
 W. A. Arms Heirs, Successors or Assigns - Surface, Oil and Gas  
 Buchanan Production Company - Oil, Gas and CBM Leased  
 10.58 acres                      13.2250%
- 1C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 Wellmore Coal Company - Jawbone and Tiller Seams Leased  
 Buchanan Production Company - CBM Leased  
 James Lee Ball, et ux. - Surface, Oil and Gas  
 Buchanan Production Company - Oil, Gas and CBM Leased  
 7.85 acres                      9.8125%
- 1D. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 Wellmore Coal Company - Jawbone and Tiller Seams Leased  
 Buchanan Production Company - CBM Leased  
 Lonzo Hodge, et ux - Surface, Oil and Gas  
 Buchanan Production Company - Oil, Gas and CBM Leased  
 6.84 acres                      8.5500%
- 1E. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 Wellmore Coal Company - Jawbone and Tiller Seams Leased  
 Buchanan Production Company - CBM Leased  
 Lonzo Hodge, et ux - Surface, Oil and Gas  
 Buchanan Production Company - Oil, Gas and CBM Leased  
 19.38 acres                      24.2250%

**CONSOL Energy, Inc.**  
**UNIT AA-8**  
Tract Identifications

- 1F. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
Wellmore Coal Company - Jawbone and Tiller Seams Leased  
Buchanan Production Company - CBM Leased  
Lonzo Hodge, et ux - Surface, Oil and Gas  
Buchanan Production Company - Oil, Gas and CBM Leased  
5.65 acres                      7.0625%
2. Lonzo Hodge, et ux - Fee  
Buchanan Production Company – Oil, Gas and CBM Leased  
0.15 acres                      0.1875%

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Exhibit E  
Unit AA-8  
Docket #VGOB 90-1010-0032-01  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #1B - 10.58 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	10.58 acres	13.22500%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
W. A. Arms Heirs, Devisees, Successors or Assigns	10.58 acres	13.22500%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.059 acres 1/180 of 10.58 acres	0.07347%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.059 acres 1/180 of 10.58 acres	0.07347%
(a.3) Adam F. Coleman Address Unknown	0.059 acres 1/180 of 10.58 acres	0.07347%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman Address Unknown		<i>Life Estate Only</i>
(c.2) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.088 acres 1/120 of 10.58 acres	0.11021%
(c.3) Mildred Coleman PO Box 894 Pounding Mill, VA 24637	0.088 acres 1/120 of 10.58 acres	0.11021%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.025 acres 1/420 of 10.58 acres	0.03149%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.025 acres 1/420 of 10.58 acres	0.03149%

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**Exhibit E**  
**Unit AA-8**  
**Docket #VGOB 90-1010-0032-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.025 acres 1/420 of 10.58 acres	0.03149%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.025 acres 1/420 of 10.58 acres	0.03149%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.025 acres 1/420 of 10.58 acres	0.03149%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.025 acres 1/420 of 10.58 acres	0.03149%
(d.7) Kathryn Johnson Webb 17687 Mooresville Road Mooresville, NC 28115	0.025 acres 1/420 of 10.58 acres	0.03149%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.176 acres 1/60 of 10.58 acres	0.22042%
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Ed Coleman Price Heirs, Devisees, Successors or Assigns		
(a.1) Hurley Street Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.441 acres 1/24 of 10.58 acres	0.55104%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns		
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.055 acres 1/192 of 10.58 acres	0.06888%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.055 acres 1/192 of 10.58 acres	0.06888%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.294 acres 1/36 of 10.58 acres	0.36736%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.294 acres 1/36 of 10.58 acres	0.36736%

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**Exhibit E**  
**Unit AA-8**  
**Docket #VGOB 90-1010-0032-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.294 acres 1/36 of 10.58 acres	0.36736%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.294 acres 1/36 of 10.58 acres	0.36736%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.294 acres 1/36 of 10.58 acres	0.36736%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.294 acres 1/36 of 10.58 acres	0.36736%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	0.441 acres 1/24 of 10.58 acres	0.55104%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	0.441 acres 1/24 of 10.58 acres	0.55104%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel Address Unknown		(Life Estate Only)
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.088 acres 1/120 of 10.58 acres	0.11021%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.088 acres 1/120 of 10.58 acres	0.11021%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.176 acres 1/60 of 10.58 acres	0.22042%

**Exhibit E**  
**Unit AA-8**  
**Docket #VGOB 90-1010-0032-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
<b>(9) Slemp Arms Heirs, Devisees, Successors or Assigns</b>		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.294 acres 1/36 of 10.58 acres	0.36736%
(b) Donald Arms 7679 Dr. Ralph Stanley Hwy Coeburn, VA 24230	0.294 acres 1/36 of 10.58 acres	0.36736%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.294 acres 1/36 of 10.58 acres	0.36736%
<b>(10) Dock Arms Heirs, Devisees, Successors or Assigns</b>		
(a) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	0.882 acres 1/12 of 10.58 acres	1.10208%
<b>(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns</b>		
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.176 acres 1/60 of 10.58 acres	0.22042%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.176 acres 1/60 of 10.58 acres	0.22042%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.176 acres 1/60 of 10.58 acres	0.22042%

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Exhibit EE  
Unit AA-8  
Docket #VGOB 90-1010-0032-05  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1A - 29.55 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	29.55 acres	36.93750%	Already Disbursed
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	29.55 acres	36.93750%	Already Disbursed
<b><u>Tract #1B - 10.58 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	10.58 acres	13.22500%	
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
W. A. Arms Heirs, Devisees, Successors or Assigns	10.58 acres	13.22500%	
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns			
(a.1) Sue Edwards 101 St. Andrews Drive Bristol, VA 24202	0.088 acres 1/120 of 10.58 acres	0.11021%	0.2743% (Previously Requested)
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.088 acres 1/120 of 10.58 acres	0.11021%	0.2743% (Previously Requested)
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns			
(b) Edna Coleman Price Heirs, Devisees, Successors or Assigns			
(b.1) James C. Price 208 Country Meadows Circle Bristol, TN 37620	0.616 acres 1/48 of 10.58 acres	0.76953%	0.6857%
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns			
(c.1) Edgar Allen Price, Jr. 1034 Moore Fork Road Duck, WV 25063	0.308 acres 1/96 of 10.58 acres	0.38477%	0.3429%

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Exhibit EE  
Unit AA-8  
Docket #VGOB 90-1010-0032-05  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
(c.2) Katherine Price Sears P.O. Box 34 Mount Nebo, WV 26679	0.308 acres 1/96 of 10.58 acres	0.38477%	0.3429%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Gladys Coleman Blankenship Heirs, Devisees, Successors or Assigns			
(a.1) Elmer James Jackson P.O. Box 145 Vansant, VA 24656	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.2) Ettie Mae Hill P.O. Box 134 Grundy, VA 24614	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.6) Lois Kate Boyd P.O. Box 685 Vansant, VA 24656	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.7) Ira Roger Jackson P.O. Box 1079 Vansant, VA 24656	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.012 acres 1/864 of 10.58 acres	0.01531%	Already Disbursed
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.006 acres 1/1728 of 10.58 acres	0.00765%	Already Disbursed
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.006 acres 1/1728 of 10.58 acres	0.00765%	Already Disbursed
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.110 acres 1/96 of 10.58 acres	0.13776%	Already Disbursed

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**Exhibit EE**  
**Unit AA-8**  
**Docket #VGOB 90-1010-0032-05**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns			
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.055 acres 1/192 of 10.58 acres	0.06888%	Already Disbursed
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.055 acres 1/192 of 10.58 acres	0.06888%	Already Disbursed
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512			
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.110 acres 1/96 of 10.58 acres	0.13776%	Already Disbursed
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.110 acres 1/96 of 10.58 acres	0.13776%	Already Disbursed
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.110 acres 1/96 of 10.58 acres	0.13776%	Already Disbursed
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	0.882 acres 1/12 of 10.58 acres	1.10208%	Already Disbursed
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.176 acres 1/60 of 10.58 acres	0.22042%	Already Disbursed
(b) Kelsie Arms Eastridge Rt.1 Box 768 Boomer, NC 28606	0.176 acres 1/60 of 10.58 acres	0.22042%	Already Disbursed
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.176 acres 1/60 of 10.58 acres	0.22042%	Already Disbursed
(11) Howell Arms Heirs, Devisees, Successors or Assigns			
(a) Mary June Shortridge Arms 24404 Green Springs Road Abingdon, VA 24211	0.882 acres 1/12 of 10.58 acres	1.10208%	2.7430% (Previously Requested)
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			

Exhibit EE  
Unit AA-8  
Docket #VGOB 90-1010-0032-05  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.176 acres 1/60 of 10.58 acres	0.22042%	Already Disbursed
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.176 acres 1/60 of 10.58 acres	0.22042%	0.5486% (Previously Requested)
<b><u>Tract #1C - 7.85 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	7.85 acres	9.81250%	
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) James Lee Ball, et al.	7.85 acres	9.81250%	
(a) James Lee Ball 17401 Morrison Road Meadowview, VA 24361	3.925 acres 1/2 of 7.85 acres	4.90625%	12.2111%
(b) Janice S. Ball HC4 Box 530 Council, VA 24260	3.925 acres 1/2 of 7.85 acres	4.90625%	12.2111% (Previously Requested)

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**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 12/31/08**

Unit AA-8  
 VGOB 90-1010-0032-04 & 90-1010-0032-05 Combined  
 Acres Escrowed: 16.0715

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners
Harrison-Wyatt, LLC - Coal	1B	8.2215			51.1558%	25.5779%	\$11,369.33
W.A. Arms Heirs - O&G		10.58				25.5779%	\$11,369.33
Sue Edwards			0.0882	1/120		0.2743%	\$121.92
Judy Fuller			0.0882	1/120		0.2743%	\$121.92
James C. Price			0.2204	1/48		0.6857%	\$304.81
Edgar Allen Price, Jr.			0.1102	1/96		0.3429%	\$152.40
Katherine Price Sears			0.1102	1/96		0.3429%	\$152.40
Mary June Shortridge Arms			0.8817	1/12		2.7430%	\$1,219.24
Geraldine O'Quinn			0.1763	1/60		0.5486%	\$243.85
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Harrison-Wyatt, LLC - Coal				1/2		24.4221%	\$10,855.60
James Ball - 1/2 O&G				1/2		12.2111%	\$5,427.80
Janice Ball - 1/2 O&G	1C	7.85	7.85	1/2	48.8442%	12.2111%	\$5,427.80

INSTRUMENT #090000847  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 MARCH 24, 2009 AT 02:02PM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: NKE