

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 Whited Heirs, including Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens.

DOCKET NO.**01-0320-0877-02****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
 Action: Amending Prior Orders Affecting Drilling **Unit AY-112, Tract 2D**
 (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 **AY-112** 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 July 21, 2009 at the Russell County Conference Center, 139 Highland Drive, Lebanon Virginia.
2. **Appearances:** Mark A. Swartz, Esq. 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 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 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, Instrument Number 0001345. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Russell County on April 26, 2001, Instrument Number 0002835 (hereafter all orders are collectively referred to as the "Pooling Orders").
- (b) On January 15, 2008, the Board heard testimony and executed a disbursement order, VGOB 01-0320-0877-01 for Mike Rasnake et al and Buckhorn Coal Company relative to a split agreement (50% / 50%) for their coal and gas ownership interest in tracts 2E and 2F. The Disbursement Order was filed with the Clerk of the Circuit Court of Russell County in Deed Book 701 pages 0473 to 0484 on January 26, 2009, Instrument 0900190.
- 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 and oil ownership interests of the Applicants in tract known as 2D 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 2D 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 2D and that by the terms of the agreements, Buckhorn Coal Company has entered into a split agreement regarding this Tract and escrow regarding these individual conflicting claims detailed herein, is no longer required.
- 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 July 21, 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 Tract 2D as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 2D and the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting (Exhibit A) 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 including Michael White, Ferrell White, Heralde White, Marty White, Cathy Darlene Ward, and Melissa Skeens, are the owners of the coal estate, gas and oil acreage estate underlying VGOB Tract 2D of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 01-0320-0887-02
UNIT AY-112

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

Table 1

		Tract 2D					
Item	Tract	Disbursement Table					
						41.7275	
1	2D	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651		13.9200	50.0%	6.96	16.6796%
		(COLUMBUS) Earl White Heirs	13.92				
2	2D	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia		13.9200	50.0%	6.96	16.6796%

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, 2008, 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, 2008, 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.

My commission expires: 9, 30, 09

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



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 01-0320-0873-02

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

HEARING DATE: July 21, 2009

DRILLING UNIT: AY-112

~~BUCHANAN~~ COUNTY, VIRGINIA

Russell



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) 2D 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, Devises, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens.

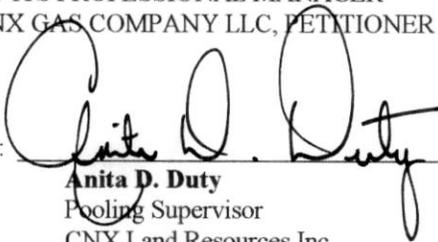
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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

5. **Factual basis for relief requested:** Buckhorn Coal Company and Columbus Earl Whited Heirs, Devises, 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: Ralph Snead, Administrator C.T.A. of the Estate, P.O. Box 399, Lebanon, VA 24266 and he will distribute in accordance with the 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
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

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

BOOK 709 PAGE 0937

N 302,279.96
E 986,851.54

N 302,222.55
E 988,450.02

58.7 ACRE UNIT

2C

2A

2D

2B

CBM-PGP-AY112

2E

CEM.

1

2F

N 300,681.19
E 986,794.12

N 300,623.78
E 988,392.60

EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-112
FORCE POOLING
VGOB-01-0320-0877

Company Pocahontas Gas Partnership ; Well Name and Number UNIT AY112

Tract No. _____ Elevation _____ Quadrangle Honaker

County Russell District New Garden Scale: 1" = 400' Date 4/3/01

This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles G. Mayne

(Affix Seal)

Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP**Unit AY-112****Tract Identifications
(58.7 Acre Tract)**

1. Buckhorn Coal Company Tr. 8 (Warder # 10 Tract) - Fee
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Reserve Coal Properties Company - Oil & Gas Leased
Pocahontas Gas Partnership - CBM Leased
6.57 acres 11.1925 %
- 2A. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
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 -
1/8th Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas & CBM Leased
Ellen Brown Heirs, Devisees, Successors or Assigns, et al. - 7/8th Surface, Oil & Gas
Pocahontas Gas Partnership - 21.03% of Oil, Gas, and CBM Leased
12.34 acres 21.0222 %
- 2B. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
H. C. Bostic Coal Company, Inc. - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
4.01 acres 6.8313 %
- 2C. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
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
0.85 acres 1.4480 %
- 2D. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
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
13.92 acres 23.7138 %
- 2E. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Mike Rasnake, et al. - Oil & Gas
Earl Whited, et al. - Surface
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
19.78 acres 33.6968 %

POCAHONTAS GAS PARTNERSHIP

Unit AY-112
Tract Identifications
(58.7 Acre Tract)

- 2F. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Mike Rasnake, et al. - Oil & Gas
Earl Whited, et al. - Surface
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
1.23 acres 2.0954 %

Exhibit A
Tract-by-Tract Escrow Calculation
 Account Balance as of 5/31/2009
 Unit AY-112
 VGOB 01-0320-0877-02
 Acres Escrowed: 41.7275

Owners	Tract #	Tract Acres	Owner Acres	Owner Interest	Split	Total Tract Percent of Escrow	Owners' Percent of Escrow	Amount Due Owners
Buckhorn Coal Company - Coal	2a	12.34				14.7864%		\$30,649.07
CNX Gas Company LLC - O&G						14.7864%		\$30,649.07
Buckhorn Coal Company - Coal	2b	4.01				4.8050%		\$9,959.71
H.C. Bostic Coal Co., Inc. - O&G						4.8050%		\$9,959.71
Buckhorn Coal Company - Coal	2c	0.85				1.0185%		\$2,111.16
(Columbus) Earl Whited -OR- E. Stacy Heirs - O&G (Title Conflict)						1.0185%		\$2,111.16
Buckhorn Coal Company - Coal	2d	13.92	1.3920	10%	50%	33.3593%	16.6796%	\$34,573.34
(Columbus) Earl Whited Heirs - O&G						33.3593%	16.6796%	\$34,573.34
To Ralph Sneed								
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
			2.5056	18%	50%	3.0023%	3.0023%	\$6,223.20
Escrow disbursements for 6 Whited heirs named immediately above to be paid to Ralph Sneed, Administrator for the Estate of (Columbus) Earl Whited								
								\$34,573.34
Buckhorn Coal Company - Coal	2e	19.78	9.8900	1/2		23.7014%	11.8507%	\$49,127.92
Mike Rasnake, et al. - O&G						23.7014%	11.8507%	\$49,127.92
Frank Webb (1/2 interest)								
Buckhorn Coal Company - Coal	2f	1.23	0.7175	7/12		1.4738%	0.8597%	\$3,054.97
Mike Rasnake, et al. - O&G						1.4738%	0.8597%	\$3,054.97
Others (7/12 interest)								
								\$1,782.07

Revenue from the following wells have contributed to the Escrow Account: CBM-AY112

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #2A, 12.34 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	12.34 acres	21.0221%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	12.34 acres	21.0221%
<u>Tract #2B, 4.01 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	4.01 acres	6.8313%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) H.C. Bostic Coal Company, Inc. P.O. Box 220 Swords Creek, VA 24649	4.01 acres	6.8313%
<u>Tract #2C, 0.85 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.85 acres	1.4480%
<u>OIL & GAS FEE OWNERSHIP</u>		
Earl Whited et al.		
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.85 acres	1.4480%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.085 acres 10% of 2.34 acres	0.1448%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.153 acres 18% of 2.34 acres	0.2606%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.153 acres 18% of 2.34 acres	0.2606%

Exhibit E
Unit AY-112
Docket #VGOB 01-0320-0877
List of Conflicting Owners/Claimants that require escrow

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	Acres in Unit	Interest in Unit
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.153 acres 18% of 2.34 acres	0.2606%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.153 acres 18% of 2.34 acres	0.2606%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.153 acres 18% of 2.34 acres	0.2606%
(OR)		
(1) Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns	0.85 acres	1.4480%
(a) Fayne E. Stacy 1605 6th Street Richlands, VA 24641	0.28 acres 1/3 of 0.85 acres	0.4827%
(b) Nancy J. Stacy 2830 German Town Road Oakton, VA 22124	0.14 acres 1/6 of 0.85 acres	0.2413%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	0.14 acres 1/6 of 0.85 acres	0.2413%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	0.09 acres 1/9 of 0.85 acres	0.1609% <i>(Life Estate in 1/9)</i>
(e) Allen Stacy 2611 Stoneridge Court Arlington, TX 76014	0.19 acres 2/9 of 0.85 acres	0.3218% <i>(1/3 - Subject to Myra Stacy's Life Estate in</i>

Tract #2E, 19.78 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	19.78 acres	33.6968%
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OIL & GAS FEE OWNERSHIP

(1) Mike Rasnake, et al. 35 Acre Tract	19.78 acres	33.6968%
(b) Frank Webb Address Unknown	9.89 acres 1/2 of 19.78 acres	16.8484%

Exhibit E
Unit AY-112
Docket #VGOB 01-0320-0877
List of Conflicting Owners/Claimants that require escrow

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	Acres in Unit	Interest in Unit
<u>Tract #2F, 1.23 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	1.23 acres	2.0954%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mike Rasnake, et al. 20 Acre Tract	1.23 acres	2.0954%
(b) Frank Webb Address Unknown	0.615 acres 1/2 of 1.23 acres	1.0477%
(c) Carrie Dye Heirs, Devisees, Successors or Assigns		
(a) Luther Dye P.O. Box 326 Tazewell, VA 24651	0.009 acres 1/144 of 1.23 acres	0.0146%
(b) Claude E. Dye Box 85 Jewell Ridge, VA 24622	0.009 acres 1/144 of 1.23 acres	0.0146%
(c) Claude & Unice Dye Cordell 207 Oliver Avenue Princeton, WV 24740	0.009 acres 1/144 of 1.23 acres	0.0146%
(d) Doris Dye Corns King Corner E. Rd.7 Box 397 Mansfield, OH	0.009 acres 1/144 of 1.23 acres	0.0146%
(e) Delcie Dye Rt.1 Box 227 Swords Creek, VA 24649	0.009 acres 1/144 of 1.23 acres	0.0146%
(f) Dolfus Dye c/o Delcie Dye Rt.1 Box 228 Swords Creek, VA 24649	0.009 acres 1/144 of 1.23 acres	0.0146%
(g) Cecil Dye P.O. Box 33 Rosedale, VA 24280	0.009 acres 1/144 of 1.23 acres	0.0146%
(h) Donald Dye Heirs, Devisees, Successors or Assigns		
(h.1) Doris Dye P.O. Box 173 Rosedale, VA 24280	0.009 acres 1/144 of 1.23 acres	0.0146%

Exhibit E
Unit AY-112
Docket #VGOB 01-0320-0877
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
(i) Ronnie Dye c/o Delcie Dye Rt.1 Box 227 Swords Creek, VA 24649	0.009 acres 1/144 of 1.23 acres	0.0146%
(j) Connie Dye Richardson Rt.1 Box 327 Swords Creek, VA 24649	0.009 acres 1/144 of 1.23 acres	0.0146%
(k) Wanda Richardson P.O. Box 530 Rosedale, VA 24280	0.009 acres 1/144 of 1.23 acres	0.0146%
(l) Danny Dye Rt.1 Box 337 Swords Creek, VA 24649	0.009 acres 1/144 of 1.23 acres	0.0146%

Exhibit EE

Unit AY-112

Docket #VGOB 01-0320-0877

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2D, 13.92 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	13.92 acres	23.7138%	33.3593%
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	13.92 acres	23.7138%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.392 acres 10% of 2.34 acres	2.3714%	1.6680%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	2.506 acres 18% of 2.34 acres	4.2685%	3.0023%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	2.506 acres 18% of 2.34 acres	4.2685%	3.0023%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	2.506 acres 18% of 2.34 acres	4.2685%	3.0023%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.506 acres 18% of 2.34 acres	4.2685%	3.0023%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.506 acres 18% of 2.34 acres	4.2685%	3.0023%
<u>Tract #2E, 19.78 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	19.78 acres	33.6968%	n/a
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Mike Rasnake, et al. 35 Acre Tract	19.78 acres	33.6968%	
(a) Mike Rasnake, et ux. 73 Miller Creek Road Honaker, VA 24260	9.89 acres 1/2 of 19.78 acres	16.8484%	n/a

Exhibit EE
 Unit AY-112
 Docket #VGOB 01-0320-0877
 List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2F, 1.23 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	1.23 acres	2.0954%	n/a
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Mike Rasnake, et al. 20 Acre Tract	1.23 acres	2.0954%	
(a) Mike Rasnake, et ux. 73 Miller Creek Road Honaker, VA 24260	0.513 acres 5/12 of 1.23 acres	0.8731%	n/a

0902014

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 8-13, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:05 o'clock A M, after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Sharon Hagy

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Sheila Keten D. CLERK