

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 W. A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne

DOCKET NO.

90-1010-0033-06

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit BB-8, Tracts 2C (a portion thereof) (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 **BB-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 December 15, 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 October 10, 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, Pages 0196 to 0218. The Supplemental Order was executed on October 20, 1992, and recorded in with the Clerk of the Court, Buchanan County on August 31, 1993, in Deed Book 0413, Pages 0213 to 221.
- (b) On October 15, 2002, the Board executed an order, Docket number 90-1010-0033-01, and disbursing escrowed funds from Tracts 2D for Lonzo, Nancy Hodge and Harrison-Wyatt in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on February 21, 2003. Deed Book 563 Pages 61 to 78.
- (c) On October 19 and November 16, 2004, the Board executed an order, Docket number 90-1010-0033-02, and disbursing escrowed funds from Tract 2C for Tivis Arms, Josh V Arms, Kelsey Eastridge, Charlie E Street, Lucy C Looney and Harrison-Wyatt LLC in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 13, 2006, Instrument No. 06-0000770.
- (d) On July 19, 2007, the Board executed an order, Docket number 90-1010-0033-03, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on January 23, 2008, Instrument No. 08-0000441.
- (e) On March 17, 2009, the Board executed an order, Docket number 90-1010-0033-04 & 05, and disbursing escrowed funds from Tract 2A, 2B, and a portion of 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 24, 2009, Instrument No. 09-0000846.
- 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 William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne, 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 2C, 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 December 15, 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 Tract 2C, 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 2C, 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 William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, plus Bill Osborne respectively, are the owners of the coal estate, gas and oil acreage estate underlying VGOB Tract 2C, of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB 90-1010-0033-06 UNIT BB-8			Tract	Acreage Interest in Unit	Split Agreement %	Equivalent Disbursement Acres	% of Remaining Escrowed Funds
		A portion of Tract 2C					
Item	Tract	Disbursement Table 1				9.918563	
	2C	W. A. Arms Heirs		16.0300			
1	2C	William Ersel Armes / 301 Ridgewood Drive / Lebanon, VA 24266	1/48	0.3340	50.0%	0.166979	1.6835%
2	2C	Phyllis Jean Cook / P.O. Box 975 / Vansant, VA 24656	1/48	0.3340	50.0%	0.166979	1.6835%
3	2C	Brenda Sue Fletcher / P.O. Box 870 / Vansant, VA 24656	1/48	0.3340	50.0%	0.166979	1.6835%
4	2C	Rita Coleman / Rt. 1 Box 581 / Vansant, VA 24656	1/48	0.3340	50.0%	0.166979	1.6835%
5	2C	James Osborne / 26413 Mansfield Road / Devince, OH 43512	1/60	0.2672	50.0%	0.133583	1.3468%
6	2C	Ron Osborne / 43983 Upper Clear / Cadiz, OH 43907	1/60	0.2672	50.0%	0.133583	1.3468%
7	2C	Bill Osborne / 1280 3 Springs / Russellville, TN 37860	1/60	0.2672	50.0%	0.133583	1.3468%
8	2C	Harrison-Wyatt, LLC, PO Box 11000, Danville, VA 24543		2.1373	50.0%	1.068667	10.7744%

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:**

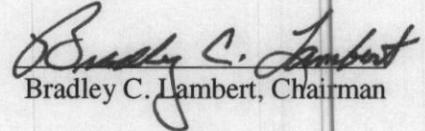
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

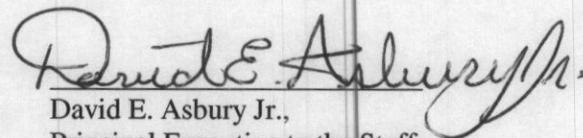
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated 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 9 day of Feb, ²⁰¹⁰~~2009~~, by a majority of the Virginia Gas and Oil Board.

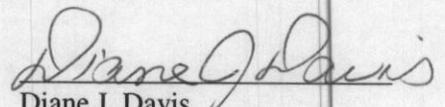

Bradley C. Lambert, Chairman

DONE AND PERFORMED this 9th day of February, ²⁰¹⁰~~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 ^{Russell} 9th day of February, 2010, 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: 09/30/2013

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 90-1010-0033-06

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

HEARING DATE: December 15, 2009

DRILLING UNIT: BB-8

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. 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) 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 W.A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne

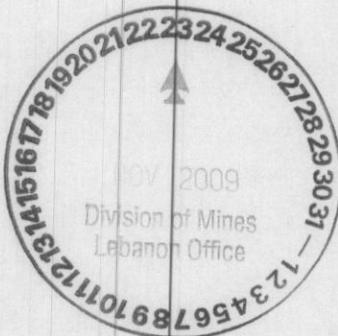
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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

5. **Factual basis for relief requested:** Harrison-Wyatt, LLC. and W.A. Arms Heirs including William Ersel Armes, Phyllis Jean Cook, Brenda Sue Fletcher, Rita Coleman, James Osborne, Ron Osborne, and Bill Osborne have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, 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 ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER



By: Anita D. Duty
Anita D. Duty
Podling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

**Tract-by-Tract Escrow Calculation
Account Balances as of 9/30/09**

Unit BB-8
VGOB 90-1010-0033-06
Acres Escrowed: 9.918563

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$29,237.26
Harrison-Wyatt, LLC - Coal	2C	9.918563			100.0000%	50.0000%	\$3,150.14
W.A. Arms Heirs - O&G		16.03				50.0000%	
William Ersel Armes			0.3340	1/48		1.6835%	\$492.21
Phyllis Jean Cook			0.3340	1/48		1.6835%	\$492.21
Brenda Sue Fletcher			0.3340	1/48		1.6835%	\$492.21
Rita Coleman			0.3340	1/48		1.6835%	\$492.21
James Osborne			0.2672	1/60		1.3468%	\$393.77
Ron Osborne			0.2672	1/60		1.3468%	\$393.77
Bill Osborne			0.2672	1/60		1.3468%	\$393.77

Wells contributing to the escrow account: BB8 & BB8A

U

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

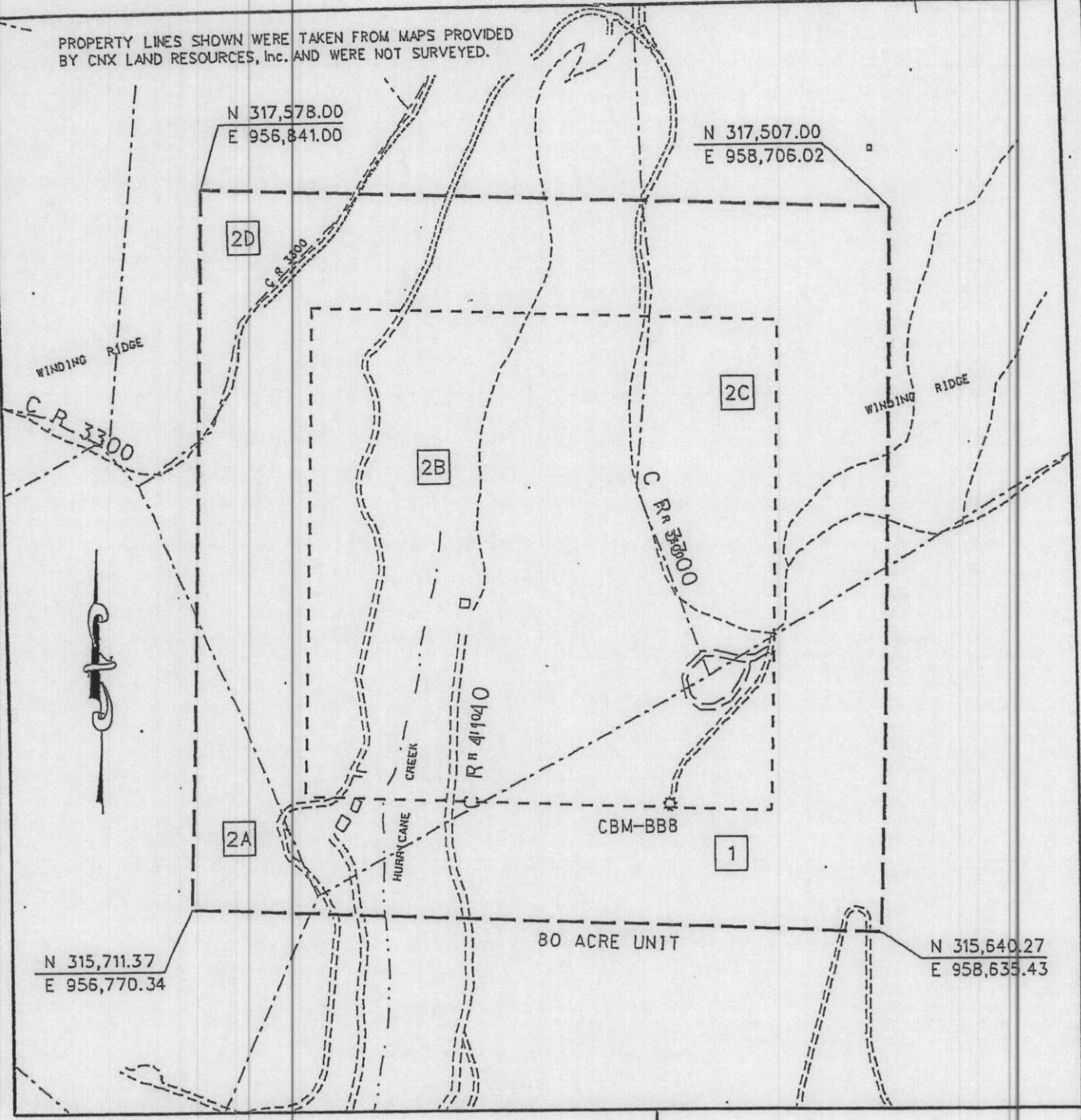


EXHIBIT A
 DAKWOOD FIELD UNIT BB-8
 FORCE PODLING
 VGDB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8
 Tract No. _____ Elevation _____ Quadrangle Versantia
 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-60-7 _____ (Affix Seal)
 Rev. 9/91 Charles O. Moya
 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%

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #2C - 16.03 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 P.O. Box 11000 Danville, VA 24543	16.03 acres	20.0375%
<u>OIL & GAS OWNERSHIP</u>		
W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.0375%
(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	0.089056 acres 1/180 of 16.03 acres	0.1113%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.089056 acres 1/180 of 16.03 acres	0.1113%
(a.3) Adam F. Coleman Address Unknown	0.089056 acres 1/180 of 16.03 acres	0.1113%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman Address Unknown	<i>Life Estate Only</i>	
(c.2) Michael Coleman 168 Reagen St. Pounding Mill, VA 24637	0.133583 acres 1/120 of 16.03 acres	0.1670%
(c.3) Mildred Coleman PO Box 894 Pounding Mill, VA 24637	0.133583 acres 1/120 of 16.03 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	0.038167 acres 1/420 of 16.03 acres	0.0477%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.038167 acres 1/420 of 16.03 acres	0.0477%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.038167 acres 1/420 of 16.03 acres	0.0477%
(d.4) Agnes Johnson Bartee	0.038167 acres	0.0477%

Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
6207 Upton Place Clinton, MD 20735	1/420 of 16.03 acres	
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.038167 acres 1/420 of 16.03 acres	0.0477%
(d.6) Phyllis Johnson Durland P.O. Box 7833 Lancaster, PA 17604	0.038167 acres 1/420 of 16.03 acres	0.0477%
(d.7) Kathryn Johnson Webb 17687 Mooresville Road Mooresville, NC 28115	0.038167 acres 1/420 of 16.03 acres	0.0477%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.267167 acres 1/60 of 16.03 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>	0.667917 acres 1/24 of 16.03 acres	0.8349%
(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	0.083490 acres 1/192 of 16.03 acres	0.1044%
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.083490 acres 1/192 of 16.03 acres	0.1044%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.445278 acres 1/36 of 16.03 acres	0.5566%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.445278 acres 1/36 of 16.03 acres	0.5566%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.445278 acres 1/36 of 16.03 acres	0.5566%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.445278 acres 1/36 of 16.03 acres	0.5566%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.445278 acres 1/36 of 16.03 acres	0.5566%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.445278 acres 1/36 of 16.03 acres	0.5566%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	0.667917 acres 1/24 of 16.03 acres	0.8349%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	0.667917 acres 1/24 of 16.03 acres	0.8349%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel <i>Address Unknown</i>	<i>(Life Estate Only)</i>	
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.133583 acres 1/120 of 16.03 acres	0.1670%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.133583 acres 1/120 of 16.03 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	0.267167 acres 1/60 of 16.03 acres	0.3340%
(9) Slemp Arms Heirs, Devisees, Successors or Assigns		

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Exhibit E
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.445278 acres 1/36 of 16.03 acres	0.5566%
(b) Donald Arms 7679 Dr. Ralph Stanley Hwy Coeburn, VA 24230	0.445278 acres 1/36 of 16.03 acres	0.5566%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.445278 acres 1/36 of 16.03 acres	0.5566%

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Exhibit EE
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2A - 3.06 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.39 P.O. Box 11000 Danville, VA 24543	3.06 acres	3.8250%	Already
<u>OIL & GAS OWNERSHIP</u>			
(1) William A. & Virginia Ball HC4 Box 880 Council, VA 24260	3.06 acres	3.8250%	Already Disbursed
<u>Tract #2B - 41.46 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.39 P.O. Box 11000 Danville, VA 24543	41.46 acres	51.8250%	
<u>OIL & GAS OWNERSHIP</u>			
(1) James Lee Ball, et al.	41.46 acres	51.82500%	
(a) James Lee Ball 17401 Morrison Road Meadowview, VA 24361	20.730 acres 1/2 of 41.46 acres	25.91250%	Already Disbursed
(b) Janice S. Ball HC4 Box 530 Council, VA 24260	20.730 acres 1/2 of 41.46 acres	25.91250%	Already Disbursed
<u>Tract #2C - 16.03 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.39 P.O. Box 11000 Danville, VA 24543	16.03 acres	20.0375%	
<u>OIL & GAS OWNERSHIP</u>			
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 101 St. Andrews Drive Bristol, VA 24202	0.134 acres 1/120 of 16.03 acres	0.1670%	Already Disbursed

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Exhibit EE
Unit BB-8
Docket #VGOB 90-1010-0033-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.134 acres 1/120 of 16.03 acres	0.1670%	Already Disbursed
(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	0.064 acres 1/48 of 16.03 acres	0.0797%	Already Disbursed
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns			
(c.1) Edgar Allen Price, Jr. 1034 Moore Fork Road Duck, WV 25063	0.032 acres 1/96 of 16.03 acres	0.0398%	Already Disbursed
(c.2) Katherine Price Sears P.O. Box 34 Mount Nebo, WV 26679	0.032 acres 1/96 of 16.03 acres	0.0398%	Already Disbursed
(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 16.03 acres	0.0232%	Already Disbursed
(a.2) Ettie Mae Hill P.O. Box 134 Grundy, VA 24614	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.4) Agnes Hurley Rt. 1 Box 392 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.5) Linda Ruth Gilbert Rt. 1 Box 409 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.6) Lois Kate Boyd P.O. Box 685 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed

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	Acres in Unit	Percent of Unit	Percent of Escrow
(a.7) Ira Roger Jackson P.O. Box 1079 Vansant, VA 24656	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.019 acres 1/864 of 16.03 acres	0.0232%	Already Disbursed
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.009 acres 1/1728 of 16.03 acres	0.0116%	Already Disbursed
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.009 acres 1/1728 of 16.03 acres	0.0116%	Already Disbursed
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed
(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 16.03 acres	0.1044%	Already Disbursed
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.083 acres 1/192 of 16.03 acres	0.1044%	Already Disbursed
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.167 acres 1/96 of 16.03 acres	0.2087%	Already Disbursed
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			

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	Acres in Unit	Percent of Unit	Percent of Escrow
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336 acres 1/12 of 16.03 acres	1.6698%	Already Disbursed
(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%	Already Disbursed
(b) Kelsie Arms Eastridge Rt.1 Box 768 Boomer, NC 28606	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed
(10) Dock Arms Heirs, Devisees, Successors or Assigns			
(a) Dessie Armes Heirs, Devisees, Successors or Assigns (1/12)			
(a.1) William Ersel Armes 301 Ridgewood Drive Lebanon, VA 24266	0.334 acres 1/48 of 16.03 acres	0.4174%	1.6835%
(a.2) Phyllis Jean Cook P.O. Box 975 Vansant, VA 24656	0.334 acres 1/48 of 16.03 acres	0.4174%	1.6835%
(a.3) Brenda Sue Fletcher P.O. Box 870 Vansant, VA 24656	0.334 acres 1/48 of 16.03 acres	0.4174%	1.6835%
(a.4) Rita Coleman Rt.1 Box 581 Vansant, VA 24656	0.334 acres 1/48 of 16.03 acres	0.4174%	1.6835%
(11) Howell Arms Heirs, Devisees, Successors or Assigns			
(a) Mary June Shortridge Arms 24404 Green Springs Road Abingdon, VA 24211	0.000 acres 1/12 of 16.03 acres	0.0000%	Already Disbursed
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.267 acres 1/60 of 16.03 acres	0.3340%	Already Disbursed

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	Acres in Unit	Percent of Unit	Percent of Escrow
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.000 acres 1/60 of 16.03 acres	0.0000%	Already Disbursed
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.267167 acres 1/60 of 16.03 acres	0.3340%	1.3468%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.267167 acres 1/60 of 16.03 acres	0.3340%	1.3468%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.267167 acres 1/60 of 16.03 acres	0.3340%	1.3468%

INSTRUMENT #100000307
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
FEBRUARY 17, 2010 AT 10:51AM

BEVERLY S. TILLER, CLERK
RECORDED BY: NKE