

110001091

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:**

EQT Production Company on behalf of Richard K Pobst, John W. and Lynda L Pobst, Jr., Nancy C. Pobst, Carol Combs c/o John C Irvin, Fairview Limited Partnership c/o John C Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, Virginia Lee and Phillip Gregory Linwick, Meredith Ellis Jennings, and Martha Ellen Combs. seeking disbursement of funds in Tract 2.

**DOCKET NO.**

**99-0922-0749-01**

**RELIEF SOUGHT:**

**Issuance:** A Supplemental Order for Disbursement of Escrowed Funds  
**Action:** Amending Prior Orders Affecting Drilling VC-3901 (VC-703901), Tract 2  
(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 VC-3901 (703901) 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

**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 October 21, 2008 at the Southwest Virginia Higher Education Center, on the campus of Virginia Highlands Community College, Abingdon VA.
2. **Appearances:** Mr. James E Kaiser Esq. of Wilhoit and Kaiser, Attorneys at Law, 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 September 22, 1999 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 October 19, 1999, Deed Book 497, and Pages 0616 to 0632, Instrument Number 990002686. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Buchanan County on January 29, 2002, Deed Book 539, Pages 0212 to 0217 Instrument Number 020000451.
- 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 Levisa Coal Company; and the gas ownership interests of Richard K Pobst, John W. and Lynda L Pobst, Jr., Nancy C. Pobst, Carol Combs c/o John C Irvin, Fairview Limited Partnership c/o John C Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustec, Virginia Lee and Phillip Gregory Linwick, Meredith Ellis Jennings, and Martha Ellen Combs in Tract 2 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding Tract 2, a copy of which is attached to and made a part hereof, states under oath that Levis Coal Company and the Applicants (Richard K Pobst, John W. and Lynda L Pobst, Jr., Nancy C. Pobst, Carol Combs c/o John C Irvin, Fairview Limited Partnership c/o John C Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, Virginia Lee and Phillip Gregory Linwick, Meredith Ellis Jennings, and Martha Ellen Combs) have entered into an agreement under a Court Division Order with regards to Tract 2 and that by the terms of the agreements, the Division Order describes partitioning for this tract and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Levis Coal Company and the Applicants that the Board would consider the Court Division Order and its disbursement authorization at its hearing on October 21, 2008 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tract 2 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 2 relative to the interests of Applicants identified in the Division Order and miscellaneous petition in the Escrow Account, and (3) **CLOSE** the escrow account under this docket number because there are no 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) Levisa Coal Company and Richard K Pobst, John W. and Lynda L Pobst, Jr., Nancy C. Pobst, Carol Combs c/o John C Irvin, Fairview Limited Partnership c/o John C Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, Virginia Lee and Phillip Gregory Linwick, Meredith Ellis Jennings, and Martha Ellen Combs in Tract 2; are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 2 of the Subject Drilling Unit VC-3901 (VC-703901).

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement  
VGOB-99-0922-0749-01 Disbursement  
VC-3901 (VC-703901)

Table 1			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
<b>Disbursement Table</b>							
Item No	Tract	A portion of Tract 2					
		Totals				3.4900	
Levisa Coal Company (Coal lease to Island Creek Coal Company)			3.49				
1	2	Levisa Coal Company / c/o John C. Irvin / 4710 Hunterwood Circle / Richmond TX 77469		3.49000000	50.0%	1.745	50.0000%
2	2	Meredith Ellis Jennings / 542 Butler Mill Road / Maryville, TN 37803		0.58170000	50.0%	0.2909	8.3338%
	2	Dent K Bark Assoc					
3	2	Richard K. Pobst / 1024 Oxford Drive / St. Augustine, FL 32064		0.29085000	50.0%	0.1454	4.1669%
4	2	Nancy C. Pobst / c/o Professional Accounting / 111 Postelle St / Cartersville, GA 30120		0.29085000	50.0%	0.1454	4.1669%
	2	Helen C Johnson					
5	2	Fairview Limited Partnership / John C. Irvin Mgr / 4710 Hunterwood Circle / Richmond TX 77469		0.87250000	50.0%	0.4363	12.5000%
6	2	Carol Combs and John C. Irvin / 4710 Hunterwood Circle / Richmond TX 77469		0.29082000	50.0%	0.1454	4.1665%
7	2	Martha Ellen Combs / PO Box 1404 / Abingdon, VA 24212		0.29082000	50.0%	0.1454	4.1665%
8	2	Frederick H. Combs Testamentary Trust / Kelly Necessary, Trustee / PO Box 841 / Tazewell VA 24651		0.29082000	50.0%	0.1454	4.1665%
9	2	John W. Pobst Jr. & Lynda L. Pobst / PO Box 86 / Revere PA 18953		0.29082000	50.0%	0.1454	4.1665%
10	2	Virginia Lee Linwick & Phillip Gregory Linwick / 4324 South Ball Drive / Veradale Washington 99037		0.29082000	50.0%	0.1454	4.1665%

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.

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 no other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to **CLOSE** the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

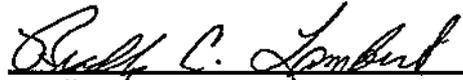
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED**.

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.

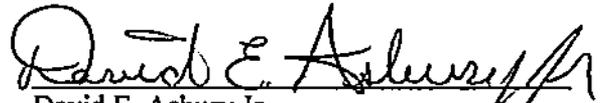
9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 14 day of April, 2011 by a majority of the Virginia Gas and Oil Board.



Bradley C. (Butch) Lambert, Chairman  
Virginia Gas and Oil Board

DONE AND PERFORMED this 14 day of April, 2011 by an Order of this Board.



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

COMMONWEALTH OF VIRGINIA )  
COUNTY OF RUSSELL

Acknowledged on this 14<sup>th</sup> day of April, 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. 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  
Notary Public #174394

My commission expires: 09 / 30 / 2013



VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS: Equitable Production Company on behalf of Richard K. Pobst; John W. Pobst, Jr. & Lynda L. Pobst; Nancy C. Pobst; Carol Combs c/o John C. Irvin; Fairview Limited Partnership c/o John C. Irvin, Manager; Levisa Coal Company c/o John C. Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, Virginia Lee & Phillip Gregory Linwick, Meredith Ellis Jennings; and Martha Ellen Combs.

DOCKET NUMBER: VGOB 99/09/22-0749-01

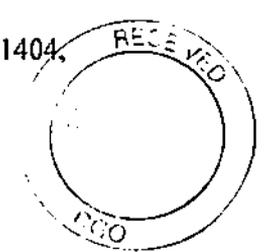
RELIEF SOUGHT: Supplemental Order for Disbursement of Escrowed Funds on behalf of Richard K. Pobst, John W. Pobst, Jr. & Lynda L. Pobst; Nancy C. Pobst; Carol Combs c/o John C. Irvin; Fairview Limited Partnership c/o John C. Irvin, Manager; Levisa Coal Company c/o John C. Irvin, Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, Virginia Lee & Phillip Gregory Linwick, Meredith Ellis Jennings; and Martha Ellen Combs.

LEGAL DESCRIPTIONS: Drilling Unit Number 703901 created by Board Order Dated January 22, 2001 VGOB 99/0922-0749 in Buchanan County, Virginia.

HEARING DATE: October 21, 2008

MISCELLANEOUS PETITION

1. Party: Applicant herein is Richard K. Pobst, (hereinafter "Plaintiff), whose address is 1024 Oxford Drive, St. Augustine, FL 32084; John W. Pobst, Jr. & Lynda L. Pobst, (hereinafter "Plaintiff), whose address is: P.O. Box 86, Revere, PA. 18953; Nancy C. Pobst, (hereinafter "Plaintiff), whose address is: 111 Postelle Street, Cartersville, GA 30120; Carol Combs c/o John C. Irvin (hereinafter "Plaintiff), whose address is: 4710 Hunterwood Circle, Richmond, TX 77469; Fairview Limited Partnership c/o John C. Irvin, Manager (hereinafter "Plaintiff), whose address is: 4710 Hunterwood Circle, Richmond, TX 77469; Levisa Coal Company c/o John C. Irvin, (hereinafter "Plaintiff), whose address is: 4710 Hunterwood Circle, Richmond, TX 77469; Frederick H. Combs Testamentary Trust c/o Kelly Necessary Trustee, (hereinafter "Plaintiff), whose address is: P.O. Box 841, Tazewell, VA 24651; Virginia Lee & Phillip Gregory Linwick., (hereinafter "Plaintiff), whose address is: 4324 South Ball Drive, Veradale, WA 99037; Meredith Ellis Jennings, (hereinafter "Plaintiff), whose address is: 542 Butler Mill Rd., Maryville, TN 37803; & Martha Ellen Combs, (hereinafter "Plaintiff), whose address is: P.O. Box 1404, Abingdon, VA 24212.



2. Facts:
- a. Equitable was designated as the Operator and Applicants interests were Pooled in the 703901 Unit by Order of the Virginia Gas and Oil Board (hereinafter "Board") executed on January 22, 2001, pursuant to Docket No. VGOB 99/0922-0749 and recorded in the Circuit Court Clerk's Office Buchanan County, Virginia on January 29, 2002, Deed Book 539, Page 212 (hereinafter "Order").
  - b. The Order and Supplemental Order required the Escrow Agent named and appointed therein to establish an interest-bearing escrow account for funds pertaining to the above-referenced Unit and subject to escrow pursuant to the terms of the Order.
  - c. The Order and Supplemental Order further required the Operator to deposit bonus and royalty payments with the Escrow agent which could not be made because the person(s) entitled hereto could not be made certain due to conflicting claims of ownership.
  - d. Levisa Coal Company was a conflicting claimant with the above-listed Plaintiff with regard to Tract 2 as created by Board Order as VGOB 99/0922-0749 is the applicable Tracts.
  - e. To resolve this conflict, a Royalty Divison Order dated August 31, 1990 signed by the Pobst-Combs Lessors and Levisa Coal Company is attached hereto and incorporated herein as Exhibit "A".
  - f. The amounts deposited with the Escrow Agent regarding the Unit need to be determined and distributed accordingly.
  - g. Any escrow amount, not yet deposited into the escrow account, held by Operator should also be determined, and distributed to Applicants/Plaintiff herein, accordingly.
  - h. Applicants/Plaintiff herein do hereby request that the Board enter amended supplemental order for the Unit directing the Escrow Agent and the Operator to disburse to the aforesaid Plaintiff the funds attributable to the previous conflicting claim with Levisa Coal Company, held in escrow for the VGOB number as listed above.
    1. The Applicants certify that the matters set forth in the application, to the best of their knowledge, information, and belief, are true and correct and that the form and content of the Application and conform to the requirements of relevant Board regulations and orders.
    2. Legal Authority: Va Code Ann. §45.1-361.1 et seq., 4 VAC 25-160, and such other regulations and Board orders promulgated pursuant to law.

3. Relief Sought: Applicants request that the Board issue amended supplement order amending all prior orders affecting the Unit which amended supplement order will provide as follows:
- a. Determining the amount of funds attributable to the Applicants/Plaintiff herein.
  - b. Directing the Escrow Agent to determine the amount of funds attributable to Applicants/Plaintiff herein, provide an accounting hereof, and disburse the funds on deposit with the Escrow Agent, including any applicable interest, pertaining to the interest in the Unit shown above for distribution.
  - c. Directing the Operator to determine the amount of funds attributable to the Applicants/Plaintiff herein, provide an accounting thereof, and disburse the units in its hands, if any, subject to escrow but not then on deposit with the Escrow Agent, including any applicable interest, at the time of the Supplemental Order requested therein is executed, attributable to the Applicants/Plaintiff herein for distribution.
  - d. Directing the Operator to disburse the funds, including any applicable interest, and provide an accounting thereof, which it may receive after the date of the execution of the amended supplemental order requested in the Application, if any, attributable to the Applicants/Plaintiff herein, and to discontinue the payment of such funds into Escrow.
  - e. Granting such other relief as is merited by the evidence and is just and equitable whether or not such relief has been specifically requested herein.
  - f. Since Tract 2 is the only Tract in escrow for this Unit, escrow is no longer needed and the account for this Unit may be closed.

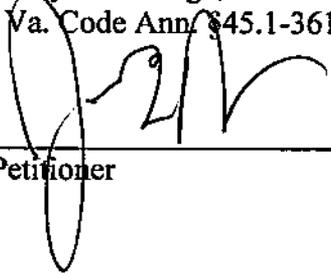
Dated this 19th day of September, 2008.

By:   
 \_\_\_\_\_  
 Petitioner

Address: Wilhoit & Kaiser  
 220 Broad Street  
 Kingsport, TN 37660

**CERTIFICATE**

The foregoing application to the best of my knowledge, information and belief is true and correct. Notice was given pursuant to Va. Code Ann. §45.1-361.19.

  
\_\_\_\_\_  
Petitioner

This ROYALTY DIVISION ORDER, made this the 31st day of August, 1990, by and among W. KENT POBST, a single person, NANCY P. ELLIS and WELDON T. ELLIS, her husband, JOHN W. POBST, JR. and LYNDA L. POBST, his wife, VIRGINIA LEE BURNS LINWICK (formerly Virginia Lee Burns) and PHILLIP GREGORY LINWICK, her husband, FREDERICK H. COMBS, II and ELENE M. COMBS, his wife, MARION S. COMBS, widow, FREDERICK H. COMBS, II, Trustee for Marion S. Combs, widow, MARTHA E. COMBS, a single person, HELEN C. JOHNSON, a single person, CAROL C. IRVIN and JOHN C. IRVIN, III, her husband, hereinafter referred to as the "Pobst-Combs Lessors", and LEVISA COAL COMPANY, a Virginia limited partnership, hereinafter referred to as "Levisa", W. KENT POBST, JOHN W. POBST, JR., VIRGINIA LEE BURNS, FREDERICK H. COMBS, II, MARTHA COMBS, HELEN C. JOHNSON, CAROL C. IRVIN, MEREDITH ELLIS IQBAL, PATRICK R. JOHNSON, MICHAEL J. JOHNSON, RICHARD K. POBST, CATHERINE POBST-HOOPER, BILLY A. WITT, DEWEY ASHFORD WITT, BILLY JOE WITT, HELEN M. WITT, TERESA WITT MULLINS, HENRY S. MULLINS, III, TERESA WITT MULLINS, Custodian for MARGAUX WITT MULLINS, and TERESA WITT MULLINS, Custodian for DUSTIN ASHLEY MULLINS, hereinafter collectively referred to as "Levisa Partners", and the last eight of whom are collectively referred to as the "McClanahan Heirs", and OXY USA, INC., "Lessee";

W I T N E S S E T H:

WHEREAS, Lessors, together with Jessie Maie Pobst, widow, Lucille G. Vicars, widow, Hugh P. Cline and Nancy L. Cline, his

wife, and Carl McAfee and Julie McAfee, his wife, entered into a oil, gas and coalbed methane lease to the Lessee dated August 8, 1989, hereinafter referred to as "the lease"; and

WHEREAS, it has since been determined that Jessie Maie Pobst, Lucille G. Vicars, Hugh P. Cline and Nancy L. Cline, and Carl McAfee and Julie McAfee have no interest in the property which is the subject of the lease; and

WHEREAS, the parties are in agreement that production royalties from the oil and gas except methane should be paid to the Pobst-Combs Lessors; but, there being a question as to whether the Pobst-Combs Lessors or Levisa is entitled to production royalties from the methane as defined in the lease; and

WHEREAS, the Pobst-Combs Lessors, Levisa, and the Levisa Partners have now agreed upon the division of production royalties from the "methane";

NOW, THEREFORE, in consideration of the premises and the mutual agreement, the parties hereto do hereby agree as follows:

(1) All production royalties payable under Paragraph 3 of the lease for oil or gas, except methane, as defined therein, shall be paid to the Pobst-Combs Lessors as their interests may appear.

(2) All production royalties payable under Paragraph 3 of the lease for "methane" as defined in the lease shall be divided and paid so that Fifty Percent (50%) of said royalties shall be paid to the

Pobst-Combs Lessors and Fifty Percent (50%) Percent shall be paid to Levisa.

(3) This agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

(4) The Pobst-Combs Lessors, Levisa, and the Levisa Partners and each of them do hereby release and hold Oxy USA, Inc. harmless from all claims for any payments made under the lease as agreed and directed by this Royalty Division Order.

(5) The Pobst-Combs Lessors, Levisa, and the Levisa Partners, and each of them, individually, and in their respective capacities, do hereby release and hold each other harmless from any liability for entering into this Royalty Division Order.

(6) Any further changes in the persons or addresses to which payments under the lease are to be made shall be in writing, sent by registered mail as more particularly specified in the lease.

(7) Except as otherwise provided herein, the lease shall remain in full force and effect in accordance with its terms.

WITNESS the following signatures and seals.

W. Kent Pobst (SEAL)  
W. Kent Pobst  
234-32-5516  
Social Security Number

Nancy P. Ellis (SEAL)  
Nancy P. Ellis  
230-50-8836  
Social Security Number

Weldon T. Ellis (SEAL)  
Weldon T. Ellis  
224-48-8317  
Social Security Number

John W. Pobst, Jr. (SEAL)  
John W. Pobst, Jr.  
159-33-0347  
Social Security Number

Lynda L. Pobst (SEAL)  
Lynda L. Pobst  
175-40-1115  
Social Security Number

Virginia Lee Burns Linwick (SEAL)  
Virginia Lee Burns Linwick  
151-35-0375  
Social Security Number

Phillip Gregory Linwick (SEAL)  
Phillip Gregory Linwick  
531-SL-2323  
Social Security Number

Frederick H. Combs, II (SEAL)  
Frederick H. Combs, II  
224-60-7844  
Social Security Number

Elene M. Combs (SEAL)  
Elene M. Combs  
225-62-8309  
Social Security Number

Marion S. Combs (SEAL)  
Marion S. Combs  
225-56-6526  
Social Security Number

Frederick H. Combs, II Trustee (SEAL)  
Frederick H. Combs, II  
Trustee for Marion S. Combs

Martha E. Combs (SEAL)  
Martha E. Combs  
229-60-7618  
Social Security Number

Helen C. Johnson (SEAL)  
Helen C. Johnson  
223-14-4176  
Social Security Number

Carol C. Irvin (SEAL)  
Carol C. Irvin  
224-54-9468  
Social Security Number

John C. Irvin, III (SEAL)  
John C. Irvin, III

225-52-9134  
Social Security Number

LEVISA COAL COMPANY  
A Virginia Limited Partnership

By: Frederick H. Combs II (SEAL)  
Frederick H. Combs, II  
General Partner  
Levisa Coal Company

Patrick R. Johnson (SEAL)  
Patrick R. Johnson  
General Partner  
Levisa Coal Company

By: W. Kent Pobst (SEAL)  
W. Kent Pobst  
General Partner  
Levisa Coal Company

By: Meredith Ellis Iqbal (SEAL)  
Meredith Ellis Iqbal  
General Partner  
Levisa Coal Company

By: Dewey Ashford Witt (SEAL)  
Dewey Ashford Witt  
General Partner  
Levisa Coal Company

By: Billy A. Witt (SEAL)  
Billy A. Witt  
General Partner  
Levisa Coal Company

Meredith Ellis Iqbal (SEAL)  
Meredith Ellis Iqbal  
410-74-8748  
Social Security Number

Patrick R. Johnson (SEAL)  
Patrick R. Johnson  
226-66-9577  
Social Security Number

Michael J. Johnson (SEAL)  
Michael J. Johnson  
266-66-9671  
Social Security Number

Richard K. Pobst (SEAL)  
Richard K. Pobst  
258-78-5665  
Social Security Number

Catherine P. Hooper (SEAL)  
Catherine P. Hooper  
253-11-5515  
Social Security Number

Billy A. Witt (SEAL)  
Billy A. Witt  
236-18-3746  
Social Security Number

Dewey Ashford Witt (SEAL)  
Dewey Ashford Witt  
400-78-8643  
Social Security Number

Billy Joe Witt (SEAL)  
Billy Joe Witt  
231-19-8440  
Social Security Number

Helen M. Witt (SEAL)  
Helen M. Witt  
230-30-0770  
Social Security Number

Henry S. Mullins, III (SEAL)  
Henry S. Mullins, III  
227-37-1463  
Social Security Number

Teresa Witt Mullins (SEAL)  
Teresa Witt Mullins  
229-70-7510  
Social Security Number

Teresa Witt Mullins (SEAL)  
Teresa Witt Mullins  
Custodian for Margaux Witt  
Mullins  
227-37-1157  
Social Security Number

Teresa Witt Mullins (SEAL)  
Teresa Witt Mullins  
Custodian for Dustin Ashley  
Mullins  
227-37-4368  
Social Security Number

(AFFIX CORPORATE SEAL)

OXY USA, INC.

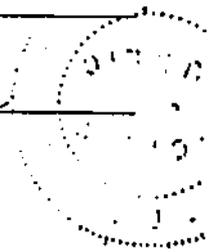
By Carol J. Shelton (SEAL)  
Its Attorney-in-Fact

Attest:

STATE OF Georgia  
COUNTY OF Bartow

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of November, 1990, by W. Kent Pobst, a single person.

My commission expires: 11/12/90  
James J. Barrett  
Notary Public



STATE OF IN  
COUNTY OF DAVIDSON

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of November, 1990, by Nancy P. Ellis and Weldon T. Ellis, her husband.

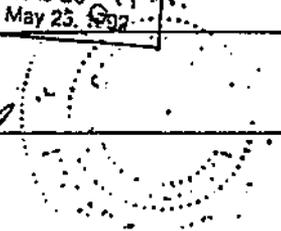
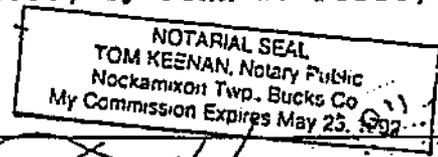
My commission expires: NOV. 10, 1991  
Beverly R. Donald  
Notary Public



STATE OF PENNSYLVANIA  
COUNTY OF BUCKS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of NOVEMBER, 1990, by John W. Pobst, Jr. and Lynda L. Pobst, his wife.

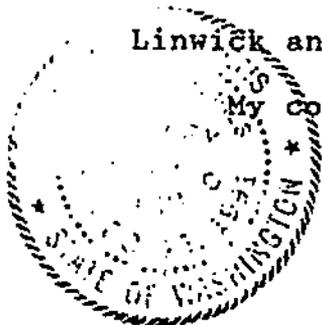
My commission expires: \_\_\_\_\_  
Tom Keenan  
Notary Public



STATE OF Washington  
COUNTY OF Snohomish

The foregoing instrument was acknowledged before me this  
17 day of November, 1990, by Virginia Lee Burns  
Linwick and Phillip Gregory Linwick, her husband.

My commission expires: 12-23-91



James L. Dickson  
Notary Public

STATE OF Virginia  
COUNTY OF Danville

The foregoing instrument was acknowledged before me this  
15<sup>th</sup> day of October, 1990, by Frederick H. Combs, II  
and Elene M. Combs, his wife.

My commission expires: March 23, 1993

Elizabeth R. Muncy  
Notary Public

STATE OF Virginia  
COUNTY OF Danville

The foregoing instrument was acknowledged before me this  
15<sup>th</sup> day of October, 1990, by Marion S. Combs, widow,  
and Frederick H. Combs, II, Trustee for Marion S. Combs.

My commission expires: March 23, 1993

Elizabeth R. Muncy  
Notary Public

STATE OF Virginia

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 27 day of NOVEMBER, 1990, by Martha E. Combs, a single person.

My commission expires: June 26, 1992

Jamie Lynn Urban  
Notary Public

STATE OF Virginia

COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 1990, by Helen C. Johnson, a single person.

My commission expires: March 8, 1991

Judith Lyall  
Notary Public



STATE OF Texas

COUNTY OF Fort Bend

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of October, 1990, by Carol C. Irvin and John C. Irvin, III, her husband.

My commission expires: 8/13/94

Sharon Engelhardt  
Notary Public



STATE OF Virginia  
COUNTY OF Jarvis

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 1990, by Frederick H. Combs, II, general partner on behalf of Levisa Coal Company, a partnership.

My commission expires: March 23, 1993

Elizabeth B. Murray  
Notary Public

STATE OF Virginia  
COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 1990, by Patrick R. Johnson, general partner on behalf of Levisa Coal Company, a partnership.

My commission expires: March 8, 1991

Judith Lyall  
Notary Public



STATE OF Georgia  
COUNTY OF Barton

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of November, 1990, by W. Kent Pobst, general partner on behalf of Levisa Coal Company, a partnership.

My commission expires: 11/16/90

Janice Barrette  
Notary Public

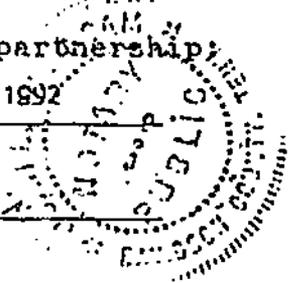


STATE OF TENNESSEE  
COUNTY OF DAVISON

The foregoing instrument was acknowledged before me this  
31st day of OCTOBER, 1990, by Meredith Ellis Iqbal,  
general partner on behalf of Levisa Coal Company, a partnership.

My commission expires: My Commission Expires May 20, 1992

J. L. [Signature]  
Notary Public



STATE OF Virginia  
COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this  
10th day of September, 1990, by Dewey Ashford Witt,  
general partner on behalf of Levisa Coal Company, a partnership.

My commission expires: September 10, 1990

[Signature]  
Notary Public

STATE OF Va  
COUNTY OF Washington

The foregoing instrument was acknowledged before me this  
14th day of Sept, 1990, by Billy A. Witt, general  
partner on behalf of Levisa Coal Company, a partnership.

My commission expires: Oct. 19, 1990

[Signature]  
Notary Public

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1990, by Meredith Ellis Iqbal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF Virginia

COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 1990, by Patrick R. Johnson.

My commission expires: March 8, 1991

Judith Lyall  
Notary Public



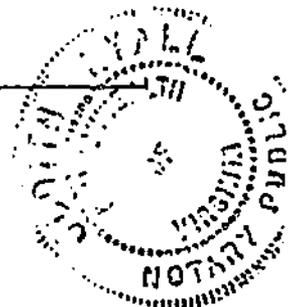
STATE OF Virginia

COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 1990, by Michael J. Johnson.

My commission expires: March 8, 1991

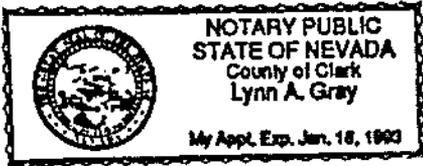
Judith Lyall  
Notary Public



STATE OF Nevada  
COUNTY OF Clark

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 1990, by Richard K. Pobst.

My commission expires: 1-18-93



[Signature]  
Notary Public

STATE OF Georgia  
COUNTY OF Bartow

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of November, 1990, by <sup>CRX</sup> Catherine Pobst-Hooper.

My commission expires: 11/18/90

[Signature]  
Notary Public

STATE OF Va  
COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Billy A. Witt.

My commission expires: Oct 19, 1992

[Signature]  
Notary Public

STATE OF Virginia  
COUNTY OF Buchanan

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of September, 1990, by Dewey Ashford Witt.

My commission expires: September 10, 1990

[Signature]  
Notary Public

STATE OF Va  
COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Billy Joe Witt.

My commission expires: Oct. 19, 1992

[Signature]  
Notary Public

STATE OF Va  
COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Helen M. Witt.

My commission expires: Oct. 19, 1992

[Signature]  
Notary Public

STATE OF VA

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Henry S. Mullins, III

My commission expires: Oct. 19, 1992

Steven B Vance  
Notary Public

STATE OF Va

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept., 1990, by Teresa Witt Mullins.

My commission expires: Oct 19, 1992

Steven B Vance  
Notary Public

STATE OF Va

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Teresa Witt Mullins, Custodian for Margaux Witt Mullins.

My commission expires: Oct 19, 1992

Steven B Vance  
Notary Public

STATE OF W

COUNTY OF Washington

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1990, by Teresa Witt Mullins, Custodian for Dustin Ashley Mullins.

My commission expires: Oct 19, 1992

Steven B. Jones  
Notary Public

STATE OF Oklahoma

COUNTY OF Oklahoma

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December 1990, by Charles J. Shelton, Attorney-in-Fact, of Oxy USA, Inc., a Delaware corporation, on behalf of the corporation.

My commission expires: 7-14-91

Cari Allen  
Notary Public

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 22<sup>nd</sup> day of January, 1991 at 3:30 P. M. Deed Book No. 369 and Page No. 502

TESTE: Richard V. Presley Clerk

OFFICIAL RECEIPT

C. W. WATKIN CO., LYNCHBURG, VA.

CAS 3.48

CLERK'S OFFICE  
CIRCUIT COURT, BUCHANAN COUNTY, VA.

DATE OF DEED 8-31 1990

RECEIVED OF W. Keat Polyst. Inc. 1-22 1991  
Quincy, Va. 22100

FOR RECORDATION OF THE FOLLOWING DEED

ACCOUNT	AMOUNT	DOLLARS
099 STATE TAX	15	
213 COUNTY TAX	05	
212 TRANSFER		
201 RECORDING	23.00	
218 PLATS		
098 STATE TAX § 54.1-502		
210 LOCAL TAX § 54.1-502		
143	1.00	
TOTAL	24.20	

FROM W Keat Polyst. Inc.  
TO WY USA, Inc.

GRANTOR ADDRESS

DESCRIPTION

CONSIDERATION \$

VALUE OF INTEREST SOLD § 54.1-502 \$  
Rayalty Agreement

KIND OF CONVEYANCE  
Warranty

TIME OF RECORDATION 9:30 A.M.

No 33153

DEED NO. 159

DIET.

RUSSELL V. PRESLEY

CLERK

[Signature]  
DEPUTY CLERK

151  
X

W. KENT POBST, ET AL.  
to OXY USA, INC.  
ROYALTY DIVISION ORDER

CLIENT'S ENTIRE INTEREST CONVEYANCE  
 BUCHANAN COUNTY, MISSISSIPPI  
 Paid and adjusted to amount, 91  
 100001091  
 at 5.50  
 Recorded Book 367 Page 502  
 200 State Tax 1.65  
 213 County Tax 1.05  
 213 Township 23.05  
 504 Reciprocity  
 519 Public  
 608 State Tax  
 Sec. 86.3-402  
 220 Local Tax  
 Sec. 86.3-402  
 246 VTEP 1.00  
 Total 36.40  
 By Russell E. Probst, Clerk

INSTRUMENT #110001091  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 MAY 3, 2011 AT 01:42PM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: GGB

TO: OXY USA, INC.  
 100001091 LAND DEPT  
 TULSA, OK 74102  
 04787

28