

do not close account

BOOK 70 PAGE 3321

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 heirs of the Jacob Fuller Heirs in a portion of Tract 1b ; Buckhorn Coal Company and certain heirs of the (Columbus) Earl Whited Heris in Tracts 2a and 3.

DOCKET NO.

01-0821-0912-01

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling AX-109,
A portion of Tract 1B and Tracts 2a and 3.
(Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AX-109 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD

FINDINGS AND ORDER

- 1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Government Center Lebanon VA.
- 2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
- 3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On August 21, 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 Buchanan County on January 10, 2002. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on February 25, 2003, Instrument Number 03000001496.
- 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 Jacob Fuller Heirs in Tract 1b, Buckhorn Coal Company and heirship of the (Columbus) Earl Whited Heris in Tracts 2a and 3. in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding a portion of Tract 1b and Tracts 2a and 3. 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 a portion of Tract 1b and Tracts 2a and 3 and that by the terms of the agreements, Buckhorn Coal Company has entered into a 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 a portion of Tract 1b and Tracts 2a and 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 1b and Tracts 2a and 3 relative to 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.
- 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 individuals of the Jacob Fuller heirship property in Tract 1a; Buckhorn Coal Company and individuals of the (Columbus) Earl Whited Heirs in Tract 2a and Tract 3, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 1a and VGOB Tracts 2a and 3 of the Subject Drilling Unit;

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

VGOB Approved Disbursement
VGOB-01-0821-0912-01
AX-109

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1						
A Portion of Tract 1b and Tract(s) 2A, and 3.						
Disbursement Table						
Totals					18.7754	
Buckhorn Coal Co. - Coal			1.4875	50.0%	0.744	3.9613%
1b	Buckhorn Coal Co./ PO box 187 Tazewell, VA 24651					
Jacob Fuller Heirs - O & G			6.57			
1b	Mary Keen / 703 Baker Street / Mt. Gilead, OH 43335	0.018519	0.1217	50.0%	0.061	0.3240%
1b	EE & E Fletcher Enterprises / c/o Eddie Fletcher / 3652 Garden Creek Rd / Rowe Va 24669	0.111111	0.7300	50.0%	0.365	1.9440%
1b	Patty Chambers / Rt. 1 Box 82 / Raven, VA 24639	0.044444	0.2920	50.0%	0.146	0.7776%
1b	Goldie Hess / 1557 Miller Creek Road / Rowe, VA 24646	0.013889	0.0913	50.0%	0.046	0.2430%
1b	Corene Perkins / 221 Arch Barrett Drive / Rosedale, VA 24280	0.013889	0.0913	50.0%	0.046	0.2430%
1b	Arlene Compton / Rt. 2 Box 190 / Honaker, VA 24260	0.013889	0.0913	50.0%	0.046	0.2430%
1b	Tolvy "Tracy" Perkins / 763 Bridge Drive / Pasadena, MD 21122	0.005334	0.0350	50.0%	0.018	0.0933%
1b	Ester Newton / 2621 Veda Drive / Bristol VA 24201	0.005334	0.0350	50.0%	0.018	0.0933%
Buckhorn Coal Co. - Coal			12.3200	50.0%	6.160	32.8089%
2a	Buckhorn Coal Co./ PO box 187 Tazewell, VA 24651					
(Columbus) Earl Whited Heirs - O & G			12.32			
2a	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl Whited / PO Box 399 / Lebanon VA 24266		12.3200	50.0%	6.1600	32.8089%
Buckhorn Coal Co. - Coal			0.6200	50.0%	0.310	1.6511%
3	Buckhorn Coal Co.					
(Columbus) Earl Whited Heirs - O & G			0.62			
3	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl Whited / PO Box 399 / Lebanon VA 24266		0.6200	50.0%	0.3100	1.6511%

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 ~~no~~ other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to ~~close~~ ^{not} 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 20th day of July, 2009 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 20 day of July, 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 20th day of July, 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 01-0821-0912-01**

**RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2A, 3 & a portion of 1B
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES**

HEARING DATE: June 16, 2009

DRILLING UNIT: AX-109

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Boulevard, 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) 2A, 3 and a portion of 1B 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; Buckhorn Coal Company and Mary Keen, EE & E Fletcher Enterprises, Patty Chambers, Goldie Hess, Corene Perkins, Arlene Compton, Tolvy "Tracy" Perkins and Ester Newton.

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; Buckhorn Coal Company and Mary Keen, EE & E Fletcher Enterprises, Patty Chambers, Goldie Hess, Corene Perkins, Arlene Compton, Tolvy "Tracy" Perkins and Ester Newton 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
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

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

Unit AX-109
 VGOB 01-0821-0912-01
 Acres Escrowed: 18.77537

Owners	Tract#	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners
Buckhorn Coal Co. - Coal		5.83537					
Jacob Fuller Heirs - O&G	1b	6.57			31.07992%		
Mary Keen			0.1217	0.018519		0.3240%	\$146.54
EE & E Fletcher Enterprises			0.7300	0.111111		1.9440%	\$879.22
Patty Chambers			0.2920	0.044444		0.7776%	\$351.69
Goldie Hess			0.0913	0.013889		0.2430%	\$109.90
Corene Perkins			0.0913	0.013889		0.2430%	\$109.90
Arlene Compton			0.0913	0.013889		0.2430%	\$109.90
Tolvy "Tracy" Perkins			0.0350	0.005334		0.0933%	\$42.21
Ester Newton			0.0350	0.005334		0.0933%	\$42.21
Buckhorn Coal Co. - Coal						32.8089%	\$14,838.38
(Columbus) Earl Whited Heirs - O&G	2a	12.32000			65.61788%		
Michael Whited			1.2320	10%		3.2809%	\$1,483.84
Ferrell Whited			2.2176	18%		5.9056%	\$2,670.91
Herald Whited			2.2176	18%		5.9056%	\$2,670.91
Marty Whited			2.2176	18%		5.9056%	\$2,670.91
Cathy Darlene Ward			2.2176	18%		5.9056%	\$2,670.91
Melissa Skeens			2.2176	18%		5.9056%	\$2,670.91
Buckhorn Coal Co. - Coal						1.6511%	\$746.74
(Columbus) Earl Whited Heirs - O&G	3	0.62000			3.30220%		
Michael Whited			0.0620	10%		0.1651%	\$74.67
Ferrell Whited			0.1116	18%		0.2972%	\$134.41
Herald Whited			0.1116	18%		0.2972%	\$134.41
Marty Whited			0.1116	18%		0.2972%	\$134.41
Cathy Darlene Ward			0.1116	18%		0.2972%	\$134.41
Melissa Skeens			0.1116	18%		0.2972%	\$134.41

PROPERTY LINES SHOWN WERE TAKEN FROM DEEDS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

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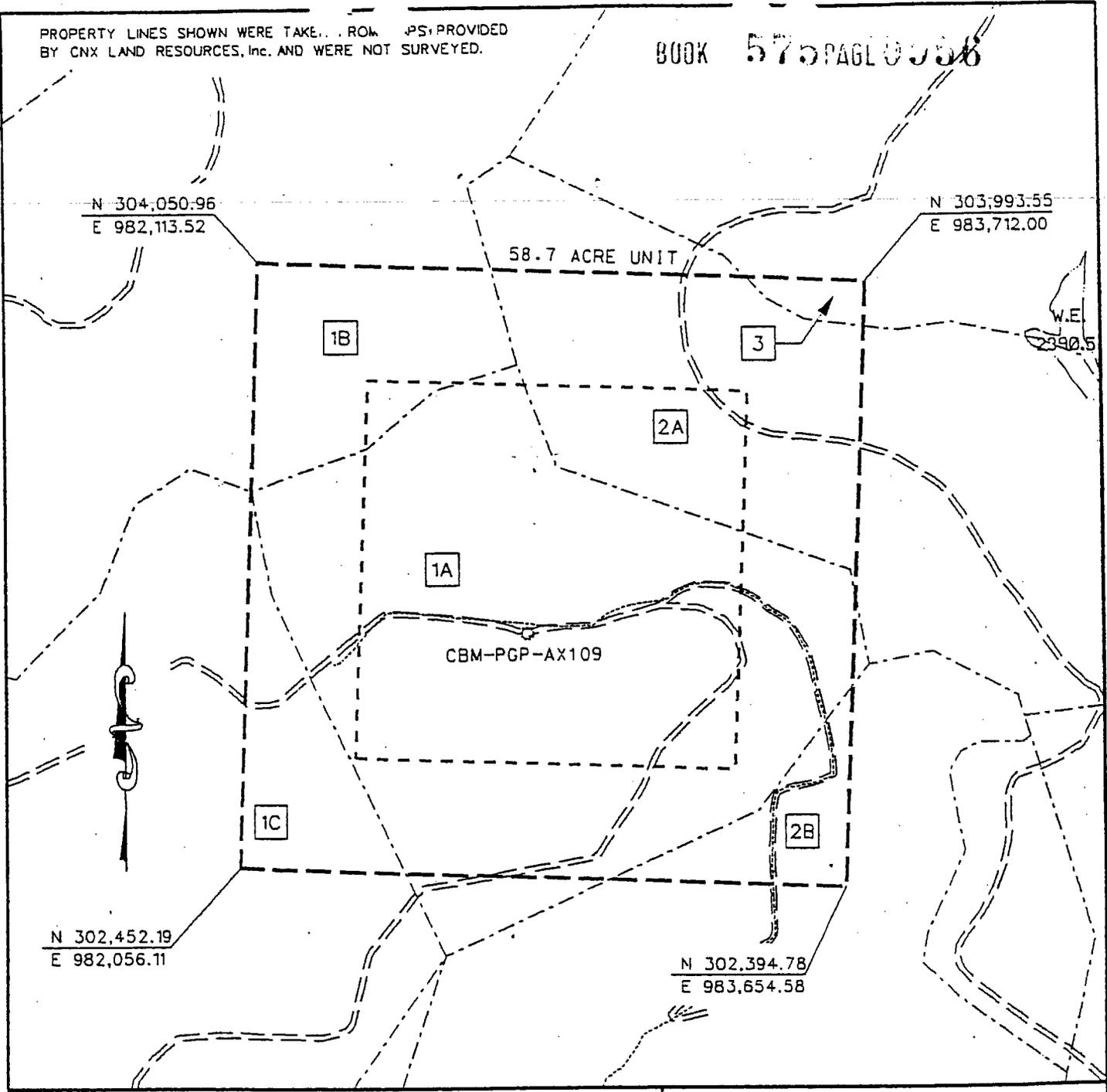


EXHIBIT A
 MIDDLE RIDGE 1 FIELD
 UNIT AX-109
 FORCE POOLING
 VCOB-01-0821-0912

Company Pocahontas Gas Partnership Well Name and Number UNIT AX109
 Tract No. _____ Elevation _____ Quadrangle HONOLULEU
 County Russell District New Garden Scale: 1" = 400' Date 7/1/01
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GD-7 _____ (Affix Seal)
 Rev. 9/91 Claude D. May
 Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP**Unit AX-109****Tract Identifications****(58.7 Acre Unit)**

- 1A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Mike Rasnake - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas & CBM Leased
31.98 acres 54.4804 %
- 1B. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Jacob Fuller Heirs or Successors - Oil & Gas
Buckhorn Coal Company - Surface
6.57 acres 11.1925 %
- 1C. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Fee
Coal Lessee
Sandy Ridge Energy Company - Above Drainage Coal Leased
Reserve Coal Properties Company - Oil & Gas Leased
Pocahontas Gas Partnership - CBM Leased
4.41 acres 7.5128 %
- 2A. Buckhorn Coal Company (H. C. Stuart 405 Acre Tract) - Coal
Coal Lessees
Reserve Coal Properties Company - Below Drainage Coal Leased
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
12.32 acres 20.9881 %
- 2B. Buckhorn Coal Company (H. C. Stuart 405 Acre Tract) - Coal
Coal Lessees
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Mike Rasnake - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
2.80 acres 4.7700 %
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 - Surface, Oil & Gas
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
0.62 acres 1.0562 %

Exhibit E
Unit AX109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 70 PAGE 0625

	Acres in Unit	Interest in Unit
<u>Tract #1B, 6.57 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	6.57 acres	11.1925%
<u>OIL & GAS FEE OWNERSHIP</u>		
Jacob Fuller Heirs, Devisees, Successors or Assigns (68 Acre Tract)	6.57 acres	11.19250%
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns		
(a) Claude and Lauran Compton Heirs		
(a.1) Genevia Cotsmire 215 Kanawha Avenue Dunbar, WV 25064	0.03042 acres 0.004630 of 6.57 acres	0.05182%
(a.2) Della Meadows P.O. Box 823 Honaker, VA 24260	0.03042 acres 0.004630 of 6.57 acres	0.05182%
(a.3) Margaret Kleffman 5112 Kingsport Highway Gray, TN 37615	0.03042 acres 0.004630 of 6.57 acres	0.05182%
(a.4) Doris Smith 3108 Star Route 98 Bucyrus, OH 44820	0.03042 acres 0.004630 of 6.57 acres	0.05182%
(b) Trula Morgan P.O. Box 369 Swords Creek, VA 24649	0.12167 acres 0.018519 of 6.57 acres	0.20727%
(c) Brady Massie Heirs, Devisees, Successors or Assigns		
(c.1) James Massie P.O. Box 682 Honaker, VA 24260	0.02434 acres 0.003704 of 6.57 acres	0.04146%
(c.2) Leroy Massie P.O. Box 794 Honaker, VA 24260	0.02434 acres 0.003704 of 6.57 acres	0.04146%

Exhibit E
Unit AX109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 7 (PAGE 962)

	Acres in Unit	Interest in Unit
(c.3) Ruby & Leroy Lester 503 Twin Oak Circle Lebanon, VA 24266	0.02434 acres 0.003704 of 6.57 acres	0.04146%
(c.4) Gladys Puckett P.O. Box 153 Easley, SC 29641	0.02434 acres 0.003704 of 6.57 acres	0.04146%
(c.5) David & Debra Taylor 1580 Kenmore Drive Kingsport, TN 37664	0.02434 acres 0.003704 of 6.57 acres	0.04146%
(d) Nelson Compton Rt.2 Box 190 Honaker, VA 24260	0.12167 acres 0.018519 of 6.57 acres	0.20727%
(f) Lacy Richardson Heirs, Devisees, Successors or Assigns		
(f.1) William Earl Richardson 1140 Texarkana Drive Indianapolis, IN 46231	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.2) Nelson Richardson 1124 Texarkana Drive Indianapolis, IN 46231	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.3) Fred Richardson 9019 Broken Arrow Road Indianapolis, IN 46234	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.4) Roger Richardson 4313 E. 46th Street Indianapolis, IN 46231	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.5) Alice Marie Musick 7981 N. 875 W Indianapolis, IN 46259	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.6) Betty Doty 875 W. 6779 Lambert Street Indianapolis, IN 46241	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.7) Linda Cook 111 Monterey Drive Mooresville, NC 28115	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(f.8) Violet Dunn 2635 14th St. Vero Beach, FL 32960-3205	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(2) Alta Cordell Heirs, Devisees, Successors or Assigns		
(a) Edna Shaffer Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit AX109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 2005-1417-0000000000

	Acres in Unit	Interest in Unit
(a.1) Virgie Correll <i>Address Unknown</i>	0.73000 acres 0.111111 of 6.57 acres	1.24361%
(4) William T. Fuller Heirs, Devisees Successors or Assigns		
(a) Marvin Fuller 399 W. G. Street Elizabethton, TN 37643		<i>*Bought by Mike & James Rasnake</i>
(5) Laura Fuller Rasnake Heirs, Devisees Successors or Assigns		
(a) Fred Rasnake Heirs, Devisees, Successors or Assigns		
(a.2) Jackie Rasnake, Widow 565 49th Street SW Canton, OH 44706		<i>*Bought by Mike & James Rasnake</i>
(b) Cora Faye Ray Heirs, Devisees, Successors or Assigns		
(b.1) Nelson Ray 331 Hillman Drive Honaker, VA 24260		<i>*Bought by Mike & James Rasnake</i>
(b.2) Lucy Blankenship HC65 Box 103 Rowe, VA 24649	0.06083 acres 0.009259 of 6.57 acres	0.10363%
(d) Ralph Rasnake Heirs, Devisees, Successors or Assigns		
(d.1) Betty Rasnake, Widow P.O. Box 533 Honaker, VA 24260		<i>*Bought by Mike & James Rasnake</i>
(e) James Earl Rasnake Heirs, Devisees, Successors or Assigns		
(e.1) Louella Rasnake, Widow Rt.1 Box 1218 Pounding Mill, VA 24637-9740		<i>*Bought by Mike & James Rasnake</i>
(f) James D. Rasnake 22484 Montego Bay Road Abingdon, VA 24211	0.69959 acres 0.106483 of 6.57 acres	1.19181%
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns		
(a) Finley Nuckles Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit AX109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

BOOK 708 PAGE 0033

	Acres-in-Unit	Interest in Unit
(a.1) Betty Nuckles, Widow 275 Beverly Drive Abingdon, VA 24210	<i>Life Estate</i>	
(a.2) Carolyn Carty 1614 River Creek Drive Suffork, VA 23434	0.07300 acres 0.011111 of 6.57 acres	0.12436%
(a.3) Beverly Nuckles 106 Little Pond Court Suffork, VA 23434	0.07300 acres 0.011111 of 6.57 acres	0.12436%
(c) Ruth Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Mellie Coleman <i>Address Unknown</i>	0.07301 acres 0.011112 of 6.57 acres	0.12437%
(c.2) Michael Coleman <i>Address Unknown</i>	0.07301 acres 0.011112 of 6.57 acres	0.12437%
(d) Irene Minnix Heirs, Devisees, Successors or Assigns		
(d.1) Debbie Penaly <i>Address Unknown</i>	0.14600 acres 0.022222 of 6.57 acres	0.24872%
(7) Emily Keen Heirs, Devisees, Successors or Assigns		
(a) Earl Whited Heirs, Devisees, Successors or Assigns		
(a.1) Michael Whited PO Box 297 Swords Creek, VA 24696	0.00913 acres 0.0013889 of 6.27 acres	0.01555%
(a.2) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.01643 acres 0.0025000 of 6.27 acres	0.02798%
(a.3) Herald Whited PO Box 517 Rosedale, VA 24280	0.01643 acres 0.0025000 of 6.27 acres	0.02798%
(a.4) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.01643 acres 0.0025000 of 6.27 acres	0.02798%
(a.5) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.01643 acres 0.0025000 of 6.27 acres	0.02798%
(a.6) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.01643 acres 0.0025000 of 6.27 acres	0.02798%

Exhibit E
Unit AX109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

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	Acres in Unit	Interest in Unit
(b) Lydia Hess P.O. Box 43 Rosedale, VA 24280	0.09125 acres 0.013889 of 6.57 acres	0.15545%
(e) Mason Whited Rt.1 Box 670 Swords Creek, VA 24649	0.09125 acres 0.013889 of 6.57 acres	0.15545%
(f) Eugene Whited 25429 Briarwood Drive Columbia Station, OH 44028	0.09125 acres 0.013889 of 6.57 acres	0.15545%
(h) Leona Shope P.O. Box 272 Rosedale, VA 24280	0.09125 acres 0.013889 of 6.57 acres	0.15545%
(8) Elbert Fuller Heirs, Devisees, Successors or Assigns		
(a) Arnold Fuller <i>Address Unknown</i>	0.18250 acres 0.027778 of 6.57 acres	0.31091%
(b) Ollie Wilson <i>Address Unknown</i>	0.18250 acres 0.027778 of 6.57 acres	0.31091%
(c) Dora Webb <i>Address Unknown</i>	0.18250 acres 0.027778 of 6.57 acres	0.31091%
(d) Leona Beavers <i>Address Unknown</i>	0.18250 acres 0.027778 of 6.57 acres	0.31091%
(9) Ellen Brown Heirs, Devisees, Successors or Assigns		
(a) Goldine Lilly 303 Wolfe Creek Road Spanishburg, WV 25922	0.02628 acres 0.004000 of 6.57 acres	0.04477%
(b) Richard E. Rose 1406 South Avenue Princeton, WV 24740	0.02628 acres 0.004000 of 6.57 acres	0.04477%
(c) Arcel Rose P.O. Box 1705 Beaver, WV 25813	0.02628 acres 0.004000 of 6.57 acres	0.04477%
(d) Luther Abshire, Jr. Heirs, Devisees, Successors or Assigns		
(d.1) Cathy Tisdale 54 Jennie Lynn Crimora, VA 24431	0.00219 acres 0.000333 of 6.57 acres	0.00373%
(d.2) John Abshire 236 Meadow Rue Lane Crimora, VA 24431	0.00219 acres 0.000333 of 6.57 acres	0.00373%

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(58.70 Acre Unit)

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	Acres in Unit	Interest in Unit
(e) Hassel Raymond Abshire 1074 Beckley Road Camp Creek, WV 25820	0.00438 acres 0.000667 of 6.57 acres	0.00747%
(f) Helen Parr 37 Crimora Mine Road Crimora, VA 24431	0.00438 acres 0.000667 of 6.57 acres	0.00747%
(g) Daniel Abshire 211 Mine Branch Road Crimora, VA 24431	0.00438 acres 0.000667 of 6.57 acres	0.00747%
(h) Fred K. Abshire Rt.1 Box 287D Linhurst, VA 22952	0.00438 acres 0.000667 of 6.57 acres	0.00747%
(l) Myrtle Lee Norton Heirs, Devisees, Successors or Assigns		
(l.1) Mitzi Helbert 45 Pace Drive Bristol, VA 24201	0.02591 acres 0.003944 of 6.57 acres	0.04414%
(l.2) Michael Whitt Address Unknown	0.02591 acres 0.003944 of 6.57 acres	0.04414%
(m) Carson Brown P.O. Box 105 Rosedale, VA 24280	0.05183 acres 0.007889 of 6.57 acres	0.08830%
(n) Tivis Brown 4991 Lynn Springs Rd. Swords Creek, VA 24649	0.05183 acres 0.007889 of 6.57 acres	0.08830%
(o) Mildred Hale Rt.1 Box 197 Swords Creek, VA 24649	0.05183 acres 0.007889 of 6.57 acres	0.08830%
(p) Judy Farmer HC65 Box 45 Vasant, VA 24656	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(q) Pauline Presley 1302 W. Ajo Way 308 Tucson, AZ 85713	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(r) Clarence Whited Rt.1 Box 356 Grundy, VA 24614	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(s) Bobby Whited P.O. Box 243 Bastian, VA 24314	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(t) Delma Coleman P.O. Box 506 Grundy, VA 24614	0.01314 acres 0.002000 of 6.57 acres	0.02239%

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(58.70 Acre Unit)

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	Acres in Unit	Interest in Unit
(u) Helen Patterson 2260 McBrager Court Cumming, GA 30130	0.01521 acres 0.002315 of 6.57 acres	0.02591%
(v) Fayne Whited P.O. Box 1142 Grundy, VA 24614	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(w) Carolyn Whited 15194 Porterfield Highway Abingdon, VA 24210	0.01314 acres 0.002000 of 6.57 acres	0.02239%
(x) Lucille Pendell 95 Spring Valley Road Bristol, VA 24201	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(y) Elmer Brown Rt.1 Box 476 Vansant, VA 24565	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(z) Garland Brown P.O. Box 215 Rosedale, VA 24280	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(aa) Pauline Brown HC65 Box 45 Oakwood, VA 24631	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(ab) Carl Brown 12077 Salem Church Road King George, VA 22485	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(ac) Emory Brown 15222 Michigan Road Woodbridge, VA 22191	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(ad) Earl Brown 327 Meadow Crest Drive Bristol, VA 24201	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(ae) Richard Brown Box 182 Maple Hurst Lane Bluff City, TN 37618	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(af) Virgil K. Street Box 999 Honaker, VA 24260	0.01168 acres 0.001778 of 6.57 acres	0.01990%
(ag) Dexter Perkins Heirs, Devisees, Successors or Assigns		
(ag.1) Lennie E. Perkins 3814 Ludgate Drive Chesapeake, VA 23321	0.00147 acres 0.000223 of 6.57 acres	0.00250%

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(58.70 Acre Unit)

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	Acres in Unit	Interest in Unit
(ah) Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(ai) Chester C. Smith 1020 Buena Vista Road South Vienna, OH 45369	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(aj) Audry Blankenship HC63 Box 142A Jewell Ridge, VA 24622	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(ak) Wayne E. Smith 175 Sylvan Shores Drive South Vienna, OH 45369	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(al) Jesse Street 772 Big Creek Road Richlands, VA 24641	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(am) Elster Hurley 1509 Norway Street Bristol, VA 24201	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(an) Frankie Ratliff c/o Ellen Hutchinson 77 Beacon Road Bristol, VA 24201	0.00147 acres 0.000223 of 6.57 acres	0.00250%
(ao) Dr. L.M. Harrison Heirs, Devisees, Successors or Assigns <i>Address Unknown</i>	0.09125 acres 0.013889 of 6.57 acres	0.15545%

Exhibit EE
Unit AX-109
Docket #VGOB-01-0821-0912
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.70 Acre Unit)

	Acres in-Unit	Interest in Unit	Percent of Escrow
			18.77537
<u>Tract #1A, 31.98 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	31.98 acres	54.4804%	n/a
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Mike Rasnake 73 Miller Creek Road Honaker, VA 24260	31.98 acres	54.4804%	n/a
<u>Tract #1B, 6.57 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	6.57 acres	11.1925%	
<u>OIL & GAS FEE OWNERSHIP</u>			
Jacob Fuller Heirs, Devisees, Successors or Assigns (68 Acre Tract)	6.57 acres	11.1925%	
(1) Elizabeth Compton Heirs, Devisees, Successors or Assigns			
(e) Mary Keen 703 Baker Street Mt. Gilead, OH 43335	0.1217 acres 0.018519 of 6.57 acres	0.2073%	0.3240%
(2) Myrtle Rowe Heirs, Devisees, Successors or Assigns			
(a) EE & E Fletcher Enterprises c/o Eddie Fletcher 3652 Garden Creek Road Rowe, VA 24646	0.7300 acres 0.111111 of 6.57 acres	1.2436%	1.9440%
(5) Laura Fuller Rasnake Heirs, Devisees, Successors or Assigns			
(a) Michael Rasnake, et ux. 73 Miller Creek Road Honaker, VA 24260	0.6996 acres 0.106483 of 6.57 acres	1.1918%	n/a
(6) Eunice Nuckles Heirs, Devisees Successors or Assigns			
(b) Hestor Arwood & Marie Blankenship Heirs, Devisees, Successors or Assigns			

Exhibit EE
Unit AX-109
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List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.70 Acre Unit)

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	<u>Acres in Unit</u>	<u>Interest in Unit</u>	<u>Percent of Escrow</u>
(c) Herald Whited PO Box 517 Rosedale, VA 24280	2.22 acres 18% of 12.32 acres	3.7779%	18.77537 5.9056%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	2.22 acres 18% of 12.32 acres	3.7779%	5.9056%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.22 acres 18% of 12.32 acres	3.7779%	5.9056%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.22 acres 18% of 12.32 acres	3.7779%	5.9056%

Tract #2B, 2.80 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	2.80 acres	4.7700%	n/a
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OIL & GAS FEE OWNERSHIP

(1) Mike Rasnake 73 Miller Creek Road Honaker, VA 24260	2.80 acres	4.7700%	n/a
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Tract #3, 0.62 acres

COAL FEE OWNERSHIP

(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.62 acres	1.0562%	1.6511%
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OIL & GAS FEE OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.62 acres	1.0562%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.06 acres 10% of 12.32 acres	0.1056%	0.1651%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.11 acres 18% of 12.32 acres	0.1901%	0.2972%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.11 acres 18% of 12.32 acres	0.1901%	0.2972%

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Exhibit EE
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List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.70 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.11 acres 18% of 12.32 acres	0.1901%	18.77537 0.2972%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.11 acres 18% of 12.32 acres	0.1901%	0.2972%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.11 acres 18% of 12.32 acres	0.1901%	0.2972%

413.721

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, July 24, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:10 o'clock A.M, after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Department of Mines

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

