

V I R G I N I A :

BEFORE THE VIRGINIA GAS AND OIL BOARD 880003224

**APPLICANTS: Hurt McGuire Land Trust**  
**Arthur M. Stilwell**  
**Joe Nipper**  
**Donald Nipper**  
**Virginia N. Stilwell**

**Docket No. VGOB98-0421-0648 -02**

**RELIEF SOUGHT:** Issuance of Amended Supplemental Order Amending Prior Orders Affecting Drilling Unit U-36 located in the Garden District, Buchanan County Virginia (herein "Subject Drilling Unit" to Provide: (1) Calculation of Funds Unit Operator Deposited into the Escrow Account For Subject Drilling Unit by Tract sub-accounts; (2) to Applicants a Royalty Accounting; and (3) Disbursement to Hurt McGuire Land Trust and Arthur Stilwell; Hurt McGuire Land Trust and Joe Nipper; Hurt McGuire Land Trust and Donald Nipper; Hurt McGuire Land Trust and Virginia Stilwell in accordance with their Ownership interests in those funds deposited By the Unit Operator into Subject Drilling Unit's Escrow sub-account for VGOB Tracts 1C, 1D, 4D and a portion of 1B.

**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 15, 2008.
2. **Appearances:** Mark Swartz appeared for the Unit Operator; and Sharon M. B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code SS 45.1-361.1 et seq., and in particular Va. Code SS 45.1-361.21 and 45.1-361.22 the board finds that it has jurisdiction over the establishment and maintenance of 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 S 45.1-361.21.D., 45.1361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub-accounts. 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 S 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 June 10, 1998, 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 16, 1998 in Deed Book 477 at Page 619. On November 15, 1999 the Board executed its Supplemental Order Regarding Elections which was filed with the Clerk on November 17, 1999 in Deed Book 498 at Page 578 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 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 ownership interests of Hurt McGuire Land Trust and the oil and gas ownership interests of Arthur Stilwell in a tract known as VGOB 1b (a portion thereof), the coal ownership interests of Hurt McGuire and the oil and gas ownership interests of Joe Nipper in a tract known as VGOB tract 1c, the coal ownership interests of Hurt McGuire Land Trust and the oil and gas ownership interests of Donald Nipper in a tract known as VGOB tract 1d and the coal ownership interests of Hurt McGuire Land Trust and the oil and gas ownership interests of Virginia Stilwell in a tract known as VGOB tract 4d 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 1c, 1d, 4d and a portion of 1b a copy of which is attached to and made a part hereof, states under oath states that the above named applicants have entered into a royalty split agreement with regard to tracts 1c, 1d, 4d and a portion of and escrow regarding the conflicting claims detailed herein is no longer required.
- 4.4 The Unit Operator gave notice to Hurt McGuire Land Trust, Joe Nipper, Donald Nipper, Virginia Stilwell and Arthur Stilwell that the Board would consider its disbursement authorization at its hearing on January 15, 2008 and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to the tracts named above in the Escrow Account, and (2) delete the requirement that the Unit Operator place future royalties attributable to the aforementioned tracts and the interests of Applicants in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.
- 4.5 The Unit operator filed the attached 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 an 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) Arthur M. Stilwell is an owner of a portion of the oil and gas rights in Tract 1b Hurt McGuire Land Trust is an owner of a coal rights in a portion of Tract 1b.
- (2) Joe Nipper is an owner of oil and gas rights in Tract 1c and Hurt McGuire is an owner of coal rights in Tract 1c.
- (3) Donald Nipper is an owner of oil and gas rights in Tract 1d and Hurt McGuire is an owner of coal rights in Tract 1d.
- (4) Virginia Stilwell is an owner of oil and gas rights in Tract 4d and Hurt McGuire is an owner of coal rights in Tract 1d.
- (5) Arthur M. Stilwell, Joe Nipper, Donald Nipper, Virginia Stilwell and Hurt McGuire 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 are to be disbursed to Applicants are shown in Table 1, below:

**Table 1**

Owner	Tract	Split	Acres	% of Escrowed
Arthur Stilwell P.O. Box 314 Raven Virginia 24639	1b	50%	0.226	0.4828%
Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield Virginia 24605	1b	50%	0.226	0.4828%
Joe Nipper H.C. 62 Box 103A Raven Virginia 24639	1c	50%	2.17	4.6303%
Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield Virginia 24605	1c	50%	2.17	4.6303%
Donald Nipper P.O. Box 909 Raven Virginia 24639	1d	50%	2.01	4.2889%
Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield Virginia 24605	1d	50%	2.01	4.2889%
Virginia Stilwell HC 62 Box 97 Raven Virginia 24639	4d	50%	2.13	4.5449%
Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield Virginia 24605	4d	50%	2.13	4.5449%

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 disburse funds as identified in Table 1 above. Exhibits to the pooling Orders, 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 the parties identified in the Miscellaneous Petition identified in Paragraph 4.3 above 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 the 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.

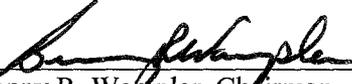
8. Appeals:

Appeals of this Order are governed by the provisions of Va. Code S 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.

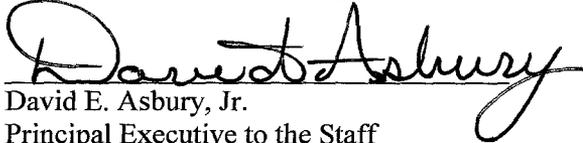
9. Effective Date:

This order shall be effective on the date of its execution.

DONE AND EXECUTED this 27<sup>th</sup> day of August, 2008 by a majority of the Virginia Gas and Oil Board.

  
Benny R. Wampler, Chairman

DONE AND PERFORMED this 27<sup>th</sup> day of August, 2008 by Order of the Board.

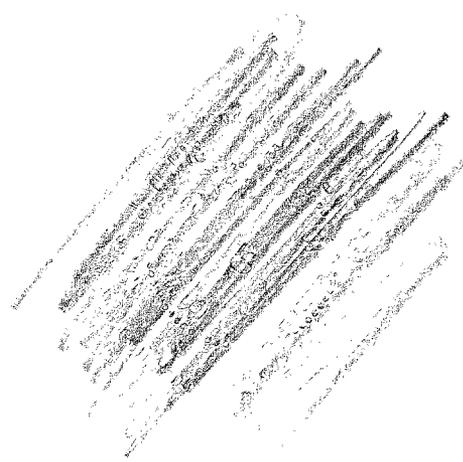
  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 29<sup>th</sup> day of August, 2008 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 and appeared 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 they executed the same and were authorized to do so.

Diane J. Davis  
Diane J. Davis, Notary  
174394

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 98-0421-0648

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) a portion of 1B, 1C, 1D and 4D  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES

HEARING DATE: January 15, 2008

DRILLING UNIT: U-36

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6515. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, St. Albans, WV 25177.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) a portion of 1B, 1C, 1D and 4D as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and Arthur M. Stilwell; Hurt McGuire Land Trust and Joe Nipper; Hurt McGuire Land Trust and Donald Nipper; Hurt McGuire Land Trust and Virginia N. Stilwell.

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.

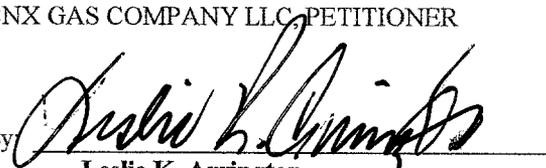
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Hurt McGuire Land Trust and Arthur M. Stilwell; Hurt McGuire Land Trust and Joe Nipper; Hurt McGuire Land Trust and Donald Nipper; Hurt McGuire Land Trust and Virginia N. Stilwell 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 IT'S PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By



Leslie K. Arrington  
Manager – Environmental Permitting  
CNX Gas Company LLC  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701  
304/323-6500



Exhibit E  
Unit U-36  
Docket # VGOB 98-0421-0648  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
<b><u>Tract #1B, 1.81 acres</u></b>				
<b><u>COAL FEE OWNERSHIP</u></b>				
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.81 acres	2.26250%	0.3551%	0.2341%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>				
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	1.81 acres	2.26250%	0.3551%	0.2341%
(g) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(h) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(k) Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(l) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(n) Lois Casey P. O. Box 521 Pounding Mill, VA 24637	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(o) Cora Arnold Heirs, Devisees, Successors or Assigns				
(o.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.0754 acres <u>1/24 of 32.30 acres</u>	0.09427%	0.01479%	0.00975%
(s) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(t) Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%
(y) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.0251 acres <u>1/72 of 32.30 acres</u>	0.03142%	0.00493%	0.00325%

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	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
<b><u>Tract #4A, 8.82 acres</u></b>				
<b><u>COAL FEE OWNERSHIP</u></b>				
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	8.82 acres	11.02500%		
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>				
(1) Jewell Smokeless Coal Corp P. O. Box 70 Vansant, VA 24656	8.82 acres	11.02500%		
<b><u>Tract #4B, 1.75 acres</u></b>				
<b><u>COAL FEE OWNERSHIP</u></b>				
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.75 acres	2.18750%		
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>				
(1) Samuel Glenn Sproles Star Rt., Box 100 Raven, VA 24639	1.75 acres	2.18750%		
<b><u>Tract #4C, 6.05 acres</u></b>				
<b><u>COAL FEE OWNERSHIP</u></b>				
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	6.05 acres	7.56250%		
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>				
(1) Wilderness Tabernacle Church c/o Trustees Star Rt., Box 113 Raven, VA 24639	6.05 acres	7.56250%		

Exhibit EE  
Unit U-36  
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List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
<b><u>Tract #1B, 1.81 acres</u></b>					
<b><u>COAL FEE OWNERSHIP</u></b>					
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.81 acres	2.26250%	0.3551%	0.2341%	
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>					
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	1.81 acres	2.26250%	0.3551%	0.2341%	
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	0.2263 acres 1/8 of <u>32.30 acres</u> X	0.28281%	0.04438%	0.02926%	Already Disbursed
(b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639	0.2263 acres 1/8 of <u>32.30 acres</u>	0.28281%	0.04438%	0.02926%	Already Disbursed
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	0.2263 acres 1/8 of <u>32.30 acres</u>	0.28281%	0.04438%	0.02926%	Already Disbursed
(d) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.2263 acres 1/8 of <u>32.30 acres</u>	0.28281%	0.04438%	0.02926%	0.9655%
(e) Exie Osborne Heirs, Devisees, Successors or Assigns					
(e.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(e.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0189 acres 1/96 of <u>32.30 acres</u>	0.02357%	0.00370%	0.00244%	Already Disbursed
(e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0189 acres 1/96 of <u>32.30 acres</u>	0.02357%	0.00370%	0.00244%	Already Disbursed
(e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639	0.0377 acres 1/48 of <u>32.30 acres</u>	0.04714%	0.00740%	0.00488%	Already Disbursed
(e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612	0.0377 acres 1/48 of <u>32.30 acres</u>	0.04714%	0.00740%	0.00488%	Already Disbursed
(e.4) Judy Blankenship Box 221 Doran, VA 24612	0.0377 acres 1/48 of <u>32.30 acres</u>	0.04714%	0.00740%	0.00488%	Already Disbursed

**Exhibit EE**  
**Unit U-36**  
**Docket # VGOB 98-0421-0648**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(e.5) John Osborne Box 6 Shortt Gap, VA 24647	0.0377 acres 1/48 of 32.30 acres	0.04714%	0.00740%	0.00488%	Already Disbursed
(e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.0377 acres 1/48 of 32.30 acres	0.04714%	0.00740%	0.00488%	Already Disbursed
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.0754 acres 1/24 of 32.30 acres	0.09427%	0.01479%	0.00975%	Already Disbursed
(v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed

**Exhibit EE**  
**Unit U-36**  
**Docket # VGOB 98-0421-0648**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed
(aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	Already Disbursed

**Tract #1C, 2.17 acres**

**COAL FEE OWNERSHIP**

(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.17 acres	2.71250%	0.42568%	0.28060%	9.2605%
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**OIL & GAS FEE OWNERSHIP**

(1) Joe Nipper HC 62, Box 103A Raven, VA 24639	2.17 acres	2.71250%	0.42568%	0.28060%	9.2605%
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**Tract #1D, 2.01 acres**

**COAL FEE OWNERSHIP**

(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.01 acres	2.51250%	0.39430%	0.25991%	8.5777%
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**OIL & GAS FEE OWNERSHIP**

(1) Donald Nipper P. O. Box 655 Raven, VA 24639	2.01 acres	2.51250%	0.39430%	0.25991%	8.5777%
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**Tract #4D, 2.13 acres**

**COAL FEE OWNERSHIP**

(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.13 acres	2.66250%	0.41784%	0.27543%	9.0898%
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**OIL & GAS FEE OWNERSHIP**

(1) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	2.13 acres	2.66250%	0.41784%	0.27543%	9.0898%
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**Exhibit E**  
**Unit U-36**  
**Docket # VGOB 98-0421-0648**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
					23.4328
<b><u>Tract #1B, 1.81 acres</u></b>					
<b><u>COAL FEE OWNERSHIP</u></b>					
(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.81 acres	2.26250%	0.3551%	0.2341%	7.7242%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>					
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	1.81 acres	2.26250%	0.3551%	0.2341%	7.7242%
(g) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(h) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(k) Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(l) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(n) Lois Casey P. O. Box 521 Pounding Mill, VA 24637	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(o) Cora Arnold Heirs, Devisees, Successors or Assigns					
(o.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.0754 acres 1/24 of 32.30 acres	0.09427%	0.01479%	0.00975%	0.3218%
(s) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(t) Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%
(y) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.0251 acres 1/72 of 32.30 acres	0.03142%	0.00493%	0.00325%	0.1073%

**Tract #4A, 8.82 acres**

**COAL FEE OWNERSHIP**

(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	8.82 acres	11.02500%	1.73020%	1.14052%	37.6395%
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Exhibit E  
Unit U-36  
Docket # VGOB 98-0421-0648  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
					23.4328
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>					
(1) Jewell Smokeless Coal Corp P. O. Box 70 Vansant, VA 24656	8.82 acres	11.02500%	1.73020%	1.14052%	37.6395%
<b><u>Tract #4B, 1.75 acres</u></b>					
<b><u>COAL FEE OWNERSHIP</u></b>					
(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.75 acres	2.18750%	0.34329%	0.22629%	7.4682%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>					
(1) Samuel Glenn Sproles Star Rt., Box 100 Raven, VA 24639	1.75 acres	2.18750%	0.34329%	0.22629%	7.4682%
<b><u>Tract #4C, 6.05 acres</u></b>					
<b><u>COAL FEE OWNERSHIP</u></b>					
(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.05 acres	7.56250%	1.18682%	0.78233%	25.8185%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>					
(1) Wilderness Tabernacle Church c/o Trustees Star Rt., Box 113 Raven, VA 24639	6.05 acres	7.56250%	1.18682%	0.78233%	25.8185%

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