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#06-0000770

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS:

Harrison-Wyatt, LLC )  
Tivis A. Arms )  
Josh Vince Arms )  
Kelsey Earp Eastridge )  
Charlie E. Street )  
Lucy Coleman Looney )

DOCKET NO.  
90-1010-0033-02

RELIEF SOUGHT:

Issuance of an Amended Supplemental )  
Order Amending Prior Orders Affecting )  
Drilling Unit **BB-8** Located in the Oakwood )  
Coalbed Methane Gas Field , )  
Buchanan County, VA (herein "Subject )  
Drilling Unit" to Provide: )  
(1) Calculation of Funds Unit Operator )  
Deposited into the Escrow Account for )  
Subject Drilling Unit by Tract Subaccounts; )  
(2) to Applicants, a Royalty Accounting; and )  
(3) Disbursement to Applicants )  
in Accordance with Their Ownership )  
Interests Those Funds Deposited by the )  
Unit Operator into Subject Drilling Unit's )  
Escrow Subaccount for VGOB Tract 2C)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearings before the Virginia Gas and Oil Board (herein "Board") on October 19 and November 16, 2004 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mary Jo Swartz, Esq. of the firm Swartz and Stump L.C. appeared for the Unit Operator; 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 tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On November 8, 1990, the Board executed its order pooling all 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 §§ 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 367 at page 196. The Board designated Oxy, USA, predecessor of CNX Gas Company, L.L.C., as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on August 23, 1993 that was filed with the Clerk's Office on August 31, 1993 in Deed Book 413 at page 213 ("Supplemental Order"). The Pooling Order was amended and supplemented by the Board's Supplemental Order Amending Prior Orders and authorizing disbursement of escrowed funds attributable to VGOB Tract 2D executed on February 18, 2003 that was filed with the Clerk's Office on February 21, 2003 in Deed Book 563 at page 61 ("Supplemental Order") (hereafter the Pooling Order and the Supplemental Orders are collectively referred to as the Pooling Order).
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Orders, the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney or their predecessors in title in a 16.03 acres tract known as VGOB Tract 2C in Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Amended Miscellaneous Petition to the Board, received October 25, 2004, a copy of which is attached to and made a part hereof, and sworn testimony attested that Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney, have entered into a royalty split agreement and that by terms of that agreement, escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony, the Unit Operator notified the Board that a portions of VGOB Tract 2C are of the Subject Drilling Unit and the interests of Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney are subject to the split agreement. Sworn testimony presented to and accepted by the Board at its November 16, 2004 hearing stated that Lucy Coleman Looney, who was not included in the petition, has joined the royalty split agreement with respect to interests in Tract 2C.
- 4.4. Petitioner gave notice to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, and Charlie E. Street that the Board would take the petition referred to in Paragraph 4.3 above under consideration at its hearing. Notice stated that the Board would consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 2C; (2) delete the requirement that the Unit Operator place future royalties attributable to the above-named parties in Tract 2C 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 escrow.
- 4.5. The Unit Operator filed the attached accountings for Subject Drilling Unit's Escrow Account with the Board ("Accountings").

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 tract 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 The Petitioner has certified and represented to the Board that:

- (1) Harrison-Wyatt, LLC is the owner of 100% of the coal estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (2) Tivis A. Arms is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (3) Josh Vince Arms is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (4) Kelsey Earp Eastridge is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (5) Charles E. Street is the owner of 1/12 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (6) Lucy Coleman Looney is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (7) Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney have entered into royalty split agreements specifying that escrowed funds attributable to their conflicting interests are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (8) The net interests attributable and to be disbursed to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney, in Tract 2C are shown in Table 1, below.

<b>TABLE-1</b>		
<b>Tract # 2C Owner Names</b>	<b>Net acres in Unit</b>	<b>% interest in VGOB 90-1010-0033 balance</b>
✓ Harrison –Wyatt, LLC C/O Wyatt Buick Pontiac P. O. Box 11000 Danville, VA 24543	16.03	<b>1.9028%</b>
✓ Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.267	<b>0.2206%</b>
✓ Kelsey Earp Eastridge P. O. Box 654 Millers Creek, VA 28651	0.267	<b>0.2206%</b>
✓ Josh Vince Arms Rt. 3 Box 316 Grundy, VA 24614	0.267	<b>0.2206%</b>
✓ Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336	<b>1.1031%</b>
Lucy Coleman Looney 883 Woodbriar Dr. Lebanon, VA 24266	0.167	<b>0.1379%</b>

6. **Relief Granted:**

For the reasons set forth in Paragraphs 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) Disburse escrowed funds attributable to VGOB Tract 2C to Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney according to the percentages shown in Table 1, above, and mail attributable proceeds to the addresses shown in the table. Exhibits to the Pooling Order, showing owners subject to escrow, are deleted in toto and replaced with the Exhibit E attached to the petition. 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 Harrison-Wyatt, LLC and Tivis A. Arms, Josh Vince Arms, Kelsey Earp Eastridge, Charlie E. Street, and Lucy Coleman Looney in Tract 2C 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:**

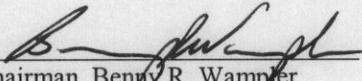
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

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 9<sup>th</sup> day of March, 2006, by a majority of the Virginia Gas and Oil Board.

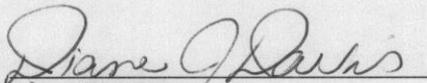
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 13<sup>th</sup> day of March, 2006, by an Order of this Board.

  
B. R. Wilson  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WISE )

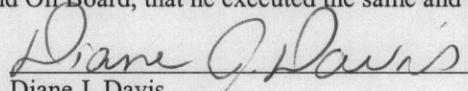
Washington  
Acknowledged on this 9<sup>th</sup> day of March, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary Public

My Commission expires: 9/30/09

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 13<sup>th</sup> day of March, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, 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

My commission expires: 9/30/09

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 90-1010-0033-02

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

HEARING DATE: November 16, 2004  
(continued from October)

DRILLING UNIT: BB-8

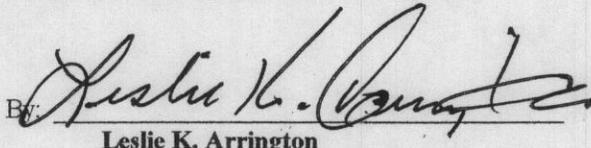
BUCHANAN COUNTY, VIRGINIA



AMENDED MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2C 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 Tivis Arms, Josh Arms, Kelsey Eastridge and Charlie E. Street.
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 Tivis Arms, Josh Arms, Kelsey Eastridge and Charlie E. Street, have entered into a royalty split agreement. Said royalty split agreement 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, to-wit: 1.7649 total percent of escrow to Harrison-Wyatt, LLC and 0.2206 percent of escrow to Tivis Arms, Josh Arms and Kelsey Eastridge, individually, and 1.1031 percent of escrow to Charlie E. Street.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

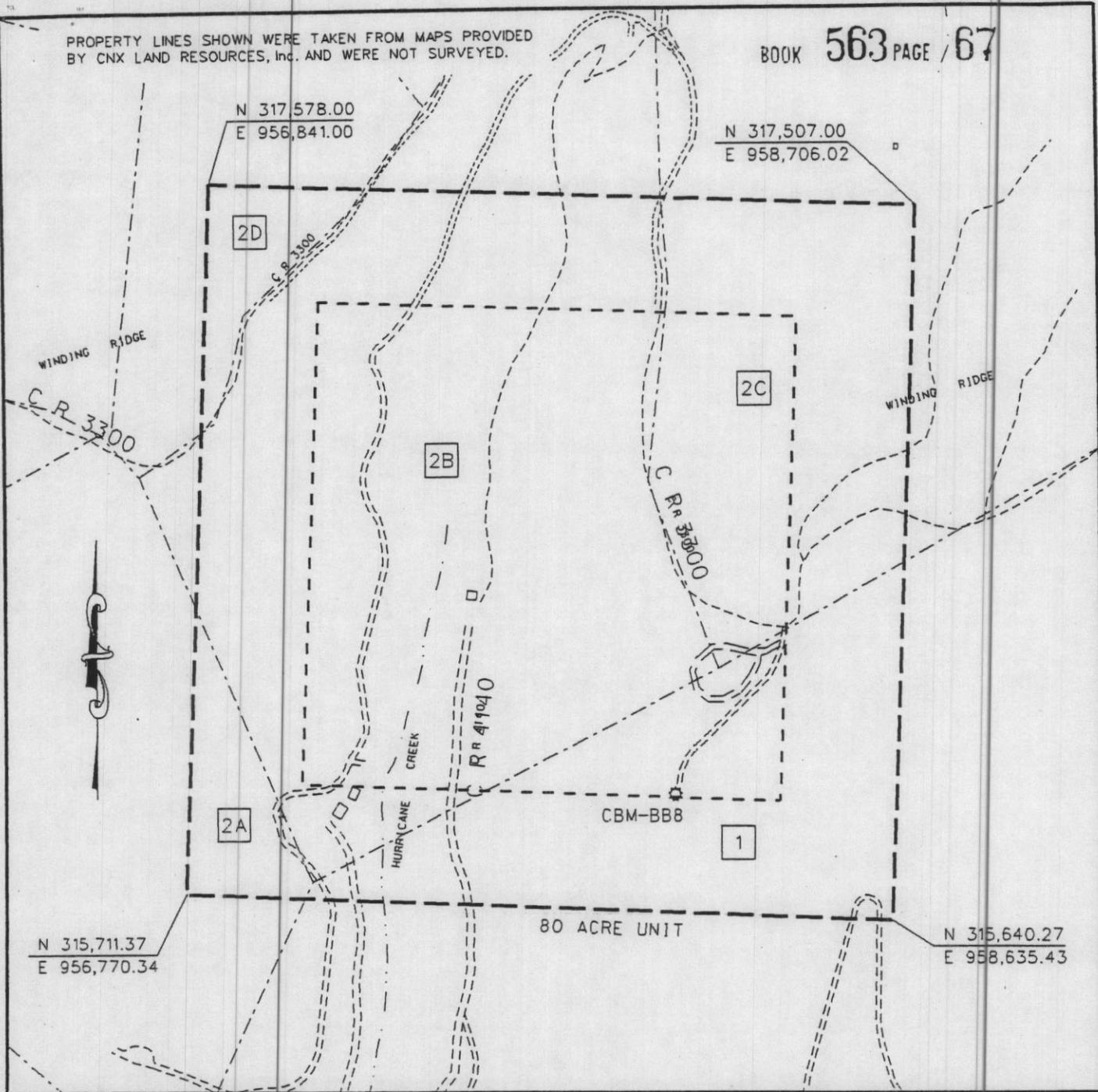
**CNX GAS COMPANY LLC**  
BY IT'S PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: 

**Leslie K. Arrington**  
Manager – Environmental / Permitting  
CNX Gas Company LLC  
P.O. Box 947  
Bluefield, Virginia 24605  
276/988-1000

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

BOOK 563 PAGE 67



80 ACRE UNIT

EXHIBIT A  
 OAKWOOD FIELD UNIT BB-8  
 FORCE POOLING  
 VG0B-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Versant  
 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 DGO-GO-7  
Rev. 9/91

*Charles D. Morgan*  
 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

**Tract-by-Tract Escrow Calculation  
Account Balances as of 7/31/04**

**Unit AA-8 (18.43 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$27,418.46
Harrison-Wyatt, LLC - Coal	1B	10.58	57.4064%	28.7032%	\$7,869.98
W.A. Armes Heirs - O&G				28.7032%	\$7,869.98
a) Tivis Arms (1/60)				0.4784%	\$131.17
b) Josh Arms (1/60)				0.4784%	\$131.17
c) Kelsie Arms Earp (1/60)				0.4784%	\$131.17
d) Charlie E. Street (1/12)				2.3919%	\$655.83
e) Lucy Looney (1/96)	0.2990%	\$81.98			
Harrison-Wyatt, LLC - Coal	1C	7.85	42.5936%	21.2968%	\$5,839.25
James Ball / Janice Ball - O&G				21.2968%	\$5,839.25

**Unit AA-9 (78.97 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$67,479.62
Harrison-Wyatt, LLC - Coal	2A	36.07	45.6756%	22.8378%	\$15,410.85
Price - O&G				22.8378%	\$15,410.85
Harrison-Wyatt, LLC - Coal	2B	18.84	23.8572%	11.9286%	\$8,049.36
Robert Rash - O&G				11.9286%	\$8,049.36
Harrison-Wyatt, LLC - Coal	2C	24.06	30.4673%	15.2336%	\$10,279.60
W.A. Armes Heirs - O&G				15.2336%	\$10,279.60
a) Tivis Arms (1/60)				0.2539%	\$171.33
b) Josh Arms (1/60)				0.2539%	\$171.33
c) Kelsie Arms Earp (1/60)				0.2539%	\$171.33
d) Charlie E. Street (1/12)				1.2695%	\$856.63
e) Lucy Looney (1/96)	0.1587%	\$107.08			

**Unit BB-8 (60.55 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$85,145.73
Harrison-Wyatt, LLC - Coal	2A	3.06	5.0537%	2.5268%	\$2,151.49
William & Virginia Ball - O&G				2.5268%	\$2,151.49
Harrison-Wyatt, LLC - Coal	2B	41.46	68.4723%	34.2362%	\$29,150.64
James Ball / Janice Ball - O&G				34.2362%	\$29,150.64
Harrison-Wyatt, LLC - Coal	2C	16.03	26.4740%	13.2370%	\$11,270.74
W.A. Armes Heirs - O&G				13.2370%	\$11,270.74
a) Tivis Arms (1/60)				0.2206%	\$187.85
b) Josh Arms (1/60)				0.2206%	\$187.85
c) Kelsie Arms Earp (1/60)				0.2206%	\$187.85
d) Charlie E. Street (1/12)				1.1031%	\$939.23
e) Lucy Looney (1/96)	0.1379%	\$117.40			

*\*Note: To calculate the percent of escrow per owner, take the total acres escrowed and divide by the individual tract acres, then divide the result by 2. (Divide by 2 because the owners have agreed to split to money equally.)*

Exhibit EE  
Unit BB-8  
Docket #VGOB 90-1010-0033-01  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2C - 16.03 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	16.03 acres	20.0375%	26.4740%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%	26.4740%
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336 acres 1/12 of 16.03 acres	1.66979%	2.2062%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(b) Kelsey Earp Eastridge P.O. Box 654 Millers Creek, VA 28651	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%

**Tract #2D - 2.56 acres**

*Disbursement has already taken place for this tract.*

**COAL FEE OWNERSHIP**

(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	2.56 acres	3.2000%	n/a
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**OIL & GAS FEE OWNERSHIP**

(1) Lonzo Hodge, et ux. P.O. Box 522 Vansant, VA 24656	2.56 acres	3.2000%	n/a
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**CONSOL Energy, Inc.**  
**UNIT BB-8**  
**Tract Identifications**

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee  
 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  
 16.89 acres                      21.1125%
- 2A. 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  
 William Ball- Surface, Oil and Gas  
 Buchanan Production Company – Oil, Gas and CBM Leased  
 3.06 acres                      3.8250%
- 2B. 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  
 41.46 acres                      51.8250%
- 2C. 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  
 16.03 acres                      20.0375%
- 2D. 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  
 2.56 acres                      3.2000%

Exhibit E  
Unit BB-8  
Docket #VGOB 90-1010-0033-01  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 3.06 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	3.06 acres	3.8250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) William A. & Virginia Ball HC4 Box 880 Council, VA 24260	3.06 acres	3.8250%
<b><u>Tract #2B - 41.46 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	41.46 acres	51.8250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) James Lee Ball, et ux. 17401 Morrison Road Meadowview, VA 24361	41.46 acres	51.8250%
Janice S. Ball HC4 Box 530 Council, VA 24260		
<b><u>Tract #2C - 16.03 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	16.03 acres	20.0375%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns		
(a.1) Sue Edwards P.O. Box 365 Pembroke, VA 24136	0.134 acres 1/120 of 10.58 acres	0.1670%
(a.2) Judy Fuller 17391 Cleveland Road	0.134 acres 1/120 of 10.58 acres	0.1670%

**Exhibit E**  
**Unit BB-8**  
**Docket #VGOB 90-1010-0033-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
Abingdon, VA 24211		
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.089 acres 1/180 of 10.58 acres	0.1113%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.089 acres 1/180 of 10.58 acres	0.1113%
(a.3) Adam F. Coleman <i>Address Unknown</i>	0.089 acres 1/180 of 10.58 acres	0.1113%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman <i>Address Unknown</i>	<i>Life Estate Only</i>	
(c.2) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.134 acres 1/120 of 10.58 acres	0.1670%
(c.3) Mildred Coleman Box 269 Pounding Mill, VA 24637	0.134 acres 1/120 of 10.58 acres	0.1670%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.038 acres 1/420 of 10.58 acres	0.0477%
(d.7) Kathryn Johnson Webb 9634 Glover Hill Road Manassas, VA 22110	0.038 acres 1/420 of 10.58 acres	0.0477%

**Exhibit E**  
**Unit BB-8**  
**Docket #VGOB 90-1010-0033-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.267 acres 1/60 of 10.58 acres	0.3340%
(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>	0.668 acres 1/24 of 10.58 acres	0.8349%
(b) Edna Coleman Price Heirs, Devisees, Successors or Assigns		
(b.1) James C. Price Box 1 Birchleaf, VA 24220	0.334 acres 1/48 of 10.58 acres	0.4174%
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns		
(c.1) Edgar Allen Price, Jr. 3609 Pamlico Circle Norfolk, VA 23513	0.167 acres 1/96 of 10.58 acres	0.2087%
(c.2) Katherine Price Sears 4105 Lake Boulevard Oceanside, CA 92049	0.167 acres 1/96 of 10.58 acres	0.2087%
(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	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.2) Ettie Mae Hill P.O. Box 134 Vansant, VA 24656	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.019 acres 1/864 of 10.58 acres	0.0232%

**Exhibit E**  
**Unit BB-8**  
**Docket #VGOB 90-1010-0033-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.6) Lois Kate Boyd P.O. Box 409 Vansant, VA 24656	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.7) Ira Roger Jackson P.O. Box 1097 Vansant, VA 24656	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.019 acres 1/864 of 10.58 acres	0.0232%
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns		
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.009 acres 1/1728 of 10.58 acres	0.0116%
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.009 acres 1/1728 of 10.58 acres	0.0116%
(b) Howard Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.167 acres 1/96 of 10.58 acres	0.2087%
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns		
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.083 acres 1/192 of 10.58 acres	0.1044%
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.083 acres 1/192 of 10.58 acres	0.1044%
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.167 acres 1/96 of 10.58 acres	0.2087%
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.167 acres 1/96 of 10.58 acres	0.2087%
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.167 acres 1/96 of 10.58 acres	0.2087%

**Exhibit E**  
**Unit BB-8**  
**Docket #VGOB 90-1010-0033-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.083 acres 1/192 of 10.58 acres	0.1044%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.083 acres 1/192 of 10.58 acres	0.1044%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.445 acres 1/36 of 10.58 acres	0.5566%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.445 acres 1/36 of 10.58 acres	0.5566%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.445 acres 1/36 of 10.58 acres	0.5566%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.445 acres 1/36 of 10.58 acres	0.5566%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.445 acres 1/36 of 10.58 acres	0.5566%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.445 acres 1/36 of 10.58 acres	0.5566%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	0.668 acres 1/24 of 10.58 acres	0.8349%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	0.668 acres 1/24 of 10.58 acres	0.8349%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		

**Exhibit E**  
**Unit BB-8**  
**Docket #VGOB 90-1010-0033-01**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(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	0.134 acres 1/120 of 10.58 acres	0.1670%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.134 acres 1/120 of 10.58 acres	0.1670%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.267 acres 1/60 of 10.58 acres	0.3340%
(9) Slemp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 10.58 acres	0.5566%
(b) Donald Arms Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 10.58 acres	0.5566%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.445 acres 1/36 of 10.58 acres	0.5566%
(10) Dock Arms Heirs, Devisees, Successors or Assigns		
(a) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	1.336 acres 1/12 of 10.58 acres	1.6698%
(11) Howell Arms Heirs, Devisees, Successors or Assigns		
(a) Mary June Shortridge Arms Rt.1 Box 117 Vasant, VA 24656	1.336 acres 1/12 of 10.58 acres	1.6698%
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns		
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.267 acres 1/60 of 10.58 acres	0.3340%

Exhibit E  
 Unit BB-8  
 Docket #VGOB 90-1010-0033-01  
 List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.267 acres 1/60 of 10.58 acres	0.3340%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.267 acres 1/60 of 10.58 acres	0.3340%
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.267 acres 1/60 of 10.58 acres	0.3340%
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.267 acres 1/60 of 10.58 acres	0.3340%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and together with the certificate of acknowledgment annexed, admitted to record this 13<sup>th</sup> day of March, 20 06 3:04 P.M.  
 Deed Book No. \_\_\_\_\_ and Page No. \_\_\_\_\_  
 Returned to: Amme TESTE: James M. Bevins, Jr., Clerk  
 TESTE: Shirley S. Allen Deputy Clerk

RECORDED  
 THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY, VA  
 1000 STATE ST. W. 1  
 CHARLOTTE, NC 28202  
 TEL: 704.383.1111  
 FAX: 704.383.1112



**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463160

90-1010-0033T2CR1

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 2104.05

01/VGOB  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD

WACHOVIA BANK, N.A.  
62-22/311 38875

CHECK NUMBER 0000463160

EMPLOYEE SHAREHOLDER SERVICES

DATE	CHECK AMOUNT
04/07/2006	*****2104.05**

PAY TWO THOUSAND ONE HUNDRED FOUR AND 05/100 DOLLARS

TO THE ORDER OF:

000000 04/10/06 000463160 ESPP LVMHESC1  
HARRISON-WYATT LLC  
C/O WAYATT BUICK PONTIAC  
P O BOX 11000  
DANVILLE VA 24543

VOID AFTER 90 DAYS

*[Signature]*  
AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463160⑈ ⑆031100225⑆ 5079900000071⑈



**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463161

90-1010-0033T2CR2

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 243.93

01/VGOB  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT. OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD

WACHOVIA BANK, N.A.  
62-22/311 38875

CHECK NUMBER 0000463161

EMPLOYEE SHAREHOLDER SERVICES

DATE	CHECK AMOUNT
04/07/2006	*****243.93**

PAY TWO HUNDRED FORTY THREE AND 93/100 DOLLARS  
TO THE ORDER OF:



VOID AFTER 90 DAYS

000061 04/10/06 00463161 ESPP LUDHESCI  
TIVIS A ARMS  
1209 WEST MADISON STREET  
MAYODAN NC 27027



*[Signature]*  
AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463161⑈ ⑆031100225⑆ 507990000007⑈



# WACHOVIA

EMPLOYEE SHAREHOLDER SERVICES

0000463162

90-1010-003T2CR3

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 243.93

01/VG0B  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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DEPT OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD

WACHOVIA BANK, N.A.  
82-22/311 38875

CHECK NUMBER **0000463162**

EMPLOYEE SHAREHOLDER SERVICES

DATE	CHECK AMOUNT
04/07/2006	*****243.93**

PAY TWO HUNDRED FORTY THREE AND 93/100 DOLLARS  
TO THE ORDER OF:



\*\*VOID AFTER 90 DAYS\*\*

000002 04/10/06 00463162 ESPP LUDMESC3  
KELSEY EARP EASTRIDGE  
P O BOX 654  
MILLERS CREEK VA 22665



AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463162⑈ ⑆031100225⑆ 5079900000071⑈



# WACHOVIA

EMPLOYEE SHAREHOLDER SERVICES

0000463163

90-1010-0038T2CR4

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 243.93

01/VGOB  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD

WACHOVIA BANK, N.A.  
62-22/311 38875

CHECK NUMBER 0000463163

EMPLOYEE SHAREHOLDER SERVICES

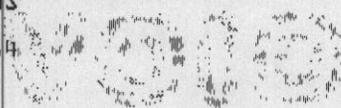
DATE	CHECK AMOUNT
04/07/2006	*****243.93**

PAY TWO HUNDRED FORTY THREE AND 93/100 DOLLARS  
TO THE ORDER OF:



VOID AFTER 90 DAYS

000003 04/10/06 00463163 ESSP LUBNESC1  
JOSE VINCE ARMS  
RT 3 BOX 316  
GRUNDY VA 24614



AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463163⑈ ⑆031100225⑆ 5079900000071⑈



**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463164

90-1010-0038T2CR5

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 1219.76

01/VGOB  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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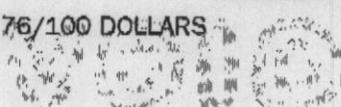
DEPT OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD  
EMPLOYEE SHAREHOLDER SERVICES

WACHOVIA BANK, N.A.  
62-22/311 38875

CHECK NUMBER 0000463164

DATE	CHECK AMOUNT
04/07/2006	*****1219.76**

PAY ONE THOUSAND TWO HUNDRED NINETEEN AND 76/100 DOLLARS  
TO THE ORDER OF:



"VOID AFTER 90 DAYS"

000084 04/10/06 00463164 ESSP LMDHESC1  
CHARLIE E STREET  
19171 STONE MOUNTAIN ROAD  
ABINGDON VA 24210



*[Signature]*  
AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463164⑈ ⑆031100225⑆ 5079900000071⑈



**WACHOVIA**

EMPLOYEE SHAREHOLDER SERVICES

0000463165

90-1010-0033T2CR6

DESCRIPTION	AMOUNT
PLAN REFUND	\$ 152.48

01/VGOB  
04/07/2006

WACHOVIA TOLL FREE CUSTOMER SERVICE 1-888-396-0853  
WEB ADDRESS: www.wachovia.com/corp\_inst/essg/login

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THE BACK OF CHECK HAS AN ARTIFICIAL WATERMARK. HOLD AT ANGLE TO VIEW.

DEPT. OF MINES, MINERALS & ENERGY  
VIRGINIA GAS & OIL BOARD  
EMPLOYEE SHAREHOLDER SERVICES

WACHOVIA BANK, N.A.  
62-22/311 38875

CHECK NUMBER 0000463165

DATE	CHECK AMOUNT
04/07/2006	*****152.48**

PAY ONE HUNDRED FIFTY TWO AND 48/100 DOLLARS  
TO THE ORDER OF:



VOID AFTER 90 DAYS

000065 04/07/06 0000463165 ESSP LWDHESCL  
LUCY COLEMAN LOONEY  
883 WOODBRIAR DR  
LEBANON VA 24265



*[Signature]*  
AUTHORIZED SIGNATURE

PRINTED WITH BLUE BACKGROUND ON WHITE PAPER

⑈00463165⑈ ⑆031100225⑆ 507990000007⑈

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 90-1010-0033-02

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

HEARING DATE: November 16, 2004  
(continued from October)

DRILLING UNIT: BB-8

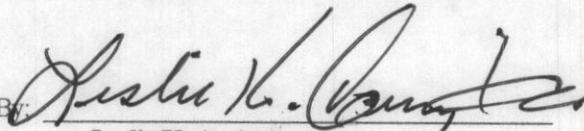
BUCHANAN COUNTY, VIRGINIA



AMENDED MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2C 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 Tivis Arms, Josh Arms, Kelsey Eastridge and Charlie E. Street.
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 Tivis Arms, Josh Arms, Kelsey Eastridge and Charlie E. Street, have entered into a royalty split agreement. Said royalty split agreement 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, to-wit: 1.7649 total percent of escrow to Harrison-Wyatt, LLC and 0.2206 percent of escrow to Tivis Arms, Josh Arms and Kelsey Eastridge, individually, and 1.1031 percent of escrow to Charlie E. Street.
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: 

Leslie K. Arrington  
Manager - Environmental / Permitting  
CNX Gas Company LLC  
P.O. Box 947  
Bluefield, Virginia 24605  
276/988-1000

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

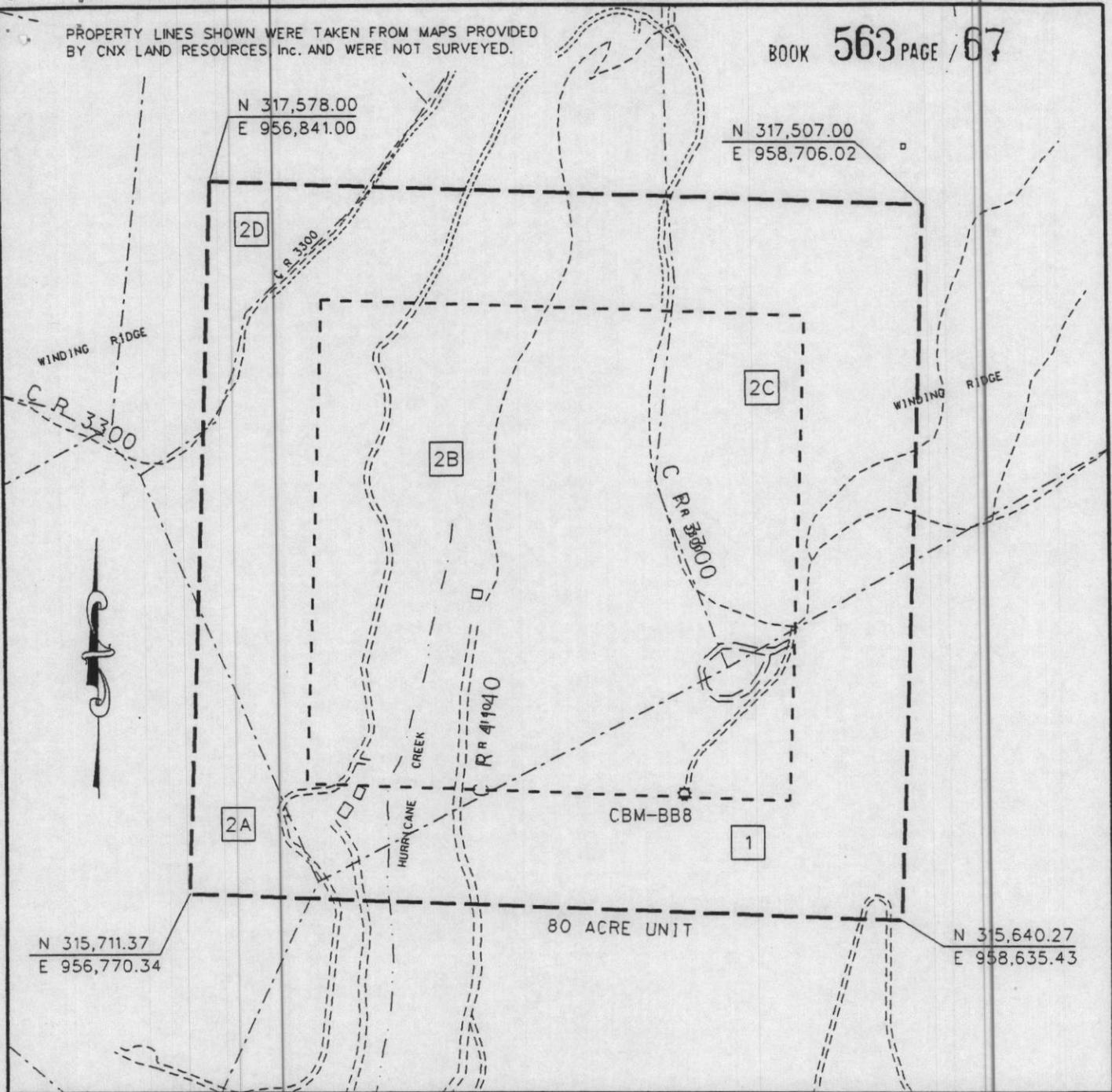


EXHIBIT A  
 OAKWOOD FIELD UNIT BB-8  
 FORCE POOLING  
 VGOB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8

Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Versant

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-GD-7  
Rev. 9/91

*Charles O. Moya*  
 \_\_\_\_\_ (Affix Seal)  
 Licensed Professional Engineer or Licensed Land Surveyor

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

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee  
 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  
 16.89 acres                      21.1125%
- 2A. 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  
 William Ball- Surface, Oil and Gas  
 Buchanan Production Company – Oil, Gas and CBM Leased  
 3.06 acres                      3.8250%
- 2B. 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  
 41.46 acres                      51.8250%
- 2C. 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  
 16.03 acres                      20.0375%
- 2D. 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  
 2.56 acres                      3.2000%

Exhibit EE  
Unit BB-8  
Docket #VGOB 90-1010-0033-01  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2C - 16.03 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	16.03 acres	20.0375%	26.4740%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%	26.4740%
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336 acres 1/12 of 16.03 acres	1.66979%	2.2062%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(b) Kelsey Earp Eastridge P.O. Box 654 Millers Creek, VA 28651	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
<b><u>Tract #2D - 2.56 acres</u></b>			
<i>Disbursement has already taken place for this tract.</i>			
<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	2.56 acres	3.2000%	n/a
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Lonzo Hodge, et ux. P.O. Box 522 Vansant, VA 24656	2.56 acres	3.2000%	n/a

**Exhibit B**  
**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 7/31/04**

**Unit AA-8 (18.43 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$27,418.46
Harrison-Wyatt, LLC - Coal	1B	10.58	57.4064%	28.7032%	\$7,869.98
W.A. Armes Heirs - O&G				28.7032%	\$7,869.98
a) Tivis Arms (1/60)				0.4784%	\$131.17
b) Josh Arms (1/60)				0.4784%	\$131.17
c) Kelsie Arms Earp (1/60)				0.4784%	\$131.17
d) Charlie E. Street (1/12)				2.3919%	\$655.83
Harrison-Wyatt, LLC - Coal	1C	7.85	42.5936%	21.2968%	\$5,839.25
James Ball / Janice Ball - O&G				21.2968%	\$5,839.25

**Unit AA-9 (78.97 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$67,479.62
Harrison-Wyatt, LLC - Coal	2A	36.07	45.6756%	22.8378%	\$15,410.85
Price - O&G				22.8378%	\$15,410.85
Harrison-Wyatt, LLC - Coal	2B	18.84	23.8572%	11.9286%	\$8,049.36
Robert Rash - O&G				11.9286%	\$8,049.36
Harrison-Wyatt, LLC - Coal	2C	24.06	30.4673%	15.2336%	\$10,279.60
W.A. Armes Heirs - O&G				15.2336%	\$10,279.60
a) Tivis Arms (1/60)				0.2539%	\$171.33
b) Josh Arms (1/60)				0.2539%	\$171.33
c) Kelsie Arms Earp (1/60)				0.2539%	\$171.33
d) Charlie E. Street (1/12)				1.2695%	\$856.63

**Unit BB-8 (60.55 acres escrowed)**

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$85,145.73
Harrison-Wyatt, LLC - Coal	2A	3.06	5.0537%	2.5268%	\$2,151.49
William & Virginia Ball - O&G				2.5268%	\$2,151.49
Harrison-Wyatt, LLC - Coal	2B	41.46	68.4723%	34.2362%	\$29,150.64
James Ball / Janice Ball - O&G				34.2362%	\$29,150.64
Harrison-Wyatt, LLC - Coal	2C	16.03	26.4740%	13.2370%	\$11,270.74
W.A. Armes Heirs - O&G				13.2370%	\$11,270.74
a) Tivis Arms (1/60)				0.2206%	\$187.85
b) Josh Arms (1/60)				0.2206%	\$187.85
c) Kelsie Arms Earp (1/60)				0.2206%	\$187.85
d) Charlie E. Street (1/12)				1.1031%	\$939.23

**\*Note:** To calculate the percent of escrow per owner, take the total acres escrowed and divide by the individual tract acres, then divide the result by 2. (Divide by 2 because the owners have agreed to split to money equally.

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 90-1010-0033 02

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

HEARING DATE: October 19, 2004

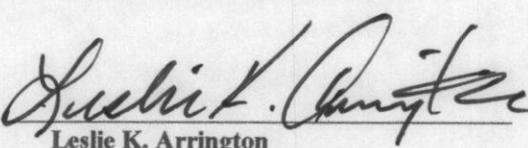
DRILLING UNIT: BB-8

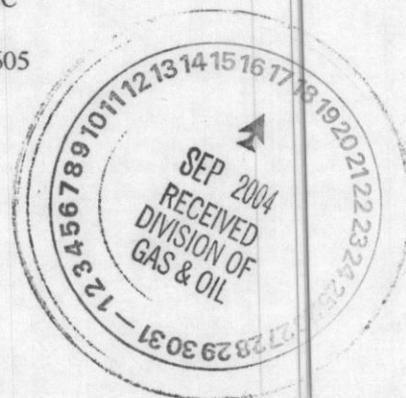
BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **Swartz & Stump, L.C.**, P.O. Box 517, Abingdon, VA 24212.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2C 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 Tivis Arms, Josh Arms and Kelsie Earp.
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 Tivis Arms, Josh Arms and Kelsie Earp, have entered into a royalty split agreement. Said royalty split agreement 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, to-wit: 0.6618 total percent of escrow to Harrison-Wyatt, LLC and 0.2206 percent of escrow to Tivis Arms, Josh Arms and Kelsie Earp, individually.
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:   
Leslie K. Arrington  
Manager - Environmental / Permitting  
CNX Gas Company LLC  
P.O. Box 947  
Bluefield, Virginia 24605  
276/988-1000



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

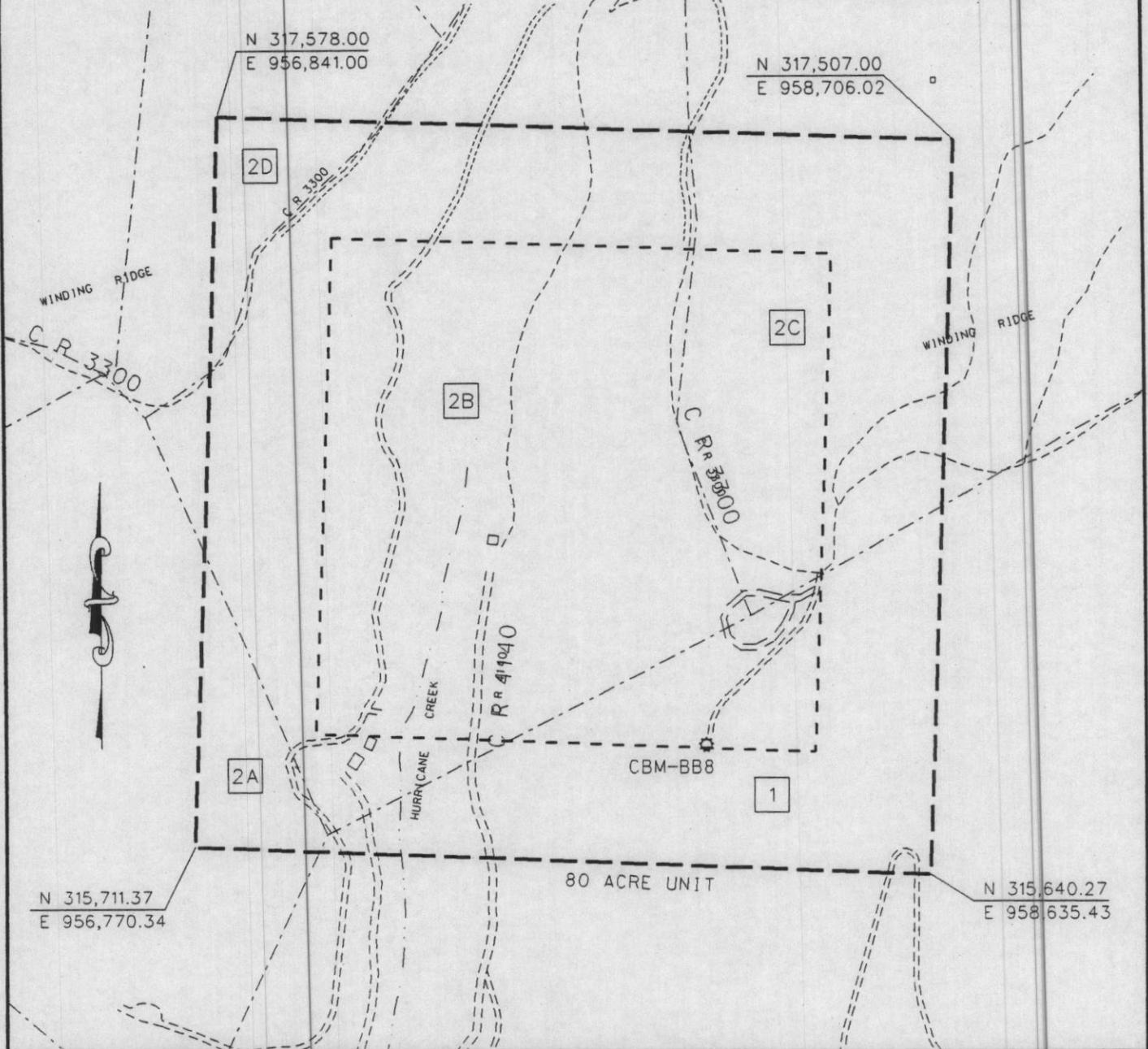


EXHIBIT A  
 OAKWOOD FIELD UNIT BB-8  
 FORCE POOLING  
 VGOB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8

Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Versant

County Buchanan District Prater/Hurricane Scale: 1" = 490' Date 8/15/02

This plat is a new plat  ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7 \_\_\_\_\_ (Affix Seal)  
 Rev. 9/91 Charles O. Morgan  
 Licensed Professional Engineer or Licensed Land Surveyor

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

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee  
 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  
 16.89 acres                      21.1125%
- 2A. 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  
 William Ball- Surface, Oil and Gas  
 Buchanan Production Company – Oil, Gas and CBM Leased  
 3.06 acres                      3.8250%
- 2B. 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  
 41.46 acres                      51.8250%
- 2C. 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  
 16.03 acres                      20.0375%
- 2D. 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  
 2.56 acres                      3.2000%

Exhibit EE  
 Unit BB-8  
 Docket #VGOB 90-1010-0033-01  
 List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2C - 16.03 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	16.03 acres	20.0375%	26.4740%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%	26.4740%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(b) Kelsie Arms Earp Rt.1 Box 768 Boomer, NC 28606	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	0.4412%

**Tract #2D - 2.56 acres**

*Disbursement has already taken place for this tract.*

**COAL FEE OWNERSHIP**

(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	2.56 acres	3.2000%	n/a
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**OIL & GAS FEE OWNERSHIP**

(1) Lonzo Hodge, et ux. P.O. Box 522 Vansant, VA 24656	2.56 acres	3.2000%	n/a
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