

870

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-0820-1053

ELECTIONS: UNIT EE-30
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously executed in the captioned matter on July 20, 2004 which was recorded at Deed Book 598, Page 18 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on July 21, 2004, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit EE-30;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 8th day of March, 2005, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF ~~WISE~~ Washington

Acknowledged on this 8th day of March, 2005, 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

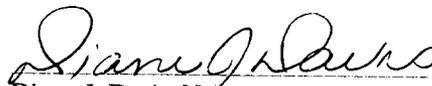
My commission expires: 9/30/05.

DONE AND PERFORMED THIS 11^B day of March, 2005, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 11th day of March, 2005, 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 Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05.

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit EE-30
VGOB 02-0820-1053 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,
ESCROW AND SUPPLEMENTAL ORDER

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

That your affiant is employed by CNX Gas Company LLC, as a Manager - Environmental / Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on July 20, 2004, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on July 21, 2004;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of July 20, 2004;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

Edgar S. Wilson (Heirs) and Toy G. Davis

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

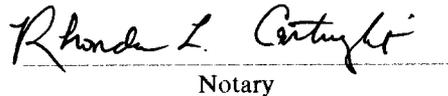
See attached Exhibit EE

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 24th day of February, 2005.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental / Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 24th day of February, 2005.


Notary

My commission expires: OCT 31 2005

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

BOOK 0613 PAGE 0834 BOOK 0598 PAGE 0029

N 310,409.13
E 997,702.47

N 310,337.72
E 999,569.33

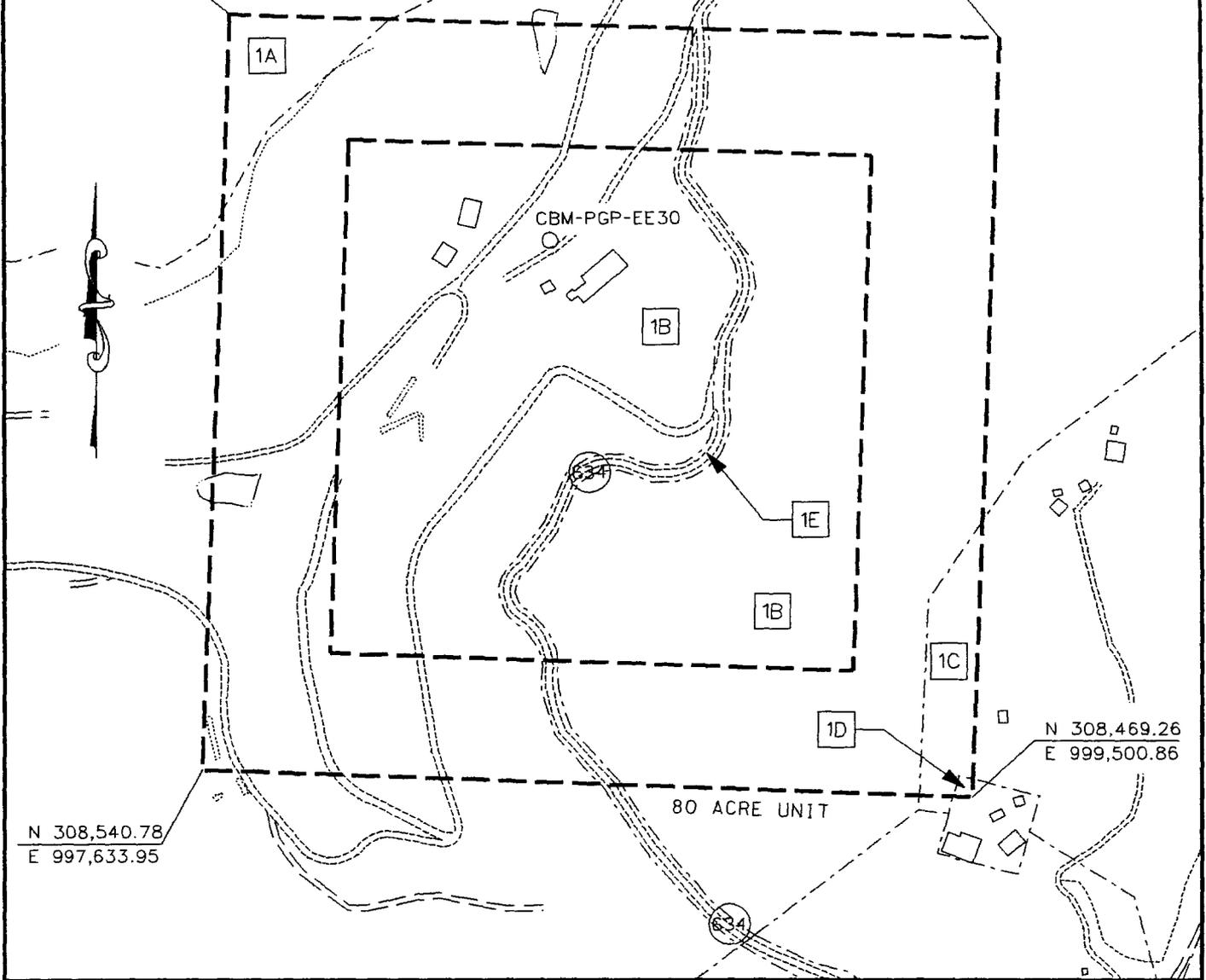
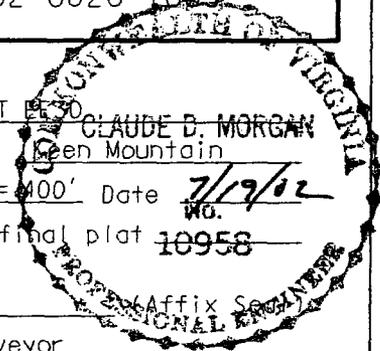


EXHIBIT A
 OAKWOOD FIELD UNIT EE-30
 FORCE POOLING
 VGOB-02-0820-1053

Company Pocahontas Gas Partnership Well Name and Number UNIT EE-30
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale: 1" = 400' Date 7/19/02
 This plat is a new plat X; an updated plat _____; or a final plat 10958

Form DGD-GO-7
 Rev. 9/91

Claude B. Morgan
 Licensed Professional Engineer or Licensed Land Surveyor



- 1A. **Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1- Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Pocahontas Gas Partnership - Surface and Gas (12.5%)
Green J. Sisk, Heirs - Surface and Gas (87.5%)
Pocahontas Gas Partnership - Gas and CBM Leased (87.5%)
1.78 acres 2.2250%**

- 1B. **Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1- Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
New Garden Coal Corp. - Surface and Gas
Pocahontas Gas Partnership - Gas and CBM Leased
74.48 acres 93.1000%**

- 1C. **Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1- Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Lacy Horton, et al. - Surface, Oil and Gas
1.61 acres 2.0125%**

- 1D. **Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1- Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Lacy Horton, et ux. - Surface, Oil and Gas
0.03 acres 0.0375%**

- 1E. **Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1- Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Commonwealth of Virginia - Surface, Oil and Gas
2.10 acres 2.6250%**

Exhibit B-2
Unit EE-30
Docket #VGOB 02-0820-1053
List of Respondents to be Dismissed

BOOK 0613 PAGE 0836

	Net Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #1C- 1.61 acres</u>		
(1) Lacy Horton, et al.	1.61 acres	2.0125%
(b) Toy G. Davis General Delivery Shortts Gap, VA 24647	0.13 1/12 of 1.61 acres	0.1677%
(c) Edgar S. Wilson Rt.1 Box 325 Raven, VA 24639	0.13 1/12 of 1.61 acres	0.1677%

Exhibit B-3
Unit EE-30
Docket #VGOB 02-0820-1053
List of Unleased Owners/Claimants

BOOK 0613 PAGE 0837

	Net Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #1C- 1.61 acres</u>		
(1) Lacy Horton, et al.	1.61 acres	2.0125%
(a) Lacy & Beulah Horton Rt.1 Box 379 Swords Creek, VA 24649	1.27 19/24 of 1.61 acres	1.5932%
(b) Clara A. Sisk Rt.1 Box 379 Swords Creek, VA 24649	0.34 5/24 of 1.61 acres	0.4193%
<u>Tract #1D- 0.03 acres</u>		
(1) Lacy & Beulah Horton Rt.1 Box 379 Swords Creek, VA 24649	0.03 acres	0.0375%
<u>Tract #1E - 2.10 acres</u>		
(1) Commonwealth of Virginia Dept. of Transportation P.O. Box 1768 Bristol, VA 24203	2.10 acres	2.6250%

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>Tract #1A - 1.78 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.78 acres	2.2250%
<u>OIL & GAS FEE OWNERSHIP</u>		
G. J. Sisk Heirs, Devisees, Successors or Assigns, et al.	1.78 acres	2.2250%
(2) J.H. Sisk Heirs, Devisees, Successors or Assigns		
(c) Pearlie & John Rose Heirs, Devisees, Successors or Assigns		
(c.3) Georgia Bann Heirs, Devisees, Successors or Assigns		
(c.3.1) Sheila Janowski 13208 28 Mile Road Washington, MI 48094	0.004 1/504 of 1.78 acres	0.0044%
(g) Charlie Sisk Heirs, Devisees, Successors or Assigns		
(g.1) Janie Sisk, widow 189 8th Street NW Barberton, OH 44203	0.021 1/84 of 1.78 acres	0.0265%
(g.2) Linda & Billy Joe Hale 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.78 acres	0.0088%
(g.3) Brenda Sisk P.O. Box 1755 Grundy, VA 24614	0.007 1/252 of 1.78 acres	0.0088%
(g.4) Jennifer & Lovelle Friend 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.78 acres	0.0088%
(g.5) Charlene Thompson 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.78 acres	0.0088%
(g.6) Keith & Yvonne Sisk 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.78 acres	0.0088%
(g.7) Charles Kim Sisk 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.78 acres	0.0088%

Docket #VGOB 02-0820-1053

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(i) James Rose Heirs, Devisees, Successors or Assigns		
(i.2) Richard Rose Box 568 Keen Mountain, VA 24624	0.008 1/224 of 1.78 acres	0.0099%
(i.3) Tessie Rose Box 568 Keen Mountain, VA 24624	0.008 1/224 of 1.78 acres	0.0099%

Tract #1E- 2.10 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.10 acres	2.6250%
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OIL & GAS FEE OWNERSHIP

(1) Commonwealth of Virginia Dept. of Transportation P.O. Box 1768 Bristol, VA 24203	2.10 acres	2.6250%
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List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
<u>Tract #1A - 1.78 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.78 acres	2.2250%
<u>OIL & GAS FEE OWNERSHIP</u>		
G. J. Sisk Heirs, Devisees, Successors or Assigns, et al.	1.78 acres	2.2250%
(1) Ernest Keen Heirs, Devisees, Successors or Assigns		
(a) Paul Keene Rt.1 Box 52 Raven, VA 24639	0.148 1/12 of 1.78 acres	0.1854%
(b) Ralph & Grace Ann Keen Rt.1 Box 52 Raven, VA 24639	0.148 1/12 of 1.78 acres	0.1854%
(c) Anna Ruth & J.C. Lambert Rt.1 Box 52 Raven, VA 24639	0.148 1/12 of 1.78 acres	0.1854%
(d) Ann McCowan Rt.1 Box 52 Raven, VA 24639	0.148 1/12 of 1.78 acres	0.1854%
(e) Arnold J. & Wilda Ann Keene Rt.2 Box 91 Cedar Bluff, VA 24609	0.148 1/12 of 1.78 acres	0.1854%
(f) Ruby Lee Hale Heirs, Devisees, Successors or Assigns		
(f.1) Billy Ray Hale P.O. Box 311 Honaker, VA 24260	0.037 1/48 of 1.78 acres	0.0464%
(f.2) Linda K. Matney Rt.3 Box 2310 Cedar Bluff, VA 24609	0.037 1/48 of 1.78 acres	0.0464%
(f.3) Brenda Weddle 3733 Henricks Hill Drive Smyrna, TN 37167-6185	0.037 1/48 of 1.78 acres	0.0464%
(f.4) Carl Lee Hale Rt.2 Box 330 Pounding Mill, VA 24637	0.037 1/48 of 1.78 acres	0.0464%
(2) J.H. Sisk Heirs, Devisees, Successors or Assigns		

Docket #VGOB 02-0820-1053

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
(a) Maria Sisk Rt.1 Box 31A Raven, VA 24639	0.064 1/28 of 1.78 acres	0.0795%
(b) Ocie & Ted P. Davis Rt. 1 Box 31A Raven, VA 24639	0.064 1/28 of 1.78 acres	0.0795%
(c) Pearlie & John Rose Heirs, Devisees, Successors or Assigns		
(c.1) Earl Short Heirs, Devisees, Successors or Assigns		
(c.1.2) Louisa Short, widow 391 Whealton Road Hampton, VA 23666	0.004 1/504 of 1.78 acres	0.0044%
(c.1.3) David E. Short <i>Address Unknown</i>	0.004 1/504 of 1.78 acres	0.0044%
(c.2) Rondal Rose Heirs, Devisees, Successors or Assigns		
(c.2.1) Helen Rose, widow P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.2) Larry Junior Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.3) Lacy Dwayne Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.4) Eva Loretta Hubbard P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.5) Terry Lee Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.6) Earnest Brady Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.7) Rondal Damon Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.2.8) Julie Lenora Ann Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
(c.2.9) Shawn Kelly Rose P.O. Box 242 Doran, VA 24612	0.001 1/2268 of 1.78 acres	0.0010%
(c.3) Georgia Bann Heirs, Devisees, Successors or Assigns		
(c.3.2) Diana Shepard 3346 Thistledowne Drive, NE Grand Rapid, MI 49505	0.004 1/504 of 1.78 acres	0.0044%
(c.4) Orthie Burke Heirs, Devisees, Successors or Assigns		
(c.4.1) Elmer Burke Rt.1 Box 207 Raven, VA 24639	0.002 1/1008 of 1.78 acres	0.0022%
(c.4.2) James H. Burke P.O. Box 880 Raven, VA 24639	0.002 1/1008 of 1.78 acres	0.0022%
(c.4.3) Inis Mae Short P.O. Box 438 Cedar Bluff, VA 24609	0.002 1/1008 of 1.78 acres	0.0022%
(c.4.4) Anita Rose Cantrell P.O. Box 292 Bluefield, VA 24605	0.002 1/1008 of 1.78 acres	0.0022%
(c.5) Jennings Rose Heirs, Devisees, Successors or Assigns		
(c.5.1) Mabel C. Rose, widow Box 1140 Raven, VA 24639	0.007 1/252 of 1.78 acres	0.0088%
(c.6) Charlie Buford Rose 2980 Cambrian Drive Flint, MI 48504	0.007 1/252 of 1.78 acres	0.0088%
(c.7) Robert W. Rose 1008 Short Road Raven, VA 24639	0.007 1/252 of 1.78 acres	0.0088%
(c.8) Frances A. Webb HC63 Box 217 Jewell Ridge, VA 24622	0.007 1/252 of 1.78 acres	0.0088%
(c.9) Howard O. Rose 43 S. Farmer Street Richlands, VA 24641	0.007 1/252 of 1.78 acres	0.0088%
(d) James Parrot Sisk Rt.1 Box 39 Raven, VA 24639	0.064 1/28 of 1.78 acres	0.0795%

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
(e) Oliver & Manda Sisk Heirs, Devisees, Successors or Assigns		
(e.1) Thelma Arbogast Rt.2 Box 283 Elkins, WV 26241	0.005 1/336 of 1.78 acres	0.0066%
(e.2) Viven Nelson 439 Indian Creek Road Cedar Bluff, VA 24609	0.005 1/336 of 1.78 acres	0.0066%
(e.3) Ilean Shinall 401 Purcell Road Richlands, VA 24641	0.005 1/336 of 1.78 acres	0.0066%
(e.4) Fred Sisk 1817 Fifth Street Richlands, VA 24641	0.005 1/336 of 1.78 acres	0.0066%
(e.5) Otis William Sisk 4965 Old Belews Creek Road Winston Salem, NC 27101	0.005 1/336 of 1.78 acres	0.0066%
(e.6) Brady Sisk Box 569 Keen Mountain, VA 24624	0.005 1/336 of 1.78 acres	0.0066%
(e.7) Joyce Sisk P.O. Box 1631 Cedar Bluff, VA 24609	0.005 1/336 of 1.78 acres	0.0066%
(e.8) Bernard Sisk Rt.1 Box 44 Raven, VA 24639	0.005 1/336 of 1.78 acres	0.0066%
(e.9) Mae Endicott P.O. Box 421 Maxie, VA 24628	0.005 1/336 of 1.78 acres	0.0066%
(e.10) Kenneth Ray Sisk Box 544 Oakwood, VA 24631	0.005 1/336 of 1.78 acres	0.0066%
(e.11) Carl Sisk P.O. Box 535 Keen Mountain, VA 24624	0.005 1/336 of 1.78 acres	0.0066%
(e.12) Ira Junior Sisk P.O. Box 492 Oakwood, VA 24631	0.005 1/336 of 1.78 acres	0.0066%
(f) Goldie V. Rose Rt.1 Box 39 Raven, VA 24639	0.095 3/56 of 1.78 acres	0.1192%
(h) Joshua Rose Heirs, Devisees, Successors or Assigns		

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
(h.1) Harold & Doris Rose Rt.2 Box 203B Pearisburg, VA 24134	0.024 3/224 of 1.78 acres	0.0298%
(h.2) Virgil & Alice Rose RR2 Box 200 Pounding Mill, VA 24637	0.024 3/224 of 1.78 acres	0.0298%
(h.3) Olbert Rose c/o Mary F. Rose Box 617 Doran, VA 24642	0.024 3/224 of 1.78 acres	0.0298%
(h.4) Opal & Frank Tackett P.O. Box 777 Raven, VA 24639	0.024 3/224 of 1.78 acres	0.0298%
(h.5) Alma & Roger McNulty Rt.1 Box 49B Raven, VA 24639	0.024 3/224 of 1.78 acres	0.0298%
(h.6) Maria P. & Bobby E. Johnson Star Route Box 43 Raven, VA 24639	0.024 3/224 of 1.78 acres	0.0298%
(h.7) Darrell W. Rose Rt.1 Box 39 Raven, VA 24639	0.024 3/224 of 1.78 acres	0.0298%
(i) James Rose Heirs, Devisees, Successors or Assigns		
(i.1) Nancy Rose Box 568 Keen Mountain, VA 24624	0.008 1/224 of 1.78 acres	0.0099%
(3) Pocahontas Gas Partnership P.O. Box 947 Bluefield, VA 24605	0.223 1/8 of 1.78 acres	0.2781%

Tract #1B - 74.48 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	74.48 acres	93.1000%
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OIL & GAS FEE OWNERSHIP

(1) New Garden Coal Corporation c/o Edward Vandyke P.O. Box 29 Tazewell, VA 24651	74.48 acres	93.1000%
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List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
<u>Tract #1C- 1.61 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.61 acres	2.0125%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Lacy Horton, et al.	1.61 acres	2.0125%
(a) Lacy & Beulah Horton Rt.1 Box 379 Swords Creek, VA 24649	1.27 19/24 of 1.61 acres	1.5932%
(d) Clara A. Sisk Rt.1 Box 379 Swords Creek, VA 24649	0.34 5/24 of 1.61 acres	0.4193%

Tract #1D- 0.03 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.03 acres	0.0375%
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OIL & GAS FEE OWNERSHIP

(1) Lacy & Beulah Horton Rt.1 Box 379 Swords Creek, VA 24649	0.03 acres	0.0375%
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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 14th day of March, 2005 2:51P M. The tax imposed by § 58-2-802 of the Code has been paid in the amount of \$.
 Deed Book No. 659 and Page No. 838.
 Returned to: DMH TESTE: James M. Bevins, Jr., Clerk
 Deputy Clerk

BL

#26

ESCRW

ENTERED

INSTRUMENT #05880763
RECORDED IN THE CLERK'S OFFICE OF
SUCHMAN COUNTY, OR
MARCH 27, 2005 AT 02:51 PM
JAMES M. DEVLINS, CLERK
RECORDED BY: AKT