

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 Hurt McGuire Land Trust and certain heirs, eight in number, of the Linkous Horn Heirs in a portion of Tract 1A.

DOCKET NO.**98-0421-0650-04****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling **CBM T-37**,
A portion of Tract 1A
(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 **T-37** 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 16, 2010 at the Russell County Government Complex, Conference Center, and 139 Highland Drive, Lebanon VA.
2. **Appearances:** Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, 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 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 § 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 June 10, 1998 the Board executed its order pooling of 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, Deed Book 477, and Pages 603 to 618, Instrument Number 980001477. On March 2, 1999 the Board executed its Supplemental Order regarding elections that was filed with the Clerk of the Circuit Court of Buchanan County on March 8, 1999 Deed Book 489, Pages 060 to 067 Instrument Number 990000647.
- (b) On January 6, 2000 the Board executed a modification for re-pooling of interests in the Subject Drilling Unit (T-37) VGOB 98-0421-0650-01 correcting tract identifications and pooling. The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on January 13, 2000; Deed Book 0500 pages 0562 to 0579; Instrument 000000109. On March 13, 2000 the Board executed its Supplemental Order that was filed with the Clerk of the Circuit Court of Buchanan County on March 17, 2000; Deed book 503 at Page 513 to 523 Instrument 000000748.
- (c) On March 29, 2004, the Board executed its re-pooling of interests in the Subject Drilling Unit (T-37) for VGOB 98-0421-0650-02. The Re-pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on April 2, 2004; Deed Book 0589 at Page 0554 to 0576, Instrument 040001003. On August 29, 2006, the Board executed its Supplemental Order that was filed with the Clerk of the Circuit Court of Buchanan County on September 26, 2006; Instrument 060003148.
- (d) On September 19, 2006, the Board executed a Disbursement Order for VGOB 98-0421-0650-03 for certain individuals (sixteen in number) of the Albert Ball heirship. The board did not approve disbursement for certain individuals (nine in number) of the Linkous Horn Heirs as prior testimony was given disputing the validity of the settlement agreement between them and Hurt McGuire Land Trust that was filed with the Clerk of the Circuit Court of Buchanan County on September 26, 2006, Instrument 060003141.
- 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 Hurt McGuire Land Trust; and the gas ownership interests of certain heirs (eight in number) of the Linkous Horn Heirs in a portion of Tract 1A, 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 a portion of Tract 1A, a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tract 1A. That by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding a portion of Tract 1A and escrow regarding these individual conflicting claims detailed herein is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Hurt McGuire Land Trust and the Applicants that the Board would consider its disbursement authorization at its hearing on March 16, 2010 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 a portion of Tract 1A identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 1A relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the 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 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) Hurt McGuire Land Trust and certain individuals (eight in number) of the Linkous Horn heirship property in a portion of Tract 1A; are the owners of the coal and gas acreage estate underlying a portion of Tract 1A of the Subject Drilling Unit T-37;
- (2) Net interests attributable and to be disbursed to Applicants are shown in **Table 1**

VGOB Approved Disbursement
VGOB 98-0324-0650-04
UNIT T-37

			Fractional Ownership in Tract	Net Acreage in Tract	Royalty Split Agreement	Escrowed Acreage Disbursed	Percent of Escrowed Funds Disbursed
Table 1							
Disbursement Table							
Item	Tract	Total acreage in escrow before disbursement				1.2600	
		Hurt McGuire Land Trust	1.68				
1	1A	Hurt McGuire Land Trust		0.7093	50.0%	0.35467	8.3255%
2	1A	Patricia D. Horton / 200 Birch Street / Raven VA 24639	1/180	0.00933	50.0%	0.00467	0.1095%
3	1A	Nellie A. Maynard / PO Box 296 / Raven VA 24639	1/180	0.00933	50.0%	0.00467	0.1095%
4	1A	Danny W. Elder / PO Box 748 / Raven VA 24639	1/180	0.00933	50.0%	0.00467	0.1095%
5	1A	Robert G Elder / 222 Law Ln. / Charlotte C.H. VA 23923	1/180	0.00933	50.0%	0.00467	0.1095%
6	1A	Joseph P Home / 492 Gray Branch Road / Cedar Bluff VA 24609	1/10	0.16800	50.0%	0.08400	1.9718%
7	1A	Nancy Ann Stilwell / 140 Rasnake Road / North Tazewell VA 24630	1/10	0.16800	50.0%	0.08400	1.9718%
8	1A	Martha Smith / PO Box 395 / Max Meadows VA 24360	1/10	0.16800	50.0%	0.08400	1.9718%
9	1A	Sara K Day / PO Box 208 / Peterstown WV 24963	1/10	0.16800	50.0%	0.08400	1.9718%

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 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 10 day of May, 2010 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 10 day of May, 2010 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~~

Russell
Acknowledged on this 10th day of May, 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
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 98-0421-0650-04

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

HEARING DATE: March 16, 2010

DRILLING UNIT: T-37

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 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) 1A 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 Patricia D. Horton, Nellie A. Maynard, Danny W. Elder, Robert G. Elder, Joseph P. Horne, Nancy Ann Horn Stilwell, Martha Smith, and Sarah Horn Day

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.

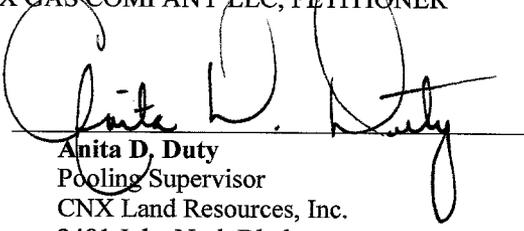
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Hurt McGuire Land Trust and Patricia D. Horton, Nellie A. Maynard, Danny W. Elder, Robert G. Elder, Joseph P. Horne, Nancy Ann Horn Stilwell, Martha Smith, and Sarah Horn Day 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.

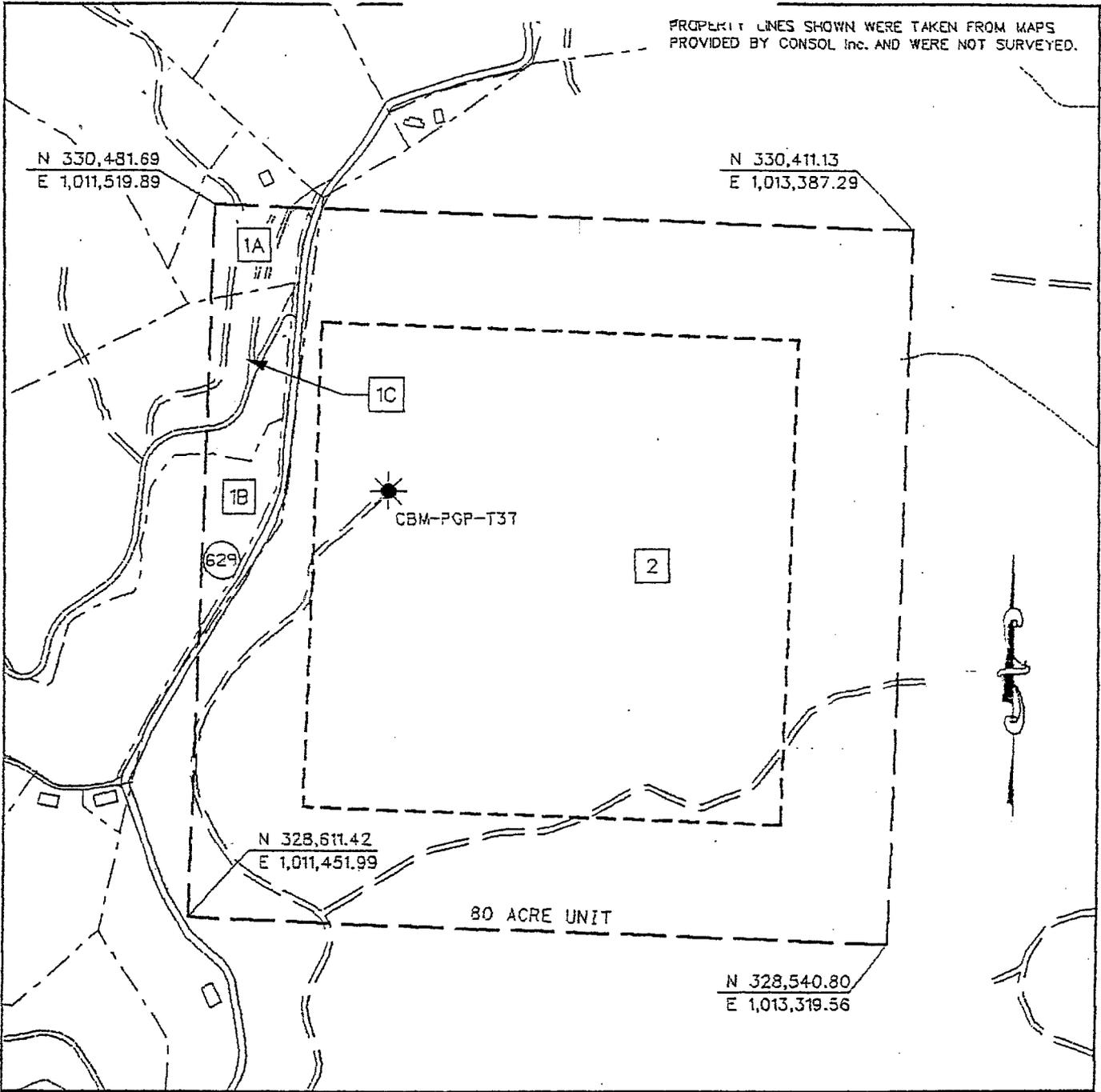
CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By:


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

Approved

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.



LEGEND

-  TRACT LAND HOOK
-  TRACT LAND ID'S

EXHIBIT A
 OAKWOOD FIELD UNIT T-37
 FORCE POOLING
 VGOB-98-0421-0650-01

Company Pocahontas Gas Partnership Well Name and Number UNIT T37
 Tract No. _____ Elevation _____ Quadrangle Jewell-Ridge
 County Buchanan District Garden Scale: 1" = 400' Date 10/15/99
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 Claude O. Mays (Affix Seal)
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

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POCAHONTAS GAS PARTNERSHIP
UNIT T-37
Tract Identification

- 1A. McGuire & Hurt Heirs - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Linkous Horn Heirs - Oil & Gas
Beulah Osborne - Surface
1.74 acres 2.1750%
- 1B. McGuire & Hurt Heirs - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Mitchell Counts - Surface, Oil & Gas
3.20 acres 4.0000%
- 1C. McGuire & Hurt Heirs - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Albert Ball Heirs - Surface, Oil & Gas
1.02 acres 1.2750%
2. Coal Mountain Mining . Tr 26 - Fee
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
74.04 acres 92.5500%

Exhibit E
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.16031%
<u>Tract #1A, 1.68 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.68 acres	2.1000%	0.34466%	0.19237%
<u>OIL & GAS OWNERSHIP</u>				
Linkous Horn Heirs, Devisees, Successors or Assigns	1.68 acres	2.1000%	0.34466%	0.19237%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sydney Smith 1911 McVetty Road Salem, VA 24153	0.0560 acres 1/30 of 1.68 acres	0.0700%	0.01149%	0.00641%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0560 acres 1/30 of 1.68 acres	0.0700%	0.01149%	0.00641%
(c) Martha Guilliams 1911 McVetty Road Salem, VA 24153	0.0560 acres 1/30 of 1.68 acres	0.0700%	0.01149%	0.00641%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
(c) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d) Brenda Sue Justice 1101 Long Wall Lane Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				

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Exhibit E
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest in	
				8-Right 16.41221%	9-Right 9.16031%
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns					
(f.1)	Phyllis W. Osborne Rt 1 Box 157F Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(g) Ronnie Osborne Box 12 Oakwood, VA 24631					
		0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641					
		0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(i) Richard Osborne P. O. Box 541 Keen Mountain, VA 24624					
		0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(j) William Osborne Heirs, Devisees, Successors or Assigns					
(j.1) Ruth Keen (Deed of Gift to Joyce Lineberry Mae 3/16/03)					
(j.1.1)	Joyce Lineberry Mae c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(k) John David Osborne Heirs, Devisees, Successors or Assigns					
(k.1)	Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639	0.0153 acres 1/110 of 1.68 acres	0.0191%	0.00313%	0.00175%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>					
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(a)	Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0560 acres 1/30 of 1.68 acres	0.0700%	0.01149%	0.00641%

Exhibit E
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.16031%
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0560 acres 1/30 of 1.68 acres	0.0700%	0.01149%	0.00641%
(c) Ivory Horn Heirs, Devisees, Successors or Assigns				
(c.3) Tammy D. Boyd 1005 Kents Ridge Road Richlands, VA 24641	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns <i>(Heirs/Addresses Unknown)</i>	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%

Tract #1B, 2.02 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.02 acres	2.5250%	0.41441%	0.23130%
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OIL & GAS OWNERSHIP

(1) Mitchell Counts, et al.	2.02 acres	2.5250%	0.41441%	0.23130%
(a) Mitchell Counts P. O. Box 57 Shortt Gap, VA 24647	1.01 acres 1/2 of 2.02 acres	1.2625%	0.20720%	0.11565%
(b) Sandra Counts c/o Patrick Counts 311 Clinch Avenue Raven, VA 24639	1.01 acres 1/2 of 2.02 acres	1.2625%	0.20720%	0.11565%

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Exhibit E
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.16031%
<u>Tract #1D, 0.56 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.56 acres	0.7000%	0.11489%	0.06412%
<u>OIL & GAS OWNERSHIP</u>				
(1) Rodney D. Taylor, et ux PO Box 706 Oakwood, VA 24631	0.56 acres	0.7000%	0.11489%	0.06412%

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3/16/10 VGOB

Exhibit EE
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.16031%	
<u>Tract #1A, 1.68 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.68 acres	2.1000%	0.34466%	0.19237%	
<u>OIL & GAS OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns	1.68 acres	2.1000%	0.34466%	0.19237%	
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%	0.1095%
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%	0.1095%
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%	0.1095%
(c.6) Robert G. Elder 222 Law Ln. Charlotte C.H., VA 23923	0.0093 acres 1/180 of 1.68 acres	0.0117%	0.00191%	0.00107%	0.1095%
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%	1.9718%
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%	1.9718%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%	1.9718%
(9) Sarah K. Day P. O. Box 208 Peterstown, WV 24963	0.1680 acres 1/10 of 1.68 acres	0.2100%	0.03447%	0.01924%	1.9718%

Tract #1C, 1.70 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.70 acres	2.1250%	0.34876%	0.19466%	n/a
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Revised
2/12/2010

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Exhibit EE
Unit T-37
Docket # VGOB-98-0421-0650-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.16031%	
<u>OIL & GAS OWNERSHIP</u>					
(1) Albert Ball Heirs, Devisees, Successors or Assigns	1.70 acres	2.1250%	0.34876%	0.19466%	
(a) Donald E. Ball Heirs, Devisees, Successors or Assigns					
(a.1) Myrtle Ball, widow 122 Fox Hill Raven, VA 24639	0.283 acres 1/6 of 1.70 acres	0.3542%	0.05813%	0.03244%	n/a
(b) Lawrence E. Ball Heirs, Devisees, Successors or Assigns					
(b.1) Bobby Ball 120 Flamingo Road Raven, VA 24639	0.142 acres 1/12 of 1.70 acres	0.1771%	0.02906%	0.01622%	n/a
(b.2) Tommy Ball 120 Flamingo Road Raven, VA 24639	0.142 acres 1/12 of 1.70 acres	0.1771%	0.02906%	0.01622%	n/a
(c) James Ball Heirs, Devisees, Successors or Assigns					
(c.1) Melissa R. Lawson P. O. Box 155 Raven, VA 24639	0.094 acres 1/18 of 1.70 acres	0.1181%	0.01938%	0.01081%	n/a
(c.2) Steve R. Ball 23040 Kastreeel Drive Bristol, VA 24202	0.094 acres 1/18 of 1.70 acres	0.1181%	0.01938%	0.01081%	n/a
(c.3) Danny R. Ball 3488 Road Ridge Turnpike Raven, VA 24639	0.094 acres 1/18 of 1.70 acres	0.1181%	0.01938%	0.01081%	n/a
(d) A. E. Shreve Heirs, Devisees, Successors or Assigns					
(d.1) Wilma R. Hale P. O. Box 477 Doran, VA 24612	0.085 acres 1/20 of 1.70 acres	0.1063%	0.01744%	0.00973%	n/a
(d.2) Elsie Mutter 304 Ratliff Ln Cedar Bluff, VA 24609	0.085 acres 1/20 of 1.70 acres	0.1063%	0.01744%	0.00973%	n/a
(d.3) Peggy E. Shook P.O. Box 520 Doran, VA 24612	0.085 acres 1/20 of 1.70 acres	0.1063%	0.01744%	0.00973%	n/a
(d.4) Linda Johnson P.O. Box 36 Doran, VA 24612	0.085 acres 1/20 of 1.70 acres	0.1063%	0.01744%	0.00973%	n/a
(d.5) Naomi L. Keen Heirs, Devisees, Successors or Assigns					
(d.5.1) Teresa Church P.O. Box 8 Doran, VA 24612	0.028 acres 1/60 of 1.70 acres	0.0354%	0.00581%	0.00324%	n/a

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(d.5.2) Sandra S. Vance P.O. Box 2017 Cedar Bluff, VA 24609	0.028 acres 1/60 of 1.70 acres	0.0354%	0.00581%	0.00324%	<i>n/a</i>
(d.5.3) Bailey E. Whited P.O. Box 1862 Richlands, VA 24614	0.028 acres 1/60 of 1.70 acres	0.0354%	0.00581%	0.00324%	<i>n/a</i>
(e) D. Faye Lowe 2616 Brown Street Richlands, VA 24641 <i>(Inherited an additional 1/36 interest from Nell L. Shreve, along with the 1/12 originally owned)</i>	0.189 acres 1/9 of 1.70 acres	0.2361%	0.03875%	0.02163%	<i>n/a</i>
(f) Nell L. Shreve Heirs, Devisees Successors or Assigns					
(f.1) Jerry Shreve Rt 3 Box 778 Bluefield, WV 24701	0.047 acres 1/36 of 1.70 acres	0.0590%	0.00969%	0.00541%	<i>n/a</i>
(g) Nancy Young 926 Camelot Drive, Apt #64 Salem, VA 24153 <i>(Inherited an additional 1/36 interest from Nell L. Shreve, along with the 1/12 originally owned)</i>	0.189 acres 1/9 of 1.70 acres	0.2361%	0.03875%	0.02163%	<i>n/a</i>

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Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 12/31/09

Unit T37
 VGOB 98-0421-0650-04
 Acres Escrowed: 4.260000

Owners	Tract #	Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$50,043.58
Hurt McGuire Land Trust	1A	1.6800		8.3255%	[REDACTED]
Linkous Horn Heirs		1.68			
Patricia Horton			1/180	0.1095%	\$54.82
Nellie Maynard			1/180	0.1095%	\$54.82
Danny Elder			1/180	0.1095%	\$54.82
Robert Elder			1/180	0.1095%	\$54.82
Joseph P. Horne			1/10	1.9718%	\$986.77
Nancy Ann Stilwell			1/10	1.9718%	\$986.77
Martha Smith			1/10	1.9718%	\$986.77
Sarah Day			1/10	1.9718%	\$986.77

Wells contributing to the escrow account: T37

(1) [REDACTED]
 \$4,166.38

INSTRUMENT #100001392
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY ON
 MAY 26, 2010 AT 12:30PM
 BEVERLY S. TILLER, CLERK
 RECORDED BY: SLB