

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 Buckhorn Coal Company and certain Columbus Earl White Heirs including Michael White, Ferrell White Herald White, Marty White Cathy Darlene Ward, and Melissa Skeens;

DOCKET NO.

01-320-0873-01

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling AX-111, Tract 2.
(Referenced herein as "the Subject Drilling Unit")

Location: Russell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AX-111 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Conference Center, 139 Highland Drive, Lebanon Virginia.
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 19, 2001 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 Russell County on May 2, 2001, Deed Book 525 pages 0001 to 0023, Instrument Number 0001344. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Court of Russell County on August 8, 2001, Deed Book 532 pages 0310 to 0324, Instrument Number 0002834 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Buckhorn Coal Company and the gas ownership interests of the applicants 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 Buckhorn Coal Company and the Applicants have entered into an agreement with regards to Tract 2 and that by the terms of the agreements, Buckhorn Coal Company has entered into a (50% 50%) split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Buckhorn Coal Company and the applicants that the Board would consider its disbursement authorization at its hearing on June 16, 2009 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 Tracts 2, 4, & 5 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to said Tract 2 in 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 1, 3, and 4.
- 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) Buckhorn Coal Company and certain (Columbus) Earl White Heirs, Devisees, Successors or Assigns include: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 2 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 01-0320-0873-01

As Given
Acreage Fraction Acreage Interest Split Agreement Acres % of Escrowed Funds

Table 1

Item	Tract	Disbursement Table	Acreage Fraction	Acreage Interest	Split Agreement	Acres	% of Escrowed Funds
		Tract 2					
						58.70	
1	2	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651 (COLUMBUS) Earl White Heirs		12.9900	50.0%	6.50	11.0647%
			12.99				
2	2	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		12.9900	50.0%	6.50	11.0647%

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 5 day of August, 2009 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 5 day of August, 2009 by an Order of this Board.

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

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 5th day of August, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2009



PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 01-0320-0873-01

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

HEARING DATE: June 16, 2009

DRILLING UNIT: AX-111

~~BUCHANAN~~ COUNTY, VIRGINIA
Rossett

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 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 Tract(s) 2 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens.

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:** Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid. *Initial payout for the heirs of Columbus Earl Whited should be made payable to trust account: Glubiak Law Office, P.O. Box 144, Aylett, VA 23009 (Ralph Snead, Administrator C.T.A. of the Estate will distribute in accordance with Columbus Earl Whited's will.)*

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

Buckhorn Coal Co
(Columbus) Earl V
Buckhorn Coal Co
(Columbus) Earl V
Buckhorn Coal Co
(Columbus) Earl V

Tract-by-Tract Escrow Calculation
Account Balances as of 3/31/09

Unit AX-111
 VGOB 01-0320-0873-01
 Acres Escrowed: 58.70000

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners \$73,757.23
Buckhorn Coal Co. - Coal (Columbus) Earl Whited Heirs - O&G (Title Conflict)	1	25.32			43.1346%	21.5673%	\$15,907.44
						21.5673%	\$15,907.44
Buckhorn Coal Co. - Coal (Columbus) Earl Whited Heirs - O&G	2	12.99			22.1295%	11.0647%	\$8,161.04
Michael Whited			1.29900	10%		1.1065%	\$816.10
Ferrell Whited			2.33820	18%		1.9917%	\$1,468.99
Herald Whited			2.33820	18%		1.9917%	\$1,468.99
Marty Whited			2.33820	18%		1.9917%	\$1,468.99
Cathy Darlene Ward			2.33820	18%		1.9917%	\$1,468.99
Melissa Skeens			2.33820	18%		1.9917%	\$1,468.99
Buckhorn Coal Co. - Coal (Columbus) Earl Whited Heirs, et al. - O&G (Title Conflict)	3	13.18			22.4532%	11.2266%	\$8,280.41
						11.2266%	\$8,280.41
Buckhorn Coal Co. - Coal (Columbus) Earl Whited Heirs, et al. - O&G (Title Conflict)	4	7.21			12.2828%	6.1414%	\$4,529.72
						6.1414%	\$4,529.72

PROPERTY LINES SHOWN WERE TAKEN FROM PLATS PROVIDED BY CONSOL. CO. AND WERE NOT SURVEYED

BOOK

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N 303,438.15
E 985,370.48

N 303,878.74
E 986,908.96

W.E.

2377.5

OBM-PGP-AX111

N 302,337.37
E 985,253.06

59.7 ACRE UNIT

N 302,279.96
E 986,851.54

2

4

1

3

EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AX-111.
FORCE POOLING
VGOB-01-0320-0873

Company Pocahontas Gas Partnership Well Name and Number UNIT AX111
Tract No. _____ Elevation _____ Quadrangle Honger
County Russell District New Garden Scale: 1" = 400' Date 4/3/01
This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Mark C. Meyer
Licensed Professional Engineer or Licensed Land Surveyor

10559
(Affix Seal)

POCAHONTAS GAS PARTNERSHIP**Unit AX-111****Tract Identifications****(58.7 Acre Unit)**

1. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) – Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited or Heirs, Devisees, Successors or Assigns of Dr. L. M. Harrison -
1/8 th of Surface, Oil & Gas
Earl Whited or Gent Enterprises, LLP. - 7/8 ths of Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
25.32 acres 43.1346 %
2. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) – Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
12.99 acres 22.1295 %
3. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) – Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited or Elijah Stacy Heirs - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
13.18 acres 22.4531 %
4. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) – Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Earl Whited or Heirs, Devisees, Successors or Assigns of Dr. L. M. Harrison -
1/8 th of Surface, Oil & Gas
Ellen Brown Heirs, Devisees, Successors or Assigns, et al. - 7/8 ths of Surface, Oil & Gas
7.21 acres 12.2828 %

Exhibit E
Unit AX111
Docket #VGOB-01-0320-0873

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #1, 25.32 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	25.32 acres	43.1346%
<u>OIL & GAS FEE OWNERSHIP</u>		
Earl Whited et al.	25.32 acres	43.1346%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	3.17 acres 1/8 of 25.32 acres	5.3918%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.32 acres 10% of 21.80 acres	0.5392%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.57 acres 18% of 21.80 acres	0.9705%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.57 acres 18% of 21.80 acres	0.9705%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.57 acres 18% of 21.80 acres	0.9705%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.57 acres 18% of 21.80 acres	0.9705%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.57 acres 18% of 21.80 acres	0.9705%
<u>(OR)</u>		
Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns <i>Address Unknown</i>	3.17 acres 1/8 of 25.32 acres	5.3918%
(2) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	22.16 acres 7/8 of 25.32 acres	37.7428%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	2.22 acres 10% of 22.16 acres	3.7743%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	3.99 acres 18% of 22.16 acres	6.7937%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	3.99 acres 18% of 22.16 acres	6.7937%

**Exhibit E
Unit AX111
Docket #VGOB-01-0320-0873**

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	3.99 acres 18% of 22.16 acres	6.7937%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	3.99 acres 18% of 22.16 acres	6.7937%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	3.99 acres 18% of 22.16 acres	6.7937%
(OR)		
Gent Enterprises, LLP. P.O. Box 330 Honaker, VA 24260	22.16 acres 7/8 of 25.32 acres	37.7428%

Tract #3, 13.18 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	13.18 acres	22.4532%
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OIL & GAS FEE OWNERSHIP

Earl Whited et al.	13.18 acres	22.4532%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	13.18 acres	22.4532%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.32 acres 10% of 13.18 acres	2.2453%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	2.37 acres 18% of 13.18 acres	4.0416%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	2.37 acres 18% of 13.18 acres	4.0416%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	2.37 acres 18% of 13.18 acres	4.0416%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.37 acres 18% of 13.18 acres	4.0416%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.37 acres 18% of 13.18 acres	4.0416%

(OR)

Exhibit E
Unit AX111
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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(1) Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns	13.18 acres	22.4532%
(a) Fayne E. Stacy 1605 6th Street Richlands, VA 24641	4.39 acres 1/3 of 13.18 acres	7.4844%
(b) Nancy J. Stacy 2830 German Town Road Oakton, VA 22124	2.20 acres 1/6 of 13.18 acres	3.7422%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	2.20 acres 1/6 of 13.18 acres	3.7422%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	<i>Life Estate in 1/9</i>	
(e) Allen Stacy 2611 Stoneridge Court Arlington, TX 76014	4.39 acres 1/3 of 13.18 acres <i>(Life Estate in 1/9)</i>	7.4844%

Tract #4, 7.21 acres**COAL FEE OWNERSHIP**

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	7.21 acres	12.2828%
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OIL & GAS FEE OWNERSHIP

Earl Whited et al.	7.21 acres	12.2828%
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.90 acres 1/8 of 7.21 acres	1.5353%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.09 acres 10% of 0.90 acres	0.1535%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.16 acres 18% of 0.90 acres	0.2764%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.16 acres 18% of 0.90 acres	0.2764%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.16 acres 18% of 0.90 acres	0.2764%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.16 acres 18% of 0.90 acres	0.2764%

Exhibit E
Unit AX111

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.16 acres 18% of 0.90 acres	0.2764%
(OR)		
Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns <i>Address Unknown</i>	0.90 acres 1/8 of 7.21 acres	1.5353%
(2) Ellen Brown Heirs, Devisees, Successors or Assigns, et al.	6.31 acres 7/8 of 7.21 acres	10.7474%
(f) Raymond Abshire 1074 Beckley Road Camp Creek, WV 25820	0.04 acres 3/500 of 6.31 acres	0.0645%
(g) Helen Parr 37 Crimora Mine Road Crimora, VA 24431	0.04 acres 3/500 of 6.31 acres	0.0645%
(h) Daniel Abshire 211 Mine Branch Road Crimora, VA 24431	0.04 acres 3/500 of 6.31 acres	0.0645%
(i) Fred K. Abshire Rt.1 Box 287D Linhurst, VA 22952	0.04 acres 3/500 of 6.31 acres	0.0645%
(k) Tolv "Tracy" Perkins 763 Bridge Drive Pasadena, MD 21122	0.30 acres 1/21 of 6.31 acres	0.5159%
(m) Myrtle Lee Norton Heirs, Devisees, Successors or Assigns		
(m.1) Mitzi Helbert 45 Pace Drive Bristol, VA 24201	0.23 acres 1/28 of 6.96 acres	0.3838%
(m.2) Michael Whitt 35 Pace Drive Bristol, VA 24201	0.23 acres 1/28 of 6.96 acres	0.3838%
(q) Judy Farmer HC65 Box 45 Vansant, VA 24656	0.11 acres 1/56 of 6.31 acres	0.1935%
(r) Pauline Presley 1302 W. Ajo Way 308 Tucson, AZ 85713	0.11 acres 1/56 of 6.31 acres	0.1935%
(s) Clarence Whited Rt.1 Box 356 Grundy, VA 24614	0.11 acres 1/56 of 6.31 acres	0.1935%
(u) Delma Coleman P.O. Box 506 Grundy, VA 24614	0.11 acres 1/56 of 6.31 acres	0.1935%

Exhibit E
Unit AX111

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(v) Helen Patterson 2260 McBrager Court Cumming, GA 30130	0.11 acres 1/56 of 6.31 acres	0.1935%
(w) Fayne Whited P.O. Box 1142 Grundy, VA 24614	0.11 acres 1/56 of 6.31 acres	0.1935%
(x) Carolyn Whited 15194 Porterfield Highway Abingdon, VA 24210	0.11 acres 1/56 of 6.31 acres	0.1935%
(z) Elmer Brown Rt.1 Box 476 Vansant, VA 24565	0.10 acres 1/62 of 6.31 acres	0.1720%
(aa) Garland Brown P.O. Box 215 Rosedale, VA 24280	0.10 acres 1/62 of 6.31 acres	0.1720%
(ab) Pauline Brown HC65 Box 45 Oakwood, VA 24631	0.10 acres 1/62 of 6.31 acres	0.1720%
(ae) Earl Brown 327 Meadow Crest Drive Bristol, VA 24201	0.10 acres 1/62 of 6.31 acres	0.1720%
(af) Richard Brown Box 182 Maple Hurst Lane Bluff City, TN 37618	0.10 acres 1/62 of 6.31 acres	0.1720%
(ag) Virgil K. Street Box 999 Honaker, VA 24260	0.05 acres 1/125 of 6.31 acres	0.0860%
(ah) Kimberly Lynn Street Box 999 Honaker, VA 24260	0.05 acres 1/125 of 6.31 acres	0.0860%
(aj) Dexter Perkins HC Box 214 Jewell Ridge, VA 24622	0.01 acres 1/500 of 6.31 acres	0.0215%
(ak) Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.01 acres 1/500 of 6.31 acres	0.0215%
(al) Chester C. Smith 1020 Buena Vista Road South Vienna, OH 45369	0.01 acres 1/500 of 6.31 acres	0.0215%
(am) Audry Blankenship HC63 Box 142A Jewell Ridge, VA 24622	0.01 acres 1/500 of 6.31 acres	0.0215%
(an) Wayne E. Smith 175 Sylvan Shores Drive South Vienna, OH 45369	0.01 acres 1/500 of 6.31 acres	0.0215%

Exhibit E
Unit AX111
Docket #VGOB-01-0320-0873

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(ao) Jesse Street 772 Big Creek Road Richlands, VA 24641	0.01 acres 1/500 of 6.31 acres	0.0215%
(ap) Elster Hurley 1509 Norway Street Bristol, VA 24201	0.01 acres 1/500 of 6.31 acres	0.0215%
(aq) Frankie Ratliff c/o Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.01 acres 1/500 of 6.31 acres	0.0215%
(ar) Dr. L.M. Harrison Heirs, Devisees Successors or Assigns <i>Address Unknown</i>	0.79 acres 1/8 of 6.31 acres	1.3434%
(as) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	3.14 acres 497/1000 of 6.31 acres	5.3415%

Exhibit EE
Unit AX-111

Docket #VGOB-01-0320-0873

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
58.7			
<u>Tract #2, 12.99 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	12.99 acres	22.1295%	11.0647%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	12.99 acres	22.1295%	11.0647%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.30 acres 10% of 21.80 acres	2.2129%	1.1065%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	2.34 acres 18% of 21.80 acres	3.9833%	1.9917%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	2.34 acres 18% of 21.80 acres	3.9833%	1.9917%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	2.34 acres 18% of 21.80 acres	3.9833%	1.9917%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.34 acres 18% of 21.80 acres	3.9833%	1.9917%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.34 acres 18% of 21.80 acres	3.9833%	1.9917%

A

May 5, 2009

BOOK 709 PAGE 0915

To: CNX Gas Company, LLC
Attorney, Peter Glubiak
Administrator, Ralph Snead

Re: The Heirs of Columbus Earl Whited
Distribution of Gas Money

The family has come into agreement that all the past present and future Escrow Funds that are being released from CNX Gas Company to go directly to the Administrator of Columbus Earl Whited Estate, Ralph Snead, who is located in Lebanon, Virginia.

We request the funds to no longer be released to Attorney, Glubiak, who is located in Aylett, Virginia. This matter should be handled by the Administrator of the Estate, who is local to the family.

The family is requesting to be notified as the funds are being released from CNX with statements showing the amount released and the balance of the accounts. Also, please provide the family with the beginning balance of the Escrow Funds, along with the balance of the Funds on the death of Columbus Earl Whited which is October 14, 2006.

Attached is the signature page showing the agreement of the family. We appreciate your immediate attention to this matter.

Ferrell Whited
Michael Whited
Herald Jake Whited

Melissa Skeens
Cathy Ward
Marty Whited

Herald (Jake) Whited

Herald Jake Whited

Marty whited

Marty whited

Cathy D. Ward

Cathy D. Ward

Melissa Whited Skeens

Melissa Whited Skeens

Michael Whited

Michael Whited

Ferrell Whited

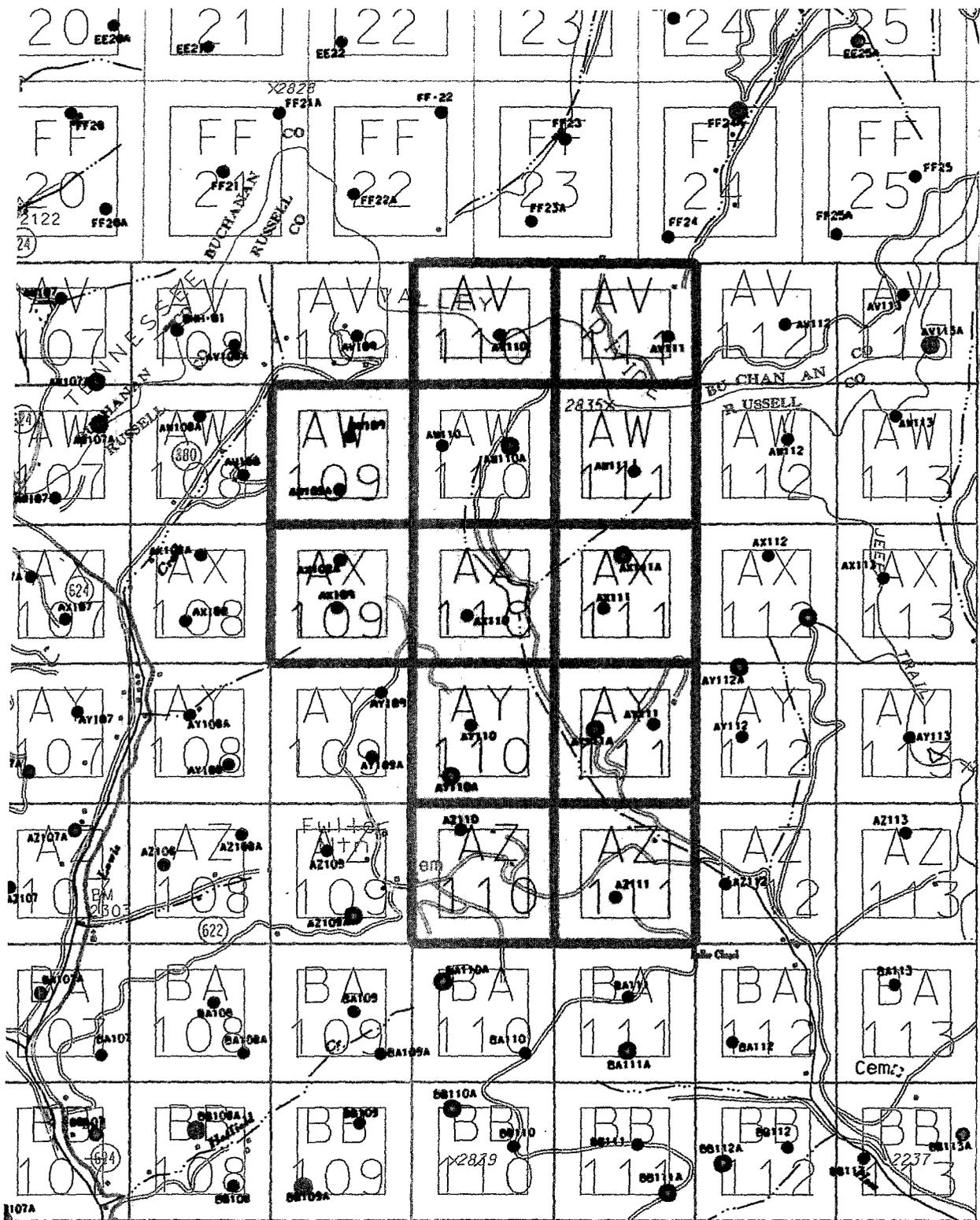
Ferrell Whited

My Comm. Exps. 5/30/2010

NOVA Whited
NOVA Whited

B

BOOK 709 PAGE 0917



UNIT	VGOB	Wells Contributing to Escrow Account
AV110	01-0320-0870-02	CBM-AV110
AV111	01-0116-0852-01	CBM-AV111
AW109	01-0821-0909-01	CBM-AW109
AW111	01-0320-0871-02	CBM-AW111
AX109	01-0821-0912-01	CBM-AX109
AX110	01-0320-0872-01	CBM-AX110
AX111	01-0320-0873-01	CBM-AX111
AY110	01-0320-0875-01	CBM-AY110
AY111	01-0320-0876-01	CBM-AY111
AZ110	01-0917-1070-02	CBM-AZ110
AZ111	02-0416-1023-01	CBM-AZ111

0902012

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 8-13-09, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:03 o'clock A.M, after payment of \$ — tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Ann S. McReynolds CLERK

Original returned this date to: Sharon Hagy