

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 LLC on behalf of Harrison-  
Wyatt, L.L.C and Sue Edwards, Judy Fuller,  
Mary June Shortridge Arms, Geraldine  
O'Quinn; James Price; Edgar Price Jr.; and  
Katherine Price Sears.**DOCKET NO.****91-0430-0116-03&04****RELIEF SOUGHT:**Issuance: A Supplemental Order for Disbursement of Escrowed Funds  
Action: Amending Prior Orders Affecting Drilling **Unit AA-9, a portion of Tract 2C**  
(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-9** 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 May 31, 1991, 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 June 6, 1991, Deed Book 375, page 758. The Supplemental Order was executed on October 20, 1993, and recorded in with the Clerk of the Court, Buchanan County on October 29, 1993, Deed Book 415, page 284.
- (b) On March 9, 2006, the Board executed an order docket number 91-0430-0116-01, disbursing escrowed funds from Tracts 2B and 2C. The order was filed with Clerk of the Circuit Court of Buchanan County on March 13, 2006, Instrument Number 06-0000780.
- (c) On January 31, 2008, the Board executed an order docket number 91-0430-0116-02, disbursing escrowed funds from Tracts 2C. The order was filed with Clerk of the Circuit Court of Buchanan County on February 7, 2008, Instrument Number 08-0000442.
- 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 Price Sears, Mary Shortridge Arms, and Geraldine O'Quinn in a tract known as 2C 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 Tract 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 2C and that by the terms of the agreements, the parties have entered into royalty split agreements regarding this tract 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 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 and 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 Price Sears, Mary Shortridge Arms, and Geraldine O'Quinn 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 Approved Disbursement  
VGOB 91-0430-0116-03 & -04

Table 1		Acres Owned	Acreage Interest in Unit	Split Agreement %	Equivalent Disbursement Acres	Owners % of Remaining Escrowed Funds
<b>Tract 2C (a portion of)</b>						
<b>Disbursement Table</b>						
Total Remaining Acres in Escrow after disbursements -01 and -02					54.7666	
<b>Disbursement Petition - 03</b>						
2C	W. A. Arms Heirs, Successors, or Assigns		24.060			
✓	- Sue Edwards, 101 St. Andrews Drive, Bristol, VA 24202	1/120	0.201	50.0%	0.100	0.1830%
✓	- Judy Fuller, 17391 Cleveland Road, Abingdon, VA 24211	1/120	0.201	50.0%	0.100	0.1830%
✓	- Mary June Shortridge Arms, 24404 Green Springs Road, Abingdon, VA 24211	1/12	2.005	50.0%	1.003	1.8305%
✓	- Geraldine O'Quinn, Rt. 1, Box 112, Vansant, VA 24656	1/60	0.401	50.0%	0.201	0.3661%
2C	Harrison-Wyatt, LLC, c/o Wyatt Buick Pontiac, P.O. Box 11000, Danville, VA 24543		2.81	50.0%	1.404	2.5627%
<b>Disbursement Petition - 04</b>						
2C	W. A. Arms Heirs, Successors, or Assigns					
✓	- James C. Price; 208 Country Meadows Circle; Bristol, TN 37620	1/48	0.501	50.0%	0.251	0.4576%
✓	- Edgar Allen Price Jr.; 1034 Moore Fork Road; Duck, WV 25063	1/96	0.251	50.0%	0.125	0.2288%
✓	- Katherine Price Sears; PO Box 34; Mount Nebo, WV 26679	1/96	0.251	50.0%	0.125	0.2288%
2C	Harrison-Wyatt, LLC, c/o Wyatt Buick Pontiac, P.O. Box 11000, Danville, VA 24543		1.00	50.0%	0.501	0.9152%

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. Prior to this disbursement, the Escrow agent is to ensure a corrected one-time payment has been made relative to an error in calculation and disbursement in VGOB-91-0430-0116-02, made on February 14, 2008.

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  
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.  
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  
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 91-0430-0116-03 &  
91-0430-0116-04 (Combined)

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

HEARING DATE: March 17, 2009

DRILLING UNIT: AA-9

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) 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 Sue Edwards, Judy Fuller, Mary June Shortridge Arms, Geraldine O'Quinn, James C. Price, Edgar Allen Price, Jr. and Katherine Sears.

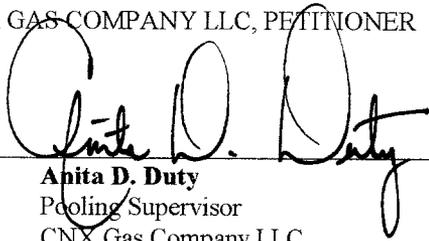
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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, James C. Price, Edgar Allen Price, Jr. and Katherine Sears, 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: 

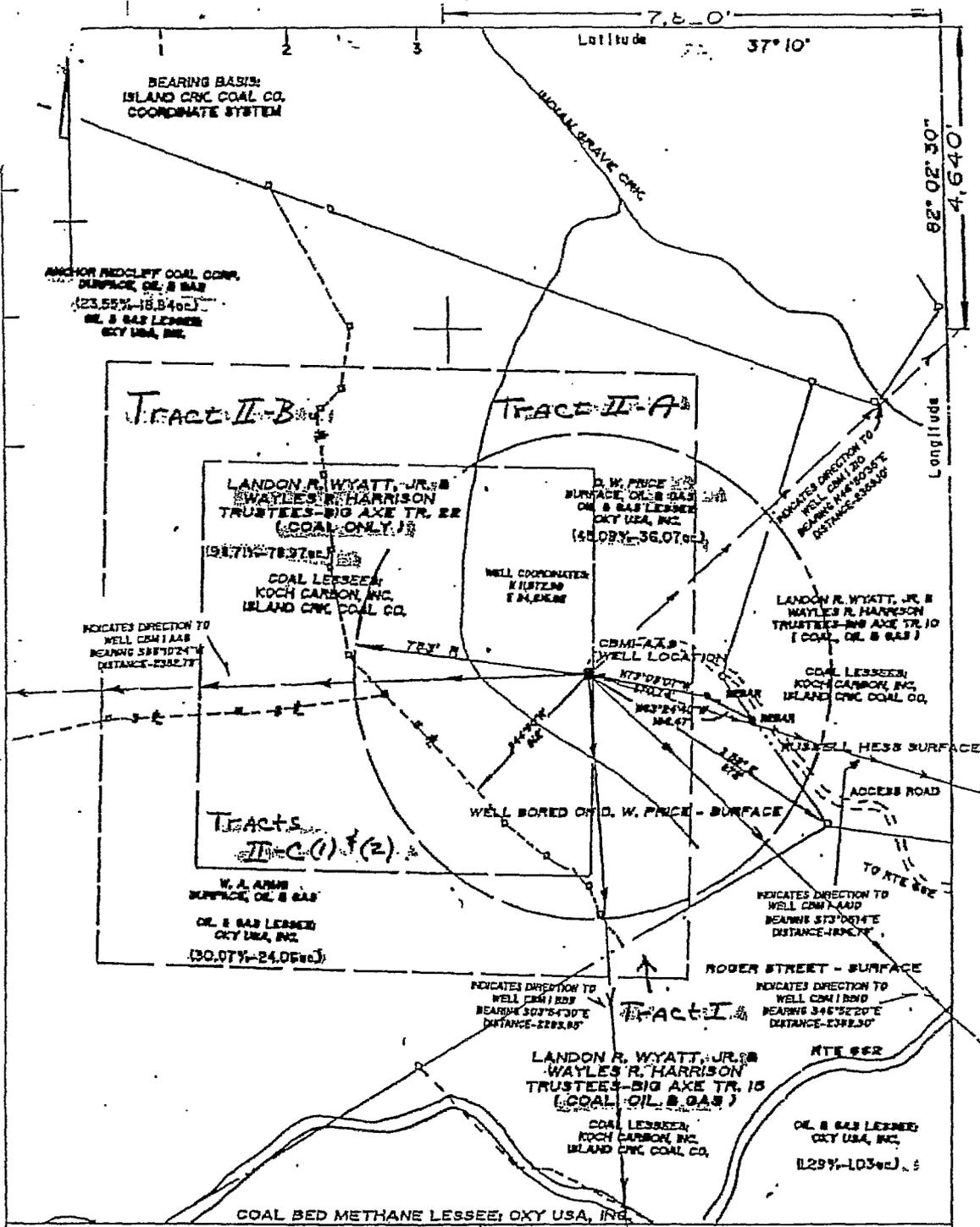
Anita D. Duty  
Pooling Supervisor  
CNX Gas Company LLC  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

*Reviewed James & Jonice  
Ball  
Revised  
5*

**CNX Gas Company LLC**  
**UNIT AA-9**  
Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) – All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Roger Street – Surface  
1.03 acres                      1.2875%
  
- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
D. W. Price Heirs – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
36.07 acres                      45.0875%
  
- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Robert A. Rash – Surface and All Minerals except Coal  
CNX Gas Company LLC- Oil, Gas and CBM Leased  
18.84 acres                      23.5500%
  
- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
W. A. Arms Heirs, Successors or Assigns – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (52.47%)  
24.06 acres                      30.0750%

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COMPANY OXY USA, INC.  
 ADDRESS DRAWER 0, RICHLANDS, VA 24241  
 WELL NAME CBM1-AA9  
 FARM TRACT BIG AXE RR  
 LEASE NO. ELEVATION 2255.85'  
 ACRES 400 QUADRANGLE VANSANT  
 COUNTY BUCHANAN DISTRICT SOUTH BUNNY  
 REG. ENGINEER VA REG. NO. 2887  
 CERT. LAND SURVEYOR CERT NO.  
 FILE NO. DRAWING NO.  
 DATE 12-12-20 SCALE 1" = 400'

This plot is  new  updated  
 This plot  is  is not based on a mine  
 coordinate system established for the area of  
 the well location.

**EXHIBIT A**

**WELL LOCATION MAP**  
 WELL NO. CBM1-AA9

Denotes location of well on United States  
 Topographic Maps, scale 1 to 24,000, lat-  
 titude and longitude lines being represented  
 by border lines as shown.

**CERTIFICATION OF WELL PLAT**

I, the undersigned, hereby certify that  
 this plat is correct to the best of my  
 knowledge and belief, and that I have all the  
 information required by law and the regulations  
 of the Well Review Board of the State of Virginia.

*[Signature]*  
 Registered Engineer No. 2687  
 Land Surveyor in Charge

STATE OF VIRGINIA  
 WELL REVIEW BOARD

Exhibit E  
Unit AA-9  
Docket #VGOB 91-0430-0116  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 36.07 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	36.07 acres	45.0875%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) D.W. Price Rt.1 Box 403 Midland, VA 22728	36.07 acres	45.0875%
<b><u>Tract #2C - 24.06 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%
(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	0.134 acres 1/180 of 24.06 acres	0.1671%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.134 acres 1/180 of 24.06 acres	0.1671%
(a.3) Adam F. Coleman Address Unknown	0.134 acres 1/180 of 24.06 acres	0.1671%
(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	0.201 acres 1/120 of 24.06 acres	0.2506%

AB

**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(c.3) Mildred Coleman PO Box 894 Pounding Mill, VA 24637	0.201 acres 1/120 of 24.06 acres	0.2506%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.2) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.3) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.4) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.5) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.6) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.057 acres 1/420 of 24.06 acres	0.0716%
(d.7) Kathryn Johnson Webb 17687 Mooresville Road Mooresville, NC 28115	0.057 acres 1/420 of 24.06 acres	0.0716%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.401 acres 1/60 of 24.06 acres	0.5013%
(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>	1.003 acres 1/24 of 24.06 acres	1.2531%
(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	0.125 acres 1/192 of 24.06 acres	0.1566%

**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(h.2) Angel Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.125 acres 1/192 of 24.06 acres	0.1566%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.668 acres 1/36 of 24.06 acres	0.8354%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.668 acres 1/36 of 24.06 acres	0.8354%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.668 acres 1/36 of 24.06 acres	0.8354%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.668 acres 1/36 of 24.06 acres	0.8354%
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns		
(a) Alice Mae Elliott 3449 Johnstown Road Centerburg, OH 43011	1.003 acres 1/24 of 24.06 acres	1.2531%
(b) John Jackson, II 2846 Vanetta Road Centerburg, OH 43011	1.003 acres 1/24 of 24.06 acres	1.2531%
(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)

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**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(c.2) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.201 acres 1/120 of 24.06 acres	0.2506%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.201 acres 1/120 of 24.06 acres	0.2506%
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns		
(e.1) Wanda Arms, widow P.O. Box 294 Rosedale, VA 24280	0.401 acres 1/60 of 24.06 acres	0.5013%
(9) Slemp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(b) Donald Arms 7679 Dr. Ralph Stanley Hwy Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.668 acres 1/36 of 24.06 acres	0.8354%
(10) Dock Arms Heirs, Devisees, Successors or Assigns		
(a) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns		
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.401 acres 1/60 of 24.06 acres	0.5013%
(b) Ron Osborne 43983 Upper Clear Cadiz, OH 43907	0.401 acres 1/60 of 24.06 acres	0.5013%
(c) Bill Osborne 1280 3 Springs Russellville, TN 37860	0.401 acres 1/60 of 24.06 acres	0.5013%

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Exhibit EE  
Unit AA-9  
Docket #VGOB 91-0430-0116  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2B - 18.84 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	18.84 acres	23.5500%	Already Disbursed
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Robert A. Rash P.O. Box 614 Tazewell, VA 24651	18.84 acres	23.5500%	Already Disbursed
<b><u>Tract #2C - 24.06 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.22 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%	
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%	
(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	0.201 acres 1/120 of 24.06 acres	0.2506%	0.1830% (Previously Requested)
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.201 acres 1/120 of 24.06 acres	0.2506%	0.1830% (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	0.501 acres 1/48 of 24.06 acres	0.6266%	0.4576%
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns			

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**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(c.1) Edgar Allen Price, Jr. 1034 Moore Fork Road Duck, WV 25063	0.251 acres 1/96 of 24.06 acres	0.3133%	0.2288%
(c.2) Katherine Price Sears P.O. Box 34 Mount Nebo, WV 26679	0.251 acres 1/96 of 24.06 acres	0.3133%	0.2288%
(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	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.2) Ettie Mae Hill P.O. Box 134 Grundy, VA 24614	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.3) Paul Jackson P.O. Box 117 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.5) Linda Ruth Gilbert Rt.1 Box 409 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.6) Lois Kate Boyd P.O. Box 685 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.7) Ira Roger Jackson P.O. Box 1079 Vansant, VA 24656	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.8) Rhonda Renee Gilbert P.O. Box 26 Davenport, VA 24239	0.028 acres 1/864 of 24.06 acres	0.0348%	Already Disbursed
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.014 acres 1/1728 of 24.06 acres	0.0174%	Already Disbursed
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.014 acres 1/1728 of 24.06 acres	0.0174%	Already Disbursed

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**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Continental, OH 45831	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns			
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.125 acres 1/192 of 24.06 acres	0.1566%	Already Disbursed
(c.2) Darlene Owens Mullins P.O. Box 228 Rosedale, VA 24280	0.125 acres 1/192 of 24.06 acres	0.1566%	Already Disbursed
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512			
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(f) Mae Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(g) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.251 acres 1/96 of 24.06 acres	0.3133%	Already Disbursed
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.005 acres 1/12 of 24.06 acres	2.5063%	Already Disbursed
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 West Madison Street Mayodan, NC 27027	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(b) Kelsie Arms Eastridge Rt.1 Box 768 Boomer, NC 28606	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(11) Howell Arms Heirs, Devisees, Successors or Assigns			

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

Unit AA-9  
VGOB 91-0430-0116-03 & 91-0430-0116-04  
Acres Escrowed: 54.7666

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$112,942.88
Harrison-Wyatt, LLC - Coal	2C	18.6966			34.1387%	17.0693%	\$19,278.61
W.A. Armes Heirs - O&G		24.06				17.0693%	\$19,278.61
Sue Edwards			0.2005	1/120		0.1830%	\$206.74
Judy Fuller			0.2005	1/120		0.1830%	\$206.74
James C. Price			0.5013	1/48		0.4576%	\$516.85
Edgar Allen Price, Jr.			0.2506	1/96		0.2288%	\$258.43
Katherine Price Sears			0.2506	1/96		0.2288%	\$258.43
Mary June Shortridge Arms			2.0050	1/12		1.8305%	\$2,067.41
Geraldine O'Quinn			0.4010	1/60		0.3661%	\$413.48

Rev. 3/16/09  
15 <sup>2/16/09</sup>

**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(a) Mary June Shortridge Arms 24404 Green Springs Road Abingdon, VA 24211	2.005 acres 1/12 of 24.06 acres	2.5063%	1.8305% (Previously Requested)
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.401 acres 1/60 of 24.06 acres	0.5013%	Already Disbursed
(e) Geraldine O'Quinn Rt.1 Box 112 Vansant, VA 24656	0.401 acres 1/60 of 24.06 acres	0.5013%	0.3661% (Previously Requested)

INSTRUMENT #090003845  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 MARCH 24, 2009 AT 02:10PM  
 BEVERLY B. TILLER, CLERK  
 RECORDED BY: MMS

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