

110002810

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 Linkous  
Horn Heirs including Margaret Dye, Nellie  
Maynard and Tammy Boyd Street.

**DOCKET NO.**

**98-0325-0681-06**

**RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds  
Action: Amending Prior Orders Affecting Drilling S-35,  
a portion of Tract 3  
(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 S-35 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

**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 April 26, 2011 at the Russell County Government Center Conference Center, 129 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 March 24, 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 December 7, 1998, Instrument Number 980003256. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on May 12, 1999, Instrument Number 990001278.
  - 4.1.1 On March 29, 2004 the Board executed a modification order to the pooling -01 which was recorded at Deed Book 589, Page 641 on April 2, 2004.
  - 4.1.2 On September 19, 2006 the Board executed the Disbursement Order -02 which was recorded as instrument number 060003146 on September 26, 2006.
  - 4.1.3 On September 14, 2009 the Board executed the Disbursement Order -03 which was recorded as instrument number 090003364 on October 29, 2009.
  - 4.1.4 On May 10, 2010 the Board executed the Disbursement Order -04 which was recorded as instrument number 100001393 o May 26, 2010.
  - 4.1.5 On April 28, 2011 the Board executed the Disbursement Order -05 which was recorded as instrument number 110001195 on May 20, 2011.
- 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 of the Linkous Horn heirs in Tract 3 including Margaret Dye, Nellie Maynard and Tammy Boyd Street 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 3, 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 Tracts 3 and that by the terms of the agreements, Hurt McGuire Land Trust and Margaret Dye, Nellie Maynard and Tammy Boyd Street have entered into a split agreement (50% / 50% ) regarding this tract and escrow regarding these individual conflicting claims detailed herein, is no longer required.

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 April 26, 2011 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 tracts 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 3 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 under Tracts 3.

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 Linkous Horn Heirs including Margaret Dye, Nellie Maynard, Tammy Boyd Street in Tract 3 are the owners of the coal and gas acreage estate underlying a portion of VGOB Unit S35 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1.

VGOB Approved Disbursement  
VGOB-98-0915-0681-06  
S-35

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
<b>Table 1</b>						
<b>Tract Disbursement Table</b>						
<b>Totals</b>					0.9424	
<b>Hurt McGuire Land Trust</b>						
3	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605	1.15	0.0703	50.0%	0.035	3.7288%
<b>Linkous Horn Heirs</b>						
		1.15				
3	Margaret Dye, 784 Big Creek Road, Richlands, VA 24641	1/60	0.0192	50.0%	0.010	1.0169%
3	Nellie Maynard, P.O. Box 296, Raven, VA 24639	1/60	0.0192	50.0%	0.010	1.0169%
3	Tammy Boyd Street, 195 Taylor Circle, Raven, VA 24639	1/60	0.0192	50.0%	0.010	1.0169%
3	Tammy Boyd Street, 195 Taylor Circle, Raven, VA 24639	1/180	0.0064	50.0%	0.003	0.3390%
3	Margaret Dye, 784 Big Creek Road, Richlands, VA 24641	1/180	0.0064	50.0%	0.003	0.3390%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

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

8. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 25 day of Oct., 2011 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Bradley C. Lambert, Chairman  
Virginia Gas and Oil Board

DONE AND PERFORMED this 25 day of Oct, 2011 by an Order of this Board.

Rick Cooper  
Rick Cooper  
Acting Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF RUSSELL )

Acknowledged on this 25 day of October, 2011, 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. Ashury, Jr.~~, Rick Cooper, 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 98-0915-0681-06

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING a portion of TRACT(S) 3  
(Royalties currently being paid under  
Buchanan No.1 SGU2, VGOB 08-1118-2367)

HEARING DATE: April 19, 2011

DRILLING UNIT: S-35

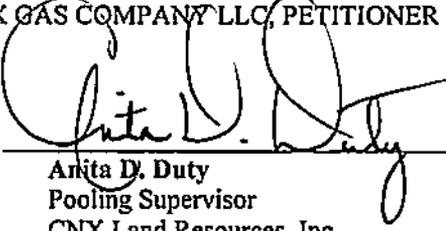
BUCHANAN COUNTY, VIRGINIA

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) 3 as depicted upon the annexed Exhibit A-1; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367)
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 Margaret Dye, Nellie Maynard, Tammy Boyd Street, and Tania Hess have entered into royalty split agreement(s). The annexed Exhibit A-1, 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

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

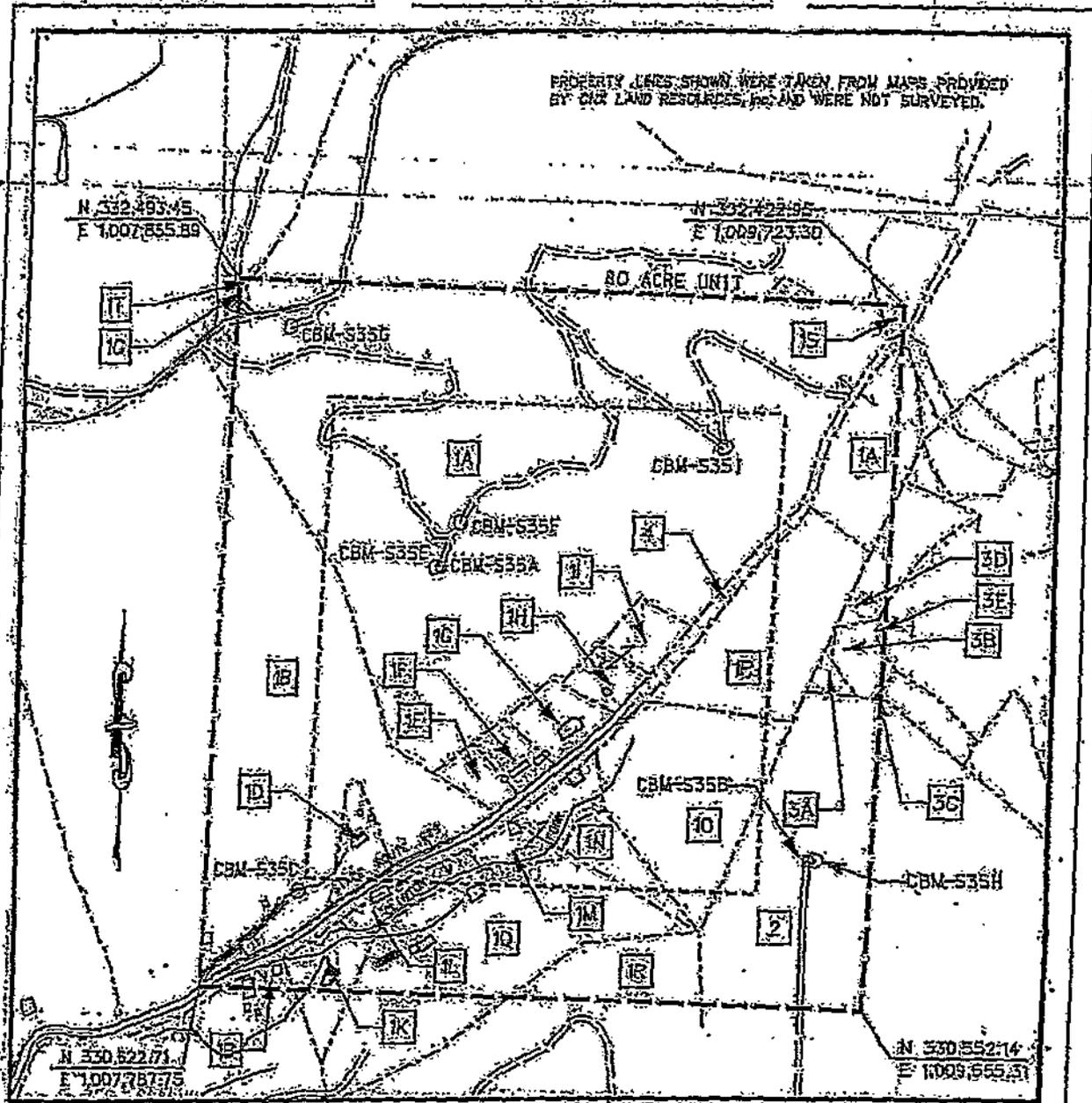


EXHIBIT A  
 OAKWOOD FIELD  
 UNIT S-35  
 FORCE POOLING  
 VGBB-5B-02-5-35-01

Company DNV Gas Company LLC Well Name and Number WELL # 535 D. MORGAN  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
 County Buchanan District Garden Scale: 1" = 400' Date 11/15/03  
 This plot is a new plot  or an updated plot  or a final plot

Form 060-00-7 Charles D. Ray Licensed Land Surveyor

CNX Gas Company LLC  
UNIT S-35  
Tract Identification

1  
H.S. T. Groun LLC (168.74 Acres Tract) - All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
71.02 acres 88.7750%

1A  
1B  
1C  
1D  
1E  
1F  
1G  
1H  
1I  
1J  
1K  
1L  
1M  
1N  
1O  
1P  
1Q  
1R  
1S  
1T

Betty Ferrell - Surface  
Consolidation Coal Company  
Jerry W. Keane, et al - Surface  
Consolidation Coal Company - Surface  
Starling Osborne, et ux - Surface  
Barbara A. Osborne - Surface  
Ray Horn - Surface  
Troy Horn, et ux - Surface  
Troy Horn, et ux - Surface  
Commonwealth of Virginia - Surface  
Consolidation Coal Company - Surface  
Silya V. Clinton, et ux - Surface  
Consolidation Coal Company - Surface  
Timmy D. Compton - Surface  
Billy J. Hylton - Surface  
Pascom Clinton - Surface  
Naomi Clinton, et al - Surface  
CNX Gas Company LLC - Surface  
Kenneth Byrd - Surface  
Ruth Culbertson, et al - Surface

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Hurt McGuire Land Trust (William F. Stillwell 143.6 Acres Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A.T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Thomas Stillwell Heirs - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (7472)  
6.67 acres 8.3375%

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GNX Gas Company LLC

UNIT S-35

Tract Identification

3. Hurt McGuire Land Trust (William P. Stillwell 143.8 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A.T. Massey - Above Drainage Coal Leased  
GNX Gas Company LLC - G&M Leased  
Linkous Horn Hairs - All minerals except Coal  
GNX Gas Company L.L.C. - Oil, Gas and CBM Leased (10%)  
1.15 acres 1.4375%

3A. Eddie Justice - Surface  
3B. Noah Keen, et ux - Surface  
3C. Robert Trent - Surface  
3D. Noah Keen, et al - Surface  
3E. John David Osborne - Surface

4. H.S.T. Group L.C. (186.71 Acre Tract) - All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased  
GNX Gas Company LLC - G&M Leased  
Commonwealth of Virginia - Surface  
1.16 acres 1.4500%

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Exhibit E  
 Unit S-35  
 Docket # VGOB 98-0915-0681-06  
 List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest in 5-Right 16.69343%	6-Right 10.34483%
<u>Tract #2, 6.67 acres</u>					
<u>COAL OWNERSHIP</u>					
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%
<u>OIL &amp; GAS OWNERSHIP</u>					
Thomas Stilwell Heirs, Devisees, Successors or Assigns		6.67 acres	8.3375%	1.30844%	0.86250%
(7)	Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a)	Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1)	James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%
<u>Tract #3, 1.15 acres</u>					
<u>COAL OWNERSHIP</u>					
(1)	Hurt McGulre Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%
<u>OIL &amp; GAS OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns		1.15 acres	1.4375%	0.22559%	0.14871%
(1)	Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a)	Sidney Smith 1911 McVitty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b)	Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c)	Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(2)	Lydia Blankenship Heirs, Devisees, Successors or Assigns				

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Exhibit E  
Unit S-35  
Docket # VGOB 98-0915-0681-06  
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%
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(c) <del>Patsy Moore</del> 6985 Horn Mountain Road Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d) <del>Brenda Sue Justice</del> PO Box 522 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e) <del>James R. Osborne</del> P. O. Box 484 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
<del>(f1) Phyllis W. Osborne</del> 1109 Moore Rd. Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(g) <del>Ronnie Osborne</del> Box 12 Oakwood, VA 24631	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(h) <del>Charles M. Osborne</del> 216 Plantation Drive Richlands, VA 24641	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(i) <del>Richard Osborne</del> P. O. Box 585 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<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 S-35  
Docket # VGOB 98-0915-0681-06  
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%
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen <span style="float: right;"><i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i></span>				
<del>(j.1.1) Joyce Lineberry Mae</del> c/o Rose Mae P.O. Box 172 Cooleemea, NC 27014	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<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				
<del>(k.1) Darlene B. Osborne</del> 1055 Mapleleaf Hollow Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
<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	0.0249 acres 13/600 of 1.15 acres	0.0311%	0.00489%	0.00322%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns				
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%

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Exhibit EE  
 Unit S-35  
 Docket # VGOB 98-0915-0681-06  
 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%	
<u>Tract #2, 6.67 acres</u>						
<u>COAL OWNERSHIP</u>						
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%	n/a
<u>OIL &amp; GAS OWNERSHIP</u>						
Thomas Stilwell Heirs, Devisees, Successors or Assigns		6.67 acres	8.3375%	1.30844%	0.86250%	
(1)	Beulah V. Osborne Heirs, Devisees, Successors or Assigns					
(a)	Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(b)	Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(c)	Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(d)	Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(e)	Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(f)	Bobby Osborne Brown Mountain Road Whitewood, VA 24657	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(g)	Danny Osborne PO Box 464 Keen Mountain, VA 24624	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(h)	Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(i)	Jerry Osborne Address Unknown	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(j)	Melvin Osborne PO Box 1239 Raven, VA 24639	0.0834 acres 1/80 of 6.67 acres	0.1042%	0.01636%	0.01078%	n/a
(2)	Raleigh Stilwell Heirs, Devisees, Successors or Assigns					
(a)	Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a
(3)	Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a)	Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a

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Exhibit EE  
Unit S-35  
Docket # VGOB 98-0915-0681-06  
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%	
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	0.16355%	0.10781%	n/a
(5) Eda Osborne Heirs, Devisees, Successors or Assigns					
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0695 acres 1/96 of 6.67 acres	0.0868%	0.01363%	0.00898%	n/a
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0695 acres 1/96 of 6.67 acres	0.0868%	0.01363%	0.00898%	n/a
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	0.02726%	0.01797%	n/a
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Arfin W. Osborne	<i>Transferred interest to d 1 per deed dated June 18, 2009</i>				
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Daniel J. Osborne 1088 Harvest Moon Rd. Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a

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Exhibit EE  
 Unit S-35  
 Docket # VGQB 98-0915-0681-06  
 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%	
(g) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(i) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Theodore Stilwell HC66 Box 112A Whitehood, VA 24657	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%	n/a
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58661	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
(f) Daniel J. Stilwell 100 3rd St. SW #77 Mandan, ND 58554	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a

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Exhibit EE  
 Unit S-35  
 Docket # VGOB 98-0815-0681-06  
 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%	
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%	n/a
<b>Tract #3, 1.15 acres</b>					
<b>COAL OWNERSHIP</b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%	3.4238%
<b>OIL &amp; GAS OWNERSHIP</b>					
Linkous Horn Heirs, Deviseses, Successors or Assigns	1.15 acres	1.4375%	0.22559%	0.14871%	
(3) Henry Horn Heirs, Deviseses, Successors or Assigns					
(b) Larry M. Horn Heirs, Deviseses, Successors or Assigns	<i>Interest goes to Siblings</i>				
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	0.1017%
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	0.1017%
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0019 acres 1/600 of 1.15 acres	0.0024%	0.00038%	0.00025%	0.1017%
(c) Ivory Horn Heirs, Deviseses, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
<i>Pay to Nellie A. Maynard *</i>	0.0153 acres 1/75 of 1.15 acres	0.0192%	0.00301%	0.00198%	0.8136%
* Although Nellie A. Maynard owns a total of 17/900 interest, she was only paid out her share of a 1/180 interest. She is to be paid for the 1/75 interest inherited from Henry Horn.					
(c.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0217 acres 17/900 of 1.15 acres	0.0272%	0.00426%	0.00281%	1.1526%
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0217 acres 17/900 of 1.15 acres	0.0272%	0.00426%	0.00281%	1.1526%
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0084 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a
(c.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%	n/a

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**Exhibit EE**  
**Unit S-36**  
**Docket # VGOB 98-0915-0681-06**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

		Acres In Unit	Percent of Unit	Division of Interest in		Percent of Escrow
				5-Right 15.89343%	8-Right 10.34483%	
(6)	Nancy H. Stillwell 140 Reenake Road North Tazewell, VA 24630	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a
(9)	Sarah K. Day 1205 Valley View Dr., Apt. B Pearisburg, VA 24134	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%	n/a

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**Exhibit A-1  
Tract-by-Tract Escrow Calculation  
Account Balances as of 2/28/11**

Unit S35  
VGOB 98-0915-0681-06  
Acres Escrowed: 0.942340

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$11,983.93
Hurt McGuire Land Trust	3	0.6844			3.7289%	\$446.87
Linkous Horn Heirs		1.15				
Margaret Dye (Larry Horn Heir)			0.0192	1/60	1.0170%	\$121.87
Nellie Maynard (Larry Horn Heir)			0.0192	1/60	1.0170%	\$121.87
Tammy Boyd Street (Larry Horn Heir)			0.0192	1/60	1.0170%	\$121.87
Tammy Boyd Street			0.0064	1/180	0.3390%	\$40.62
Margaret Dye			0.0064	1/180	0.3390%	\$40.62

Wells contributing to the escrow account:

S35A & S35B

INSTRUMENT #110002810  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
NOVEMBER 14, 2011 AT 02:15PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB

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