

06-0000387

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: Dianna Graham)
Hugh MacRae Land Trust/Torch Operating)
Company)
CNX Gas Company, LLC (Previously)
Permac Inc.))

DOCKET NO.
92-0721-0240-01

RELIEF SOUGHT: Issuance of an Amended Supplemental)
Order Amending Prior Orders Affecting)
Drilling Unit W-20 Located in)
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;)
(3) Disbursement to Dianna Graham, Hugh)
MacRae Land Trust/Torch Operating)
Company and CNX Gas Company, LLC)
(Previously Permac, Inc.) in Accordance)
with their Ownership Interests Those Funds)
Deposited by the Unit Operator into)
Subject Drilling Unit's Escrow Subaccount)
for VGOB Tracts 4 and 6.)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on January 18, 2005 and February 15, 2005 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Peter Glubiak, Esq. Appeared for applicant Dianna Graham, Mark Swartz, Esq. appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board at the January hearing.
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 August 11, 1992, 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 August 17, 1992 in Deed Book 396 at Page 584. On October 1, 1993, the Board executed its Supplemental Order Regarding Elections that was filed with the Clerk's Office on October 8, 0993 in Deed Book 414 at page 494 (hereafter all orders are collectively referred to as the "Pooling Orders"). On June 17, 2003, The Board executed an order without docket number amending all prior pooling orders that named Buchanan Production Company, Pocahontas Gas Partnership, Island Creek Coal Company or Consol Energy, Inc. as unit operator, and designated CNX Gas Company, LLC as operator. In Buchanan County, the amendment order was recorded with the Buchanan County Clerk in Deed Book 585, Page 65.

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 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 coalbed methane claims of oil and gas fee owner Dianna Graham and coal owner Harrison-Wyatt, LLC, in a 2.50-acre tract known as VGOB Tract 4, and the coalbed methane claims of oil and gas fee owner CNX Gas Company, LLC (previously Permac, Inc) and coal owner Hugh MacRae Land Trust/Torch Operating Company in a 26.56-acre tract known as VGOB Tract 6 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.

4.3 Applicant Dianna Graham's Affidavit Regarding Supplemental Order and Disbursement of Escrowed Funds, a copy of which is attached to and made a part hereof, states under oath that Applicants were parties to a Motion for Judgment filed on August 14, 2000 in the Circuit Court of Buchanan County, Virginia Styled DONALD RATLIFF, et al v. HARRISON-WYATT, LLC, Case Number: CL187-00; that the Court ruled in favor of plaintiffs; that the Decision was appealed to the Virginia Supreme Court; and that the Supreme Court, in final non-appealable order, affirmed the Circuit Court opinion.

4.4 The Unit Operator's Miscellaneous Petition regarding VGOB Tract 6, a copy of which is attached to and made a part hereof, states under oath that CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company have entered into a royalty split agreement; and that by the terms of that agreement escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony before the Board on February 15, 2005, the Unit Operator testified that VGOB Tract 6 and the interests of CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company are subject to the split agreement.

4.5 Applicants gave notice to Harrison-Wyatt, LLC, CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company that the Board would take the petition referred to in Paragraph 4.3 above under consideration and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable

to Tracts 4 and 6 and the interests of Dianna Graham, CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company, (2) delete the requirement that the Unit Operator place future royalties attributable to Tracts 4 and 6 and the interests of Dianna Graham, CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company 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.

4.6 The Unit Operator filed the attached accounting 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 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 Applicants have certified and represented to the Board that:

- (1) Diana Graham is the owner of 100% of oil and gas estate underlying VGOB Tracts 4 of the Subject Drilling Unit;
- (2) Diana Graham is a prevailing Plaintiff in Case Number CL187-00 described in the attached affidavit and in Paragraph 4.3, above,
- (3) Tract 4 of unit W-20 is subject to that decision which awards Plaintiffs all bonuses and/or royalties, if any, deposited by the Unit Operator in the Escrow Account which are attributable to said tracts,
- (4) CNX Gas Company, LLC is fee owner of oil and gas rights in Tract 6, and Hugh MacRae Land Trust/Torch Operating Company is fee owner of coal rights in Tract 6.
- (5) CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company have entered into a royalty split agreement specifying that escrowed funds 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.
- (6) Net interests attributable and to be disbursed to Applicants are shown in Table 1, Below.

TABLE 1		
Tract # Owner Names	Net acres In unit	% interest in 92-0721-0240 balance
Tract 4 Dianna Graham	2.5	3.1273%
Tract 6 CNX Gas Company, LLC. (50%) Hugh MacRae Land Trust/ Torch Operation Co. (50%)	26.56	16.6125% 16.6125%

6. **Relief Granted:**

For the reasons set forth in Paragraph 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 one hundred percent (100%) of the funds attributable to VGOB Tract 4, being 3.1273 percent of funds on deposit in the escrow sub-account, on the date of disbursement, to:

Peter Glubiak Law Offices and Dianna L. Graham
C/O Glubiak Law Office
P. O. Box 144
Aylett, VA 23009

(2) disburse fifty percent (50%) of the funds attributable to VGOB Tract 6, being 16.6125 percent of funds on deposit in the escrow sub-account, on the date of disbursement to:

CNX Gas Company, LLC
P. O. Box 947
Bluefield, VA 24605

and, (3) disburse fifty percent (50%) of the funds attributable to VGOB Tract 6, being 16.6125 percent of funds on deposit in the escrow sub-account, on the date of disbursement to:

Hugh MacRae Land Trust/Torch Operating Company
P. O. Box 29
Tazewell, Virginia 24651

Exhibits to the Pooling Order showing owners subject to escrow are deleted in toto 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 Diana Graham and Harison-Wyatt, LLC in VGOB Tract 4 and the conflicting coalbed methane gas ownership interests of CNX Gas Company and Hugh MacRae Land Trust/Torch Operating Company in VGOB Tract 6 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:**

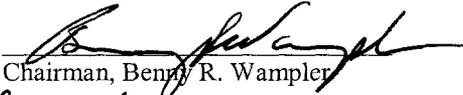
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

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 2nd day of February, 2006, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

DONE AND PERFORMED this 6th day of February, 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 2nd day of February, 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 6th day of February, 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 92-0721-0240-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 6
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: February 15, 2005

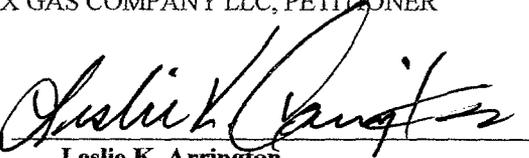
DRILLING UNIT: W-20

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) 6 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hugh MacRae Land Trust / Torch Operating Company and Consolidation Coal Company.
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:** Hugh MacRae Land Trust / Torch Operating Company and Consolidation Coal Company, 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: 16.6125 percent of escrow to Hugh MacRae Land Trust / Torch Operating Company and 16.6125 percent of escrow to Consolidation Coal Company.
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

VIRGINIA:

AFFIDAVIT

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Pertaining to Applicant/Plaintiff Dianna L. Graham, Big Axe Tract 56, which includes W-20 Unit (Tract 4) created by Board Order as VGOB 92-0721-0240-01

Application of Dianna L. Graham, Plaintiff/Applicant, resulting from action brought before the Buchanan County Circuit Court, styled Ratliff, et al v. Harrison – Wyatt, LLC, for disbursement of escrowed funds on behalf of the Plaintiff/Applicant in Unit W-20, (Tract 4) VGOB Docket No. 92-0721-0240-01 in the Garden District, Buchanan County, Virginia (Big Axe Tract 56)

AFFIDAVIT OF PETER G. GLUBIAK, COUNSEL FOR APPLICANTS LISTED ABOVE REGARDING SUPPLEMENTAL ORDER AND DISBURSEMENT OF FORCED POOLING UNIT FUNDS

Peter G. Glubiak (herein Affiant), being first duly sworn on oath, deposes and says:

1. That your Affiant, Peter G. Glubiak, Glubiak Law Offices, a discreet and competent attorney licensed in the State of Virginia, whose office is located at P. O. Box 144, Aylett, Virginia 23009; and that your Affiant is the attorney for the Applicants listed above and has been the attorney of record for Applicants throughout the judicial proceedings described below;
2. That pursuant to Order and Supplemental Order certain funds have been escrowed with regard to the Applicant above for Unit W-20 with the Virginia Gas and Oil Board;
3. Conflicting claim as shown on Orders and Supplemental Orders for the escrowed funds for above-referenced unit arose between Applicant and Harrison – Wyatt, LLC, coal owner underlying Applicant's tract of property as described below;
4. In order to resolve this conflict, a Motion for Judgment Pursuant to Declaratory Judgment Act, Virginia Code § 8.01-184 was filed on August 14, 2000 by Applicant listed above in the Circuit Court of Buchanan County, Virginia, Styled DONALD RATLIFF, et al v. HARRISON – WYATT, LLC, Case Number: CL187-00;
5. Pursuant to trial and Order of the Court, the Honorable Judge Keary R. Williams, Chief Judge of the Circuit Court of Buchanan County, Virginia rendered an Opinion Letter dated August 29, 2002, and an Amendment To Opinion Letter, Page 7, Paragraph 2 dated December 6, 2002, in favor of the Plaintiffs; and pursuant to statute, the Virginia Gas and Oil Board was Ordered to distribute the funds held in escrow attributable to the Applicant listed above;
6. The Decision of the Buchanan County Circuit Court was appealed to the Virginia Supreme Court and pursuant to Order dated March 5, 2004 the Decision of the Buchanan County Circuit Court was affirmed by unanimous opinion of the Virginia Supreme Court, resulting in a final non-appealable order pursuant to statute. It is the Order of the Virginia Supreme Court as well as the original Order of the Buchanan County Circuit Court under which Applicant,

represented by Affiant, apply for the distribution of funds held on escrow for the above-referenced Unit;

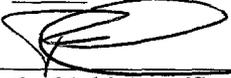
7. The interest in claims of all persons involved in the funds currently held in escrow by the Virginia Gas and Oil Board have been determined by a final non-appealable Order of Court and the ownership of the escrowed funds has also been the subject of a Circuit Court Order, which has subsequently been affirmed by the Virginia Supreme Court. It is Affiant's position that the matter has finally been determined and that therefore as the attorney on behalf of the Applicant listed above, he seeks distribution of all funds currently held in escrow for this unit, as well as those funds to be deposited at any later date pertaining to this unit;

8. Unit W-20, (Tract 4) created by Board Order as VGOB 92-0721-0240-01, is subject to disbursement of funds due to the Court's Decision regarding ownership (Big Axe Tract 56); and

9. There are no other parties interested in these funds other than those who have previously been notified, including Harrison – Wyatt, LLC, by its Attorney, J. Scott Sexton, and CNX Energy, pursuant to the Orders and Supplemental Orders on file with the board.

Further saith Affiant not.

Dated at Aylett, Virginia, this 14 day of December, 2004.

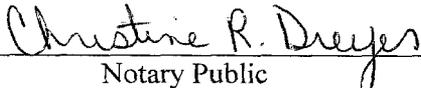


Peter G. Glubiak, Affiant

COMMONWEALTH OF VIRGINIA:
CITY/COUNTY OF King William, to-wit:

I, the undersigned, a Notary Public, in and for the County aforesaid, in the State of Virginia, do certify that, **PETER G. GLUBIAK**, Affiant, has acknowledged the foregoing writing before me in my County and State aforesaid.

Given under my hand this 14th day of December, 2004.



Notary Public

My commission expires: October 31, 2008

Tract-by-Tract Escrow Calculation
Account Balances as of 12/13/04

Docket #22
Unit S-15 (7.79 acres escrowed)
VGOB 92-0721-0237

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$7,759.02
Harrison-Wyatt, LLC - Coal Jerry Raines - O&G	2	7.72	99.1014%	*	\$7,689.30
Harrison-Wyatt, LLC - Coal Clifford & Iris Blankenship	3	0.07	0.8986%	0.4493% 0.4493%	\$34.86 \$34.86

Docket #19
Unit S-17 (3.20 acres escrowed)
VGOB 98-0120-0617

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$3,047.30
Harrison-Wyatt, LLC - Coal Jessie Childress Heirs - O&G	6	0.73	22.8125%	11.4063% 11.4063%	\$347.58 \$347.58
a) Buchanan Production Company (143/165)				9.8854%	\$301.24
Harrison-Wyatt, LLC - Coal Jerry Raines - O&G	7	2.47	77.1875%	*	\$2,352.13

Docket #20
Unit T-17 (6.74 acres escrowed)
VGOB 92-1117-0284

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$1,419.92
Harrison-Wyatt, LLC - Coal Ira Ratliff - O&G	4a	4.35	64.5401%	*	\$916.42
Harrison-Wyatt, LLC - Coal Billy & Geneva Ratliff - O&G	4b	2.16	32.0475%	*	\$455.05
Harrison-Wyatt, LLC - Coal Jessie Childress Heirs - O&G	5	0.23	3.4125%	1.7062% 1.7062%	\$24.23 \$24.23
a) Buchanan Production Company (143/165)				1.4787%	\$21.00

Docket #21
Unit W-20 (79.94 acres escrowed)
VGOB 92-0721-0240

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$83,900.84
Hugh MacRae Land Trust - Coal Gaston Cook Heirs - O&G	1	25.34	31.6988%	15.8494% 15.8494%	\$13,297.77 \$13,297.77
Hugh MacRae Land Trust - Coal Gaston Cook Heirs - O&G	1a	0.51	0.6380%	0.3190% 0.3190%	\$267.63 \$267.63
Mullins, et al. - Coal Consolidation Coal Co. - O&G	3	12.54	15.6868%	7.8434% 7.8434%	\$6,580.66 \$6,580.66
Harrison-Wyatt, LLC - Coal Dianna Graham - O&G	4	2.50	3.1273%	*	\$2,623.87
Hugh MacRae Land Trust - Coal W.S. Ellis Heirs - O&G	5	12.49	15.6242%	7.8121% 7.8121%	\$6,554.43 \$6,554.43
Hugh MacRae Land Trust - Coal Consolidation Coal Co. - O&G	6	26.56	33.2249%	16.6125% 16.6125%	\$13,937.99 \$13,937.99

*This owner is entitled to 100% of the royalties attributable to this tract.

Note: The highlighted entries are additions.

Exhibit E
Unit W-20
Docket #/GOB 92-0721-0240-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 6 - Panel 33.254%
<u>Tract #1 - 25.34 acres</u>					
<u>COAL FEE OWNERSHIP</u>					
(1) Hugh Macrae Land Trust, Tr.11 c/o Akin, Gump, et al. 590 Madison Avenue, 20th Floor New York, NY 10022	25.34 acres	31.6750%	2.200%	12.319%	10.533%
(2) Torch Operating Co. (CBM Royalty Owner) P.O. Box 4662 Houston, TX 77210-4662					
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Gaston Cook Heirs, Devisees, Successors or Assigns	25.34 acres	31.6750%	2.200%	12.319%	10.533%
(a) Mary Ann Bartram 1539 Nicolay Way Baltimore, MD 21201	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(b) Jean C. Kline 1373 Ironwood Street Woodbridge, VA 22191	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(c) Harold V. Cooke P.O. Box 305 Oakwood, VA 24631	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(d) Leslie K. Cook 5714 W. Nobis Circle Homasassa, FL 32646	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(e) Marnie K. Cook 1373 Ironwood St. Woodbridge, VA 22191	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(f) Robert B. Cook Box 21 Rowe, VA 24646	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%

Exhibit E
Unit W-20
Docket #/GOB 92-0721-0240-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 5 - Panel 33.254%
(g) Nancy C. Duty P.O. Box 816 Grundy, VA 24614	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(h) Lawonne C. Gibson 2117 Old York Road York, SC 29745	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(i) Kathy Diane Murray 140 Janice Drive Mt. Airy, NC 27030	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(j) Francis C. Hinchee 14411 North Fairview Lane Woodbridge, VA 22191	2.534 acres 1/10 of 25.34 acres	3.1675%	0.220%	1.232%	1.053%
(k) Hazel C. Hart 1384 Longview Drive Apt #5 Woodbridge, VA 22191	(conflicting owner unknown interest)				
Tract #1A - 0.51 acres					
<u>COAL FEE OWNERSHIP</u>					
(1) Hugh Macrae Land Trust, Tr.11 c/o Akin, Gump, et al. 590 Madison Avenue, 20th Floor New York, NY 10022	0.51 acres	0.6375%	0.044%	0.248%	0.212%
(2) Torch Operating Co. (CBM Royalty Owner) P.O. Box 4662 Houston, TX 77210-4662					
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Gaston Cook Heirs, Devises, Successors or Assigns	0.51 acres	0.6375%	0.044%	0.248%	0.212%
(a) Mary Ann Bartram 1539 Nicolay Way Baltimore, MD 21201	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%

Exhibit E
Unit W-20

Docket #VGOB 92-0721-0240-02

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 5 - Panel 33.254%
(b) Jean C. Kline 1373 Ironwood Street Woodbridge, VA 22191	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(c) Harold V. Cooke P.O. Box 305 Oakwood, VA 24631	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(d) Leslie K. Cook 5714 W. Nobis Circle Homosassa, FL 32646	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(e) Marnie K. Cook 1373 Ironwood St. Woodbridge, VA 22191	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(f) Robert B. Cook Box 21 Rowe, VA 24646	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(g) Nancy C. Duty P.O. Box 816 Grundy, VA 24614	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(h) Lawonne C. Gibson 2117 Old York Road York, SC 29745	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(i) Kathy Diane Murray 140 Janice Drive Mt. Airy, NC 27030	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(j) Francis C. Hinchee 14411 North Fairview Lane Woodbridge, VA 22191	0.051 acres 1/10 of 0.51 acres	0.0638%	0.004%	0.025%	0.021%
(k) Hazel C. Hart 1384 Longview Drive Apt #5 Woodbridge, VA 22191					

(conflicting owner unknown interest)

Exhibit E
Unit W-20
Docket #VGOB 92-0721-0240-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 5 - Panel 33.254%
<u>Tract #3 - 12.54 acres</u>					
<u>COAL FEE OWNERSHIP</u>					
T.R. Mullins, et al., Tr.1					
(1) Theodore A. Mullins Heirs, Devisees, Successors or Assigns	12.54 acres	15.6750%	1.089%	6.096%	5.213%
(a) Theodore Blaine Mullins c/o Brenda Mullins 1550 Summitt Drive Charleston WV 25302	1.39 acres 1/9 of 25.34 acres	1.7417%	0.121%	0.677%	0.579%
(b) Cornelia Maurice Mullins c/o Brenda Mullins 1550 Summitt Drive Charleston WV 25302	1.39 acres 1/9 of 25.34 acres	1.7417%	0.121%	0.677%	0.579%
(c) Marilyn Mullins 11800 Herrick Lane Louisville KY 40243	1.39 acres 1/9 of 25.34 acres	1.7417%	0.121%	0.677%	0.579%
(2) John L. & Lucille M. Mullins Sr. Heirs, Devisees, Successors or Assigns					
(a) George W. Mullins, Sr. 165 Muller Road Cottageville WV 25239	1.05 acres 1/12 of 25.34 acres	1.3063%	0.091%	0.508%	0.434%
(b) Jo Ann Barker 1103 Wycliffe Place Dayton OH 45459	1.05 acres 1/12 of 25.34 acres	1.3063%	0.091%	0.508%	0.434%
(c) John L. Mullins, Jr. Heirs, Devisees, Successors or Assigns					
(c.1) Stephanie Mullins-Williams 824 Jordan Avenue Orlando, FL 32809	0.26 acres 1/48 of 25.34 acres	0.3266%	0.023%	0.127%	0.109%

Exhibit E
Unit W-20

Docket #VGOB 92-0721-0240-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 5 - Panel 33.254%
(c.2) John David Mullins 1411 Lineberger Avenue Gastonia, NC 28052	0.26 acres 1/48 of 25.34 acres	0.3266%	0.023%	0.127%	0.109%
(c.3) Barndon Overton Mullins 1411 Lineberger Avenue Gastonia, NC 28052	0.26 acres 1/48 of 25.34 acres	0.3266%	0.023%	0.127%	0.109%
(c.4) Heather M. Dawson-Bazzle 1411 Lineberger Avenue Gastonia, NC 28052	0.26 acres 1/48 of 25.34 acres	0.3266%	0.023%	0.127%	0.109%
(d) Thomas L. Mullins Star Route 79B Poca, WV 25159	1.05 acres 1/12 of 25.34 acres	1.3063%	0.091%	0.508%	0.434%
(3) Augustus C. Mullins Heirs, Devisees, Successors or Assigns					
(a) Madeline Hunt, widow PO Box 7305 Zephyrhills, FL 33543	4.18 acres 1/3 of 25.34 acres	5.2250%	0.363%	2.032%	1.738%
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Consolidation Coal Company P. O. Box 947 Bluefield, VA 24605	12.54 acres	15.6750%	1.089%	6.096%	5.213%

Docket #VGOB 92-0721-0240-02
List of Conflicting Owners/Claimants that require escrow

Net Acres in Unit	Interest in Unit	Division of 3 - Panel 6.945%	Division of 4 - Panel 38.891%	Division of 5 - Panel 33.254%
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Tract #5 - 12.49 acres

COAL FEE OWNERSHIP

(1) Hugh Macrae Land Trust, Tr. 11
c/o Akin, Gump, et al.
590 Madison Avenue, 20th Floor
New York, NY 10022

12.49 acres 15.6125% 1.084% 6.072% 5.192%

(2) Torch Operating Co. (CBM Royalty Owner)
P.O. Box 4662
Houston, TX 77210-4662

OIL & GAS FEE OWNERSHIP

(1) W.S. Ellis Heirs, Devisees,
Successors or Assigns
c/o James W. Huffman, Agent
296 Timberleaf
Beavercreek, OH 45430

12.49 acres 15.6125% 1.084% 6.072% 5.192%

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 is together with the certificate of acknowledgment annexed, admitted to record this 11 day of February, 20 06 at 12:31 P.M.
Deed Book No. _____ and Page No. _____
Returned to: DMME TESTE: James M. Bevins, Jr. Clerk
TESTE: Shirley B. Jiles Deputy Clerk

ENTERED

INSTRUMENT #110000387
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
FEBRUARY 7, 2006 AT 12:31PM
JAMES H. BEVINS, CLERK

RECORDED BY: MKE

BL
#25