

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS: Hurt McGuire Land Trust ("Trust"), and)
 Reserve Coal Properties ("Reserve"),)
)
)
 RELIEF SOUGHT: Issuance of an Amended Supplemental)
 Order Amending Prior Orders Affecting)
 Drilling Unit Q-44 Located in the Oakwood)
 Coalbed Methane Gas Field I,)
 Buchanan County, VA (herein "Subject)
 Drilling Unit" to Provide:)
 (1) Calculation of Funds Unit Operator)
 Deposited into the Escrow Account for)
 Subject Drilling Unit by Tract Subaccounts;)
 (2) to Applicants a Royalty)
 Accounting;)
 (3) Disbursement to Trust and Reserve)
 in Accordance with Their Royalty Agree-)
 ment Those Funds Deposited by the)
 Unit Operator into Subject Drilling Unit's)
 Escrow Subaccount for a Portion of)
 VGOB Tract 1A.)

DOCKET NO.
 VGOB 00-0321-0780-01

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 18, 2003 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. of the firm Swartz and Stump L. C. appeared for the Unit Operator; and Sharon 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 subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

ENTERED

4. **Prior Proceedings:**

- 4.1. On April 28, 2000, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on May 3, 2000 in Deed Book 506 at Page 796. The Board designated Pocahontas Gas Partnership as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on June 26, 2000 that was filed with the Clerk's Office on July 5, 2000 in Deed Book 509 at page 500 ("Supplemental Order") (hereafter the Pooling Order and Supplemental Order are collectively referred to as "Pooling Order").
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Order, the coal fee ownership of Trust and the oil and gas fee ownership of Reserve in 633/763 of a 5.67-acre tract known as VGOB Tract 1A were in conflict and became subject to the escrow requirements of the Pooling Order
- 4.3 The Unit Operator's Affidavit Regarding Escrow and Supplemental Order dated July 11, 2002, a copy of which is attached to and made a part hereof, states under oath:
- "That after the pooling hearing held in the captioned matter, the Hurt McGuire Land Trust and Reserve Coal Properties entered into a royalty split agreement; that by the terms of said agreement escrow regarding the conflicting claims of the Hurt McGuire Land Trust and Reserve Coal Properties is no longer required."
- 4.4 By letter dated October 22, 2002, the Board gave notice to the Trust, Reserve, the Unit Operator and the Escrow Agent that on its own motion it would take the Affidavit referred to in Paragraph 4.3 above under consideration at its hearing on November 19, 2002 and consider whether to amend the Pooling Order to: (1) provide for the disbursement of funds on deposit in the Escrow Account attributable a 633/763 portion of Tract 1A to Trust and Reserve in accordance with the terms of their split agreement. Further, the Board ordered the Unit Operator to file with the Board a complete accounting of funds it has placed on deposit in the Escrow Account.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").
- 4.6 At its hearing on November 19, 2002, the Board approved disbursement of escrowed funds attributable to 633/763 of Tract 1A.
- 4.7 The Unit Operator discovered an error in testimony regarding parties to receive disbursement and, after application to the Board and notification of affected parties, submitted corrected testimony at the hearing on March 18, 2003. Corrected affidavits and exhibits are attached and made a part hereof.

5. **Findings:**

- 5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of

(i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 The Unit Operator has certified and represented to the Board that:

- (1) Trust is the sole owner of the coal estate underlying all of VGOB Tract 1A of the Subject Drilling Unit;
- (2) Reserve is the sole owner of oil and gas estate underlying 633/763 of the 5.67 acres comprising VGOB Tract 1A of the Subject Drilling Unit;
- (3) that together Trust and Reserve claim to have and own, in the aggregate, the following conflicting Gas royalty interest in Subject Drilling Unit by virtue of their respective ownership interests in VGOB Tract 1A:

VGOB Tract #	Interest In Unit	Percent of Escrow	Escrowed Funds Attributable to 633/763 of Tract 1A As of 10 /25 /02
633/763 of 1A	5.87993%	35.60897%	\$ 1,856.05

- (4) that Trust and Reserve have entered into an agreement to split on a 50/50 basis royalties attributable to their conflicting claims to coalbed methane gas, including but not limited to their conflicting claims to ownership of coalbed methane gas underlying 633/763 of VGOB Tract 1A of Subject Drilling Unit and their conflicting claims to bonuses and/or royalties deposited by the Unit Operator in the Escrow Account that are attributable to same.

6. **Relief Granted:**

- 6.1. For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this order, (1) disburse fifty percent (50%) of all funds attributable to 633/763 of VGOB Tract 1A, being 17.804485 percent of funds on deposit in the Escrow Account, to the Hurt McGuire Land Trust, c/o Charles Green, P. O. Box 1067, Bluefield, VA 24605, and (2) disburse fifty percent (50%) of all funds attributable to 633/763 of VGOB Tract 1A, being 17.804485 percent of funds on deposit in the escrow account, to Reserve Coal Properties, P. O. Box 947, Bluefield, VA 24605. Further, because there are other owners in the tract and unit who are subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for the subject tract and drilling unit.
- 6.2. The Exhibits E and EE to the Pooling Order are deleted in toto and replaced with the Exhibit E and EE attached to the Affidavit. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the Trust's and Reserve's conflicting coalbed methane gas ownership interests in 633/763 of VGOB Tract 1A be deposited by the Unit Operator into the Escrow Account. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

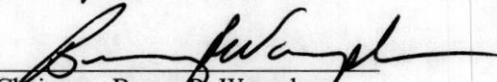
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

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 8th day of April, 2003, by a majority of the Virginia Gas and Oil Board.

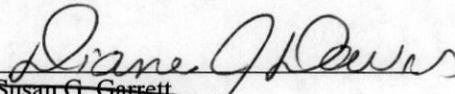

Chairman, Benny R. Wampler

DONE AND PERFORMED this 8th day of April, 2003, by an Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF WISE)

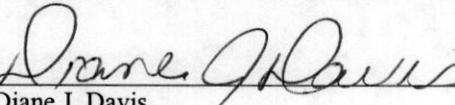
Acknowledged on this 8th day of April, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary Public

My Commission expires: 9/30/05

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 8th day of April, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9/30/05

VIRGINIA:

SUPPLEMENTAL AFFIDAVIT RE CBM UNIT Q-44

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit Q-44
VGOB-00-0321-0780 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator")
REGARDING ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc. as a Gas Engineer and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the Designated Operator;

That the Order entered on June 26, 2000, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to tender to the Escrow Agents funds attributable to the rights, interests and claims of the persons identified in the annexed Exhibit E as subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

That after the pooling hearing held in the captioned matter, the Hurt McGuire Land Trust and Reserve Coal Properties entered into a royalty split agreement; that by the terms of said agreement escrow regarding the conflicting claims of the Hurt McGuire Land Trust and Reserve Coal Properties is no longer required;

That annexed hereto are revised Exhibits E and EE;

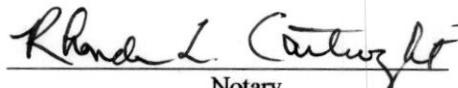
That the Designated Operator has heretofore filed its petition seeking the disbursement from escrow of all funds on deposit attributable to the conflicting claims of the Hurt McGuire Land Trust and Reserve Coal Properties or the Designated Operator is preparing its petition seeking disbursement from escrow of all funds on deposit attributable to the conflicting claims of said respondents and will file same at its earliest opportunity; and

That the annexed supplemental order provides that the payment of funds subject to the annexed royalty split agreement shall be made to the said parties thereto rather than to the Escrow Agent.

Dated at Tazewell, Virginia, this 24th day of March, 2003.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 24th day of March, 2003.


Notary

My commission expires: 10/31/05

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VGOB Tract #	1A	1B	Check Total	Interest	Operator Balance	Bank Balance
	5.67 ac.	7.54 ac.				
8/25/00	\$287.88	\$382.84	\$670.72	\$14.23	\$684.95	
9/25/00	\$110.52	\$146.96	\$257.48	\$3.71	\$946.14	
10/25/00	\$89.09	\$118.49	\$207.58	\$5.24	\$1,158.96	
11/25/00	\$106.45	\$141.54	\$247.99	\$5.87	\$1,412.82	
12/25/00				\$5.73	\$1,418.55	
1/25/01	\$97.17	\$129.23	\$226.40	\$6.00	\$1,650.95	
2/25/01	\$171.56	\$228.14	\$399.70	\$4.73	\$2,055.38	
3/25/01	\$263.74	\$350.72	\$614.46	\$5.80	\$2,675.64	
4/25/01	\$141.12	\$187.66	\$328.78	\$8.31	\$3,012.73	
5/25/01	\$119.35	\$158.71	\$278.06	\$8.35	\$3,299.14	
6/25/01	\$128.58	\$170.98	\$299.56	\$7.67	\$3,606.37	
7/25/01	\$108.47	\$144.25	\$252.72	\$8.60	\$3,867.69	
8/25/01	\$70.13	\$93.25	\$163.38	\$8.36	\$4,039.43	
9/25/01	\$51.43	\$68.39	\$119.82	\$6.69	\$4,165.94	
10/25/01	\$50.09	\$66.61	\$116.70	\$6.01	\$4,288.65	
11/25/01	\$25.24	\$33.58	\$58.82	\$4.91	\$4,352.38	
12/25/01	\$24.43	\$32.49	\$56.92	\$5.30	\$4,414.60	
1/25/02	\$23.60	\$31.38	\$54.98	\$3.14	\$4,472.72	
2/25/02	\$26.52	\$35.28	\$61.80	\$2.37	\$4,536.89	
3/25/02	\$27.44	\$36.46	\$63.90	\$2.69	\$4,603.48	
4/25/02	\$24.04	\$31.99	\$56.03	\$3.08	\$4,662.59	
5/24/02	\$32.53	\$43.24	\$75.77	\$2.59	\$4,740.95	
6/25/02	\$27.74	\$36.91	\$64.65	\$2.53	\$4,808.13	
7/25/02	\$35.96	\$47.82	\$83.78	\$2.70	\$4,894.61	
8/23/02	\$39.72	\$52.83	\$92.55	\$2.67	\$4,989.83	
9/25/02	\$45.61	\$60.63	\$106.24		\$5,096.07	
10/25/02	\$49.90	\$66.35	\$116.25		\$5,212.32	\$5,212.32

J. McGuire Trust / J. McGuire Trust /
RCP, et al. J. Cantrell Heirs

Note: Tract 1A, only disburse 35.60897% of escrow, with 50% going to each owner.
The remaining 7.31306% for Tract 1A will remain in escrow, conflicts not resolved.

Exhibit E
Unit Q-44
Docket No. VGOB-00-0321-0780 BOOK 566 PAGE 428
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>TRACT #1A - 5.67 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	5.67 acres	7.08750%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Reserve Coal Properties, et al	5.67 acres	7.08750%
(b) Curtis White P. O. Box 72 Whitewood, VA 24657	0.079 acres 1/72 of 5.67 acres	0.09844%
(c) Gerald V. Cantrell P. O. Box 47 Red Ash, VA 24640	0.101 acres 1/56 of 5.67 acres	0.12656%
(d) Lonnie Cantrell Sr. Rt. 1, Box 202N Cedar Bluff, VA 24609	0.101 acres 1/56 of 5.67 acres	0.12656%
(e) Marshall E. Cantrell Rt. 2, Box 330 New Castle, VA 24127	0.101 acres 1/56 of 5.67 acres	0.12656%
(f) Gayther L. Cantrell Sr. Rt. 2, Box 316 New Castle, VA 24127	0.101 acres 1/56 of 5.67 acres	0.12656%
(g) Glen D. Cantrell Rt. 2, Box 325A New Castle, VA 24127	0.101 acres 1/56 of 5.67 acres	0.12656%
(h) Deborah L. Hypes Rt. 2, Box 314H New Castle, VA 24127	0.101 acres 1/56 of 5.67 acres	0.12656%
(i) Linda White 7901 Boydton Plank Rd. #38 Petersburg, VA 23803	0.017 acres 1/336 of 5.67 acres	0.02109%
(j) Dale White 913 Hamilton Avenue Colonial Heights, VA 23834	0.017 acres 1/336 of 5.67 acres	0.02109%
(k) Diana Boone 457 Arrowhead Est. Rd. Staffordsville, KY	0.020 acres 1/288 of 5.67 acres	0.02461%
(l) Keith Clifton HC 66, Box 402 Jewell Ridge, VA 24622	0.020 acres 1/288 of 5.67 acres	0.02461%

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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(m) Lovis Beasley Rt. 2, Box 165 Westfield, NC 27053	0.118 acres 1/48 of 5.67 acres	0.14766%
(n) Kenneth Harman HC 66, Box 330 Jewell Ridge, VA 24622	0.030 acres 1/192 of 5.67 acres	0.03691%
(o) Shelia Honaker HC 66, Box 330 Jewell Ridge, VA 24622	0.030 acres 1/192 of 5.67 acres	0.03691%
(p) Maesha Thomas HC 66, Box 331 Jewell Ridge, VA 24622	0.030 acres 1/192 of 5.67 acres	0.03691%

TRACT #1B - 7.54 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	7.54 acres	9.42500%
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OIL & GAS FEE OWNERSHIP

(1) James Cantrell Heirs, Devisees Successors or Assigns Address unknown	7.54 acres	9.42500%
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**Note: The fractional interest shown is the best estimate of interest based on information available at this time.*

(1) Elbert Lee Cantrell c/o Ethel Watson 204 Grayson Avenue Richlands, VA 24641	0.580 acres 1/13 of 7.54 acres	0.72500%
(2) Raymond Ellis Cantrell HCR 62 Box 137-C Raven, VA 24639	0.580 acres 1/13 of 7.54 acres	0.72500%
(3) Rosie Maze Cantrell Keene P.O. Box 1188 St. Paul, VA 24283	0.580 acres 1/13 of 7.54 acres	0.72500%
<u>(4) John Harvey Cantrell Heirs:</u>		
(a) Andy B. Cantrell HC 62 Box 131 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
(b) Virgie M. Cantrell Box 62 Whitewood, VA 24657	0.073 acres 1/104 of 7.54 acres	0.09063%

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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(c) Elsie Cantrell Gose Friend P.O. Box 1264 Cedar Bluff, VA 24609	0.073 acres 1/104 of 7.54 acres	0.09063%
(d) Calvin Cantrell Box 389 Cedar Bluff, VA 24609	0.073 acres 1/104 of 7.54 acres	0.09063%
(e) Hattie Cantrell Kite 439 Carson Creek Road Limestone, TN 37681	0.073 acres 1/104 of 7.54 acres	0.09063%
(f) Edward M. Cantrell 863 Chestnut Street Walbash, IN 46992	0.073 acres 1/104 of 7.54 acres	0.09063%
<u>(g) Cecile Cantrell Boyd Heirs:</u>		
(g.1) Hazel Annamae Tatum Rt.2 Box 850 Cedar Bluff, VA 24609	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.2) Benard Alfred Boyd 2561 Savage Fork Road Leesville, LA 71446	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.3) Glen A. Boyd 1632 Highway 37 Blountville, TN 37617	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.4) John Melvin Boyd 451 Knobview Road Blountville, TN 37617	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.5) Freddy Boyd Rt.1 Box 1348 Pounding Mill, VA 24637	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.6) Teddy Boyd Rt.2 Box 330 Cedar Bluff, VA 24609	0.010 acres 1/728 of 7.54 acres	0.01295%
(g.7) Barbara Boyd McCartney 9885 County Rd. 329 Homesville, OH 44633	0.010 acres 1/728 of 7.54 acres	0.01295%
<u>(h) Rosalene Cantrell Boyd & Noah Boyd Heirs:</u>		
(h.1) Dovie White 913 Hamilton Avenue Colonial Heights, VA 23834	0.004 acres 1/1950 of 7.54 acres	0.00483%
(h.2) Donald Boyd 461 White Drive Cedar Bluff, VA 24609	0.014 acres 131/70200 of 7.54 acres	0.0175880%

Exhibit E
Unit Q-44

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Docket No. VGOB-00-0321-0780
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(h.3) John Ralph Boyd 227 Jana Court Chesapeake, VA 23320	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.4) Alonzo Boyd Rt.1 Box 1040 Pounding Mill, VA 24637	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.5) Jessie Boyd Rt.1 Box 389-B Cedar Bluff, VA 24609	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.6) Lacy Boyd P.O. Box 744 Richlands, VA 24641	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.7) Noah Boyd, Jr. 617 Morrill Avenue S.E. Roanoke, VA 24013	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.8) Francis Anthony c/o Kathy Robinson 203 Ridge Avenue Towson, MD 21286	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.9) Dolly Ruth Horn Rt.2 Box 460 Pounding Mill, VA 24637	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(h.10) Veola Bentley 1106 Wasena Avenue S.W. Apt. #13 Roanoke, VA 24015	0.014 acres 131/70200 of 7.54 acres	0.0175880%
(5) <u>Henry William Cantrell Heirs:</u>		
(a) Calvin Cantrell P.O. Box 105 Paradise, PA 17562	0.053 acres 1/143 of 7.54 acres	0.06591%
(b) Hershel Cantrell 229 Circle Drive Quarryville, PA 17566	0.053 acres 1/143 of 7.54 acres	0.06591%
(c) Mildred Noe Box 1955 Lancaster, PA 17602	0.053 acres 1/143 of 7.54 acres	0.06591%
(d) Clara Mowdy Box 59 Davy, WV 24824	0.053 acres 1/143 of 7.54 acres	0.06591%
(e) <u>Robert Cantrell Heirs:</u>		
(e.1) Mavis Cantrell, Widow 118 Pinewood Road Elk View, WV 25071	0.053 acres 1/143 of 7.54 acres	0.06591%

Exhibit E
Unit Q-44
Docket No. VGOB-00-0321-0780
List of Conflicting Owners/Claimants that require escrow

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	Net Acres in Unit	Interest in Unit
<u>(f) Edna Bradley Heirs:</u>		
(f.1) Helen Lambert 1111 Georgia Avenue Bristol, TN 37620	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.2) Doris Mathis Rt.6 Box 218-B Princeton, WV 24740	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.3) Robert Bradley 1414 Lampeter Road Lancaster, PA 17602	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.4) Roger Bradley 33 Naomi Avenue Landisville, PA 17538	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.5) Kenneth Bradley 6565 S. Headley Road Tucson, AZ 85746	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.6) Patsy Gerfin P.O. Box 3273 Wise, VA 24293	0.008 acres 1/1001 of 7.54 acres	0.00942%
(f.7) Donna Schonberger 1925 Oregon Pike Apt. L-5 Lancaster, PA 17602	0.008 acres 1/1001 of 7.54 acres	0.00942%
<u>(g) Lonzo Cantrell Heirs:</u>		
(g.1) Lillian Ann Stamper P.O. Box 436 Davy, WV 24828	0.026 acres 1/286 of 7.54 acres	0.03295%
(g.2) Jackie Ray Cantrell P.O. Box 151 Davy, WV 24828	0.026 acres 1/286 of 7.54 acres	0.03295%
<u>(h) John Cantrell Heirs: (address unknown)</u>		
<u>(i) Harold Cantrell Heirs: (address unknown)</u>		
<u>(j) Mary Justice Heirs: (address unknown)</u>		
<u>(k) Edgar Cantrell Heirs: (address unknown)</u>		
<u>(6) Louisa Victoria Cantrell Boyd Blankenship Heirs:</u>		
(a) Nellie Corns Honaker, VA 24260	0.058 acres 1/130 of 7.54 acres	0.07250%
(b) Lennie Cole 11 Ridgcrest Private Drive Somerville, AL 35670	0.058 acres 1/130 of 7.54 acres	0.07250%

Exhibit E
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	Net Acres in Unit	Interest in Unit
(c) Linkous Blankenship Raven, VA 24639	0.058 acres 1/130 of 7.54 acres	0.07250%
(d) Acie Blankenship Doran, VA 24612	0.058 acres 1/130 of 7.54 acres	0.07250%
(e) Marie Horn Raven, VA 24639	0.058 acres 1/130 of 7.54 acres	0.07250%
<u>(f) Harm Boyd Heirs:</u>		
(f.1) Johnny Boyd Tip City, OH	0.029 acres 1/260 of 7.54 acres	0.03625%
(f.2) Tommy Boyd Address Unknown	0.029 acres 1/260 of 7.54 acres	0.03625%
<u>(g) Cindy McGlothlin Heirs:</u>		
(g.1) Grady McGlothlin P.O. Box 5955 Raven, VA 24639	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.2) Annis McGlothlin Rt. 1 Box 1010 Pounding Mill, VA 24637	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.3) Clint McGlothlin 150 Corning Court Beaver, WV 25813	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.4) Geneva Mollahan 4664 Spencer Circle Geneva, OH 44041	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.5) Betty Deel Rt. 2 Box 570 Pounding Mill, VA 24637	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.6) Nancy Moff 129 Floyd Worley Road Beaver, WV 25813	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.7) Minnie Moff 696 Blue Hollow Road Mt. Airy, NC 27030	0.006 acres 1/1170 of 7.54 acres	0.00806%
(g.8) Jessie Matney 205 Piney Fork Dugspur, VA 24325	0.006 acres 1/1170 of 7.54 acres	0.00806%
<u>(g.9) Arlen McGlothlin Heirs:</u>		

Exhibit E
Unit Q-44

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	Net Acres in Unit	Interest in Unit
(g.9.1) Artie Merritt 15A Razor Drive Greenville, SC 29617	0.00215 acres 1/3510 of 7.54 acres	0.00269%
(g.9.2) Paul McGlothlin 5 North Gaywood Greenville, SC 29605	0.00215 acres 1/3510 of 7.54 acres	0.00269%
(g.9.3) Ronnie McGlothlin 14 Hester Road Greenville, SC 29617	0.00215 acres 1/3510 of 7.54 acres	0.00269%
(h) Sarah Boyd Sparks Heirs:		
(h.1) Kyle Sparks P.O. Box 224 Mavisdale, VA 24627	0.019 acres 1/390 of 7.54 acres	0.02417%
(h.2) Holly Sparks Heirs:		
(h.2.1) Ruby Sparks 709 Needmoore Road Chilhowie, VA 24319	0.019 acres 1/390 of 7.54 acres	0.02417%
(h.3) Rufus Sparks Heirs: (address unknown)		
(i) Noah Boyd Heirs: (see Rosalene Cantrell Boyd)		
(j) Frank Boyd Heirs:		
(j.1) Hazel Boyd 124 Fourth Street Cedar Bluff, VA 24609	0.058 acres 1/130 of 7.54 acres	0.07250%
(7) Joseph David Cantrell Heirs:		
(a) Garnie Horn 5606 Kildare Drive Richmond, VA 23225	0.097 acres 1/78 of 7.54 acres	0.12083%
(b) Myrtle Cantrell Box 8 Whitewood, VA 24657	0.097 acres 1/78 of 7.54 acres	0.12083%
(c) Dolly Horn 21233 Plantation Drive Bristol, VA 24202	0.097 acres 1/78 of 7.54 acres	0.12083%
(d) Lola Keen P.O. Box 44 Whitewood, VA 24657	0.097 acres 1/78 of 7.54 acres	0.12083%
(e) Ruby Alice Horn Box 5 Whitewood, VA 24657	0.097 acres 1/78 of 7.54 acres	0.12083%

(f) Luther Cantrell Heirs:

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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(f.1) Tennessee Cantrell, Widow Box 354 Doran, VA 24612	<i>Life Estate</i>	
(f.2) Walsie VanDyke 2415 Utly Road Flint, MI 48532	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.3) Carl Cantrell 5207 Lady Lake Road Lady Lake, FL 32139	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.4) Therman Cantrell 6108 Straight Hollow Road McVeigh, KY 41546	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.5) Juanita Hale Rt.3 Box 380 Cedar Bluff, VA 24609	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.6) Pauline Davidson Box 511 Keen Mountain, VA 24624	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.7) Geraldine Mounts Box 252 Richlands, VA 24641	0.014 acres 1/546 of 7.54 acres	0.01726%
(f.8) Walter Cantrell 4th Street, Box 145 Cedar Bluff, VA 24609	0.014 acres 1/546 of 7.54 acres	0.01726%
(8) <u>Jessie Cleveland Cantrell Heirs:</u>		
(a) Dovie Cantrell Dixon 11533 N. Forest Hills Drive Tampa, FL 33612	0.193 acres 1/39 of 7.54 acres	0.24167%
(b) Marjorie Morefield 15215 Lee Highway Bristol, VA 24202	0.193 acres 1/39 of 7.54 acres	0.24167%
(c) Myriel Music 14525 Lee Highway Bristol, VA 24202	0.193 acres 1/39 of 7.54 acres	0.24167%
(9) <u>Nancy Sarilda Cantrell Pruitt Heirs:</u>		
(a) Charlie Pruitt Rt.1 Box 88G Cedar Bluff, VA 24609	0.073 acres 1/104 of 7.54 acres	0.09063%
(b) Joseph Pruitt Rt.1 Box 300 Cedar Bluff, VA 24609	0.073 acres 1/104 of 7.54 acres	0.09063%

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	Net Acres in Unit	Interest in Unit
(c) Avis Boyd Box 715 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
(d) Mazie Houston 7546 N. Pine Street Manassas, VA 20111	0.073 acres 1/104 of 7.54 acres	0.09063%
(e) Bessie Houston 3437 E. Ripple Road Cantderd, AZ 86322	0.073 acres 1/104 of 7.54 acres	0.09063%
<u>(f) Otis Pruitt Heirs:</u>		
(f.1) Mary Ellen Pruitt, Widow P.O. Box 183 Doran, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
<u>(g) Alta Wyatt Heirs:</u>		
(g.1) Bonnie Wyatt 516 Shanadoh Street Richlands, VA 24641	0.024 acres 1/312 of 7.54 acres	0.03021%
(g.2) Jerry Wyatt HCR 63 Box 80A Jewell Ridge, VA 24622	0.024 acres 1/312 of 7.54 acres	0.03021%
(g.3) Yvonne Arnold HCR 63 Box 80 Jewell Ridge, VA 24622	0.024 acres 1/312 of 7.54 acres	0.03021%
<u>(h) Sarah Ball Heirs:</u>		
(h.1) Thelma Justice P.O. Box 878 Lebanon, VA 24266	0.012 acres 1/624 of 7.54 acres	0.01510%
(h.2) Wanda Stooksbury P.O. Box 703 Norris, TN 37828	0.012 acres 1/624 of 7.54 acres	0.01510%
(h.3) Connie Duncan 12453 Maple Street Moundsville, AL 35474	0.012 acres 1/624 of 7.54 acres	0.01510%
(h.4) Vernie Cook Rt.2 Box 482 Honaker, VA 24260	0.012 acres 1/624 of 7.54 acres	0.01510%
(h.5) Kim Bowman Box 825 Woodbriar Drive Lebanon, VA 24266	0.012 acres 1/624 of 7.54 acres	0.01510%
(h.6) Angie Stevens P.O. Box 2105 Honaker, VA 24260	0.012 acres 1/624 of 7.54 acres	0.01510%

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	Net Acres in Unit	Interest in Unit
(10) <u>Laura Jane Helton Cook Heirs:</u>		
(a) Mable Hope 5661 Gunpowder Road White Marsh, MD 21162	0.290 acres 1/26 of 7.54 acres	0.36250%
(b) <u>Tidy Moxley Heirs:</u>		
(b.1) Helen Ferguson 184 County Road 201 Athen, TN 37303	0.058 acres 1/130 of 7.54 acres	0.07250%
(b.2) Paul Moxley 849 Lincoln Rd #71 Uba City, CA 95991	0.058 acres 1/130 of 7.54 acres	0.07250%
(b.3) Virginia Lilliston 904 Martell Court, Apt I Bel Air, MD 21014	0.058 acres 1/130 of 7.54 acres	0.07250%
(b.4) Bobby Moxley 11735 S.W. 112 Terrace Miami, FL 33165	0.058 acres 1/130 of 7.54 acres	0.07250%
(b.5) Ronnie Moxley 218 Minnesota Avenue St. Cloud, FL 34769	0.058 acres 1/130 of 7.54 acres	0.07250%
(11) <u>James Washington Cantrell Heirs:</u>		
(a) Erma Horn Box 775 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
(b) Anna Belle Cantrell 10260 Tuyunga Cyn. Blvd. Tuyunga, CA 91042	0.073 acres 1/104 of 7.54 acres	0.09063%
(c) Naomi McFerdick 331 Cleveland Avenue Ashland, OH 44805	0.073 acres 1/104 of 7.54 acres	0.09063%
(d) John Lee Cantrell Box 173 Pounding Mill, VA 24637	0.073 acres 1/104 of 7.54 acres	0.09063%
(e) Oris Cantrell HC 62 Box 86 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
(f) Mary Cantrell Crawford P.O. Box 1229 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%
(g) Clara Hammond P.O. Box 659 Raven, VA 24639	0.073 acres 1/104 of 7.54 acres	0.09063%

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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>(h) Lewis Cantrell Heirs:</u>		
(h.1) Bonnie Cantrell, Widow 972 Piper Road Mansfield, OH 44905	0.073 acres 1/104 of 7.54 acres	0.09063%
<u>(12) Ada Samantha Cantrell Keen Heirs:</u>		
(a) Andrew Keen HC 62 Box 157 Raven, VA 24639	0.290 acres 1/26 of 7.54 acres	0.36250%
(b) Therman Keen Rt.1 Box 308 Grundy, VA 24614	0.290 acres 1/26 of 7.54 acres	0.36250%
<u>(13) George Freeman Cantrell Heirs:</u>		
(a) Arline Newberry Rt.1 Box 20 Raven, VA 24634	0.083 acres 1/91 of 7.54 acres	0.10357%
(b) Leopal Newberry 13001 Dykeland Road Amelia, VA 23002	0.083 acres 1/91 of 7.54 acres	0.10357%
(c) Albert Cantrell Box 214 Pilgrims Knob, VA 24634	0.083 acres 1/91 of 7.54 acres	0.10357%
(d) Lois Cantrell Box 144 Pilgrims Knob, VA 24634	0.083 acres 1/91 of 7.54 acres	0.10357%
(e) George Cantrell, Jr. Rt.1 Box 137C Raven, VA 24634	0.083 acres 1/91 of 7.54 acres	0.10357%
(f) Dennis Cantrell 663 Cutsey Hill Road Chase, VA 23924	0.083 acres 1/91 of 7.54 acres	0.10357%
<u>(g) Mable Cantrell Arnold Heirs:</u>		
(g.1) Dinah Arnold Rt.1 Box 456A Tazewell, VA 24651	0.028 acres 1/273 of 7.54 acres	0.03452%
(g.2) Dwayne Arnold 336 Crooked Creek Drive Leonard, MI 48367	0.028 acres 1/273 of 7.54 acres	0.03452%
(g.3) Randy Arnold P.O. Box 615 Lake Orin, MI 48361	0.028 acres 1/273 of 7.54 acres	0.03452%

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>TRACT #1A - 5.67 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	5.67 acres	7.08750%	42.92203%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Reserve Coal Properties, et al	5.67 acres	7.08750%	
(a) Reserve Coal Properties P. O. Box 947 Bluefield, VA 24605	4.704 acres 633/763 of 5.67 acres	5.87993%	35.60897%

INSTRUMENT #00001175
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY ON
 APRIL 8, 2003 AT 12:54 PM
 JAMES M. BEVINS, JR., CLERK

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 5th day of April, 2003 at 12:54 P.M.
 Deed Book No. _____ and Page No. 422 TESTE: James M. Bevins, Jr., Clerk
 Returned to: DMG TESTE: Jewely S. Williams, Deputy Clerk
Shane J

Docket No. VGOB-00-0321-0780

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Percent of Escrow
TRACT #1A - 5.67 acres			
COAL FEE OWNERSHIP			
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	5.67 acres	7.08750%	42.92203%
OIL & GAS FEE OWNERSHIP			
(1) Reserve Coal Properties, et al	5.67 acres	7.08750%	
(a) Reserve Coal Properties P. O. Box 947 Bluefield, VA 24605	4.704 acres 633/763 of 5.67 acres	5.87993%	35.60897%

INSTRUMENT #00000125
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY ON
 APRIL 8, 2003 AT 12:54 PM
 JAMES M. BEVINS, JR., CLERK

(00) _____ BY:

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 5th day of April, 2003 at 12:54 P.M.
 Deed Book No. _____ and Page No. 422 TESTE: James M. Bevins, Jr., Clerk
 Returned to: D.M.M. TESTE: Jeanne J. Keller, Deputy Clerk