

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 on behalf of Swords Creek,
Sheila Lofton, Lolita Lockhart, Rita Powell, Angela
Roberts, Virginia Steele,**DOCKET NO.****03-0218-1116-01****RELIEF
SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit BC-121, Tracts 1, 3C and 3D (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 BC121;
- (2) To provide each applicant an accounting of unit productions and 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 November 15, 2011, at the Russell County Government Conference Center, 139 Highland Drive Lebanon, VA
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; 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 or a decision from a court appointed Arbitrator.

4. **Prior Proceedings:**

- 4.1 (a) On December 16, 2003 the Board executed its order pooling interests in the Subject Drilling Unit which was recorded in Russell County on December 23, 2003 at Deed Book 598.
- (b) On October 8, 2004 the Board executed its Supplemental Order in the Subject Drilling Unit which was recorded in Russell County on October 19, 2004 at Deed Book 618..
- 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 parties identified in Table I below have entered into royalty split agreements.
- 4.3 The Unit Operator gave notice to Swords Creek Land Partnership, Sheila Lofton, Lolita Lockhart, Rita Powell, Angela Roberts and Virginia Steele that the Board would consider a disbursement authorization at its hearing on October 18, 2011 which was continued to November 15, 2011 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 1, 3C, 3D as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable 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 parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.4 The Unit Operator filed the attached accounting (Exhibit A-1) 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) Net interests attributable and to be disbursed to Applicants are shown in Table 1.

VGOB Approved Disbursement Unit DC-121 VGOB 03-0218-1116-01			Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
Table 1 Tracts 1, 3C, 3D							
Item	Tract	Disbursement Table					
		Total acreage in escrow before disbursement				7.8950	
	1	Tract 1 total acreage	2.38				
1	1	Sheila Lofton 11C 69, Box 1828, White Sulphur Springs, WV 24984	Unknown	0.2485	50.0%	0.1243	1.5738%
2	1	Swords Creek Land Partnership P.O. Box 29, Tarzwell, VA 24651	Unknown	0.2485	50.0%	0.1243	1.5738%
				0.249			
	3C	Tract 3C total acreage	1.77				
1	3C	Julia Steele Hays					
2	3C	Lolita Lockhart 2459 Lamm Springs Rd, Swords Creek, VA 24649	1/3	0.2950	50.0%	0.1475	1.8683%
3	3C	Rita Powell 2671 Lamm Springs Rd., Swords Creek, VA 24649	1/3	0.2950	50.0%	0.1475	1.8683%
4	3C	Ancella Roberts 361 Pond St., Poundings Mill VA 24637	1/3	0.2950	50.0%	0.1475	1.8683%
5	3C	Virginia Steele 1/2 of all royalties 1251 Lamm Springs Rd., Swords Creek, VA 24649	1/2	0.88500	50.0%	0.4425	5.6048%
6	3C	Swords Creek Land Partnership P.O. Box 29, Tarzwell, VA 24651		1.77000	50.0%	0.8850	11.2096%
	3D	Tract 3D total acreage	2.2				
	3D	Melba Stephens et al					
1	3D	Lolita Lockhart 2459 Lamm Springs Rd, Swords Creek, VA 24649	1/2	0.1833	50.0%	0.0917	1.1609%
2	3D	Rita Powell 2671 Lamm Springs Rd., Swords Creek, VA 24649	1/2	0.1833	50.0%	0.0917	1.1609%
3	3D	Ancella Roberts 361 Pond St., Poundings Mill VA 24637	1/2	0.1833	50.0%	0.0917	1.1609%
4							
5	3D	Swords Creek Land Partnership P.O. Box 29, Tarzwell, VA 24651		0.5499	50.0%	0.2750	3.4826%

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 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:**

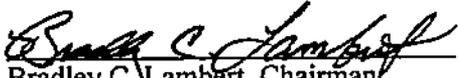
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

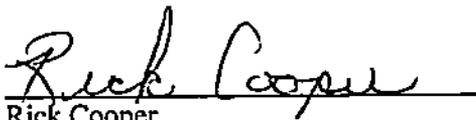
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated 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 19 day of Dec., 2011, by a majority of the Virginia Gas and Oil Board.

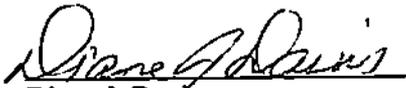

Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 19th day of Dec., 2011, by an Order of this Board.


Rick Cooper
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 19th day of Dec., 2011, 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 Rick Cooper., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public #174394

My commission expires: 09/30/2013



Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 8/31/2011

(revised 11/15/2011)

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Unit BC121
Docket VGOB# 03-0218-1116-01
Acres Escrowed: 7.895000

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$24,662.14
Swords Creek Land Partnership - Coal	1	2.485000			1.5738%	\$388.13
Ruth Byrd, et al - Oil & Gas		4.97				
Sheila Slate Lofton			0.2485	1/20	1.5738%	\$388.13
Swords Creek Land Partnership - Coal	3C	1.770000			11.2096%	\$2,764.53
Julius Steele Heirs		1.77				
Lolita Lockhart			0.2950	1/3	1.8683%	\$460.76
Rita Powell			0.2950	1/3	1.8683%	\$460.76
Angela Roberts			0.2950	1/3	1.8683%	\$460.76
Virginia Steele 1/2 of all royalties					5.6048%	\$1,382.27
Swords Creek Land Partnership - Coal	3D	2.200000			3.4832%	\$859.04
Melba Stephens, et al - Oil & Gas		2.20				
Lolita Lockhart			0.1833	1/12	1.1611%	\$286.35
Rita Powell			0.1833	1/12	1.1611%	\$286.35
Angela Roberts			0.1833	1/12	1.1611%	\$286.35

Wells contributing to the escrow account:

BC121

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PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 03-0218-1116-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1, 3C, & 3D
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: October 18, 2011

DRILLING UNIT: BC121

RUSSELL 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 a portion of Tract(s) 1, 3C, & 3D as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty agreement between Swords Creek Land Partnership and Daniel L. Keen, Sheila Slate Lofton, Lolita Lockhart, Rita Powell, Angela Roberts, and Virginia Steele

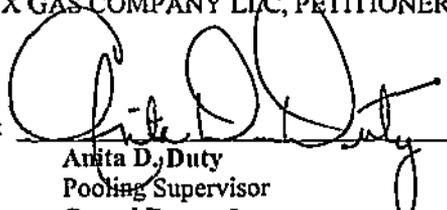
3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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

5. Factual basis for relief requested Swords Creek Land Partnership and Daniel, L. Keen, Sheila Slate Lofton, Lolita Lockhart, Rita Powell, Angela Roberts, and Virginia Steele have entered into royalty 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-1, further, specifies how said royalties are to be divided and paid.

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
Consol Energy Inc
2481 John Nash Blvd.
Bluefield, West Virginia 24701



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

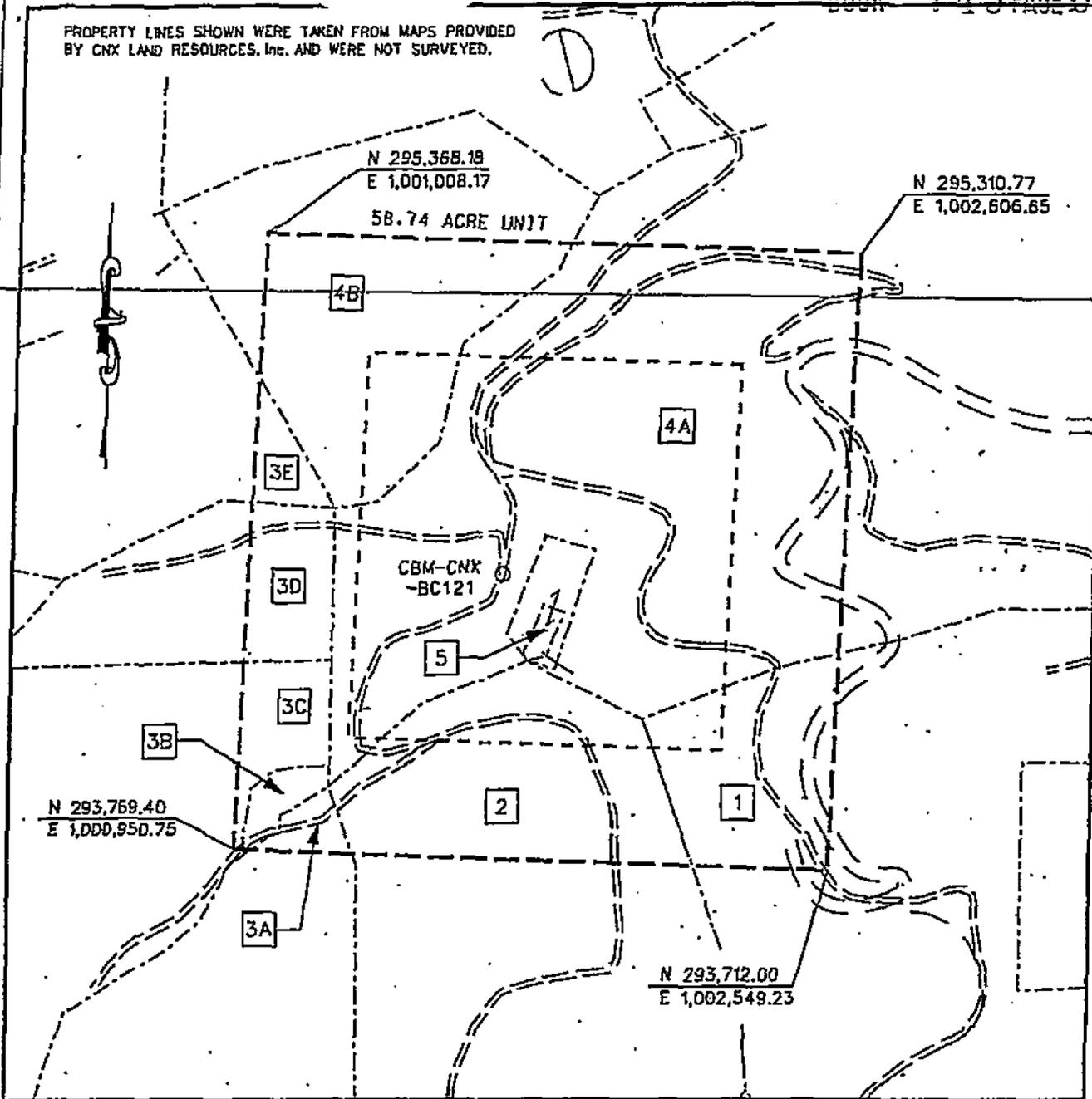
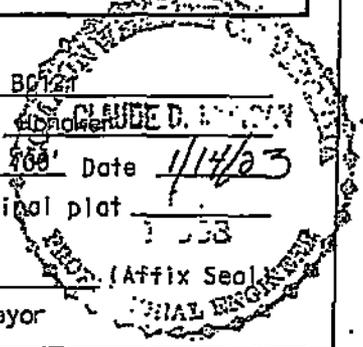


EXHIBIT A
 MIDDLE RIDGE 1 FIELD
 UNIT BC-121
 FORCE POOLING
 VGOB-03-0218-1116

Company CONSOL Energy Inc. Well Name and Number UNIT BC121
 Tract No. _____ Elevation _____ Quadrangle 4000
 County Russell District New Garden Scale: 1" = 200' Date 1/14/03
 This plot is a new plot ; an updated plot _____ ; or a final plot _____

Form DGD-CG-7
 Rev. 9/91

Claude D. May
 Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy, Inc.**Unit BC-121****Tract Identifications****(58.74 Acre Unit)**

1. ~~Swords Creek Land Partnership Tr. 27 - Coal~~
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Ruth Byrd, et al. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 4.97 acres 8.4610 %
2. Swords Creek Land Partnership Tr. 26 - Fee
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 8.21 acres 13.9768 %
- 3A. Swords Creek Land Partnership Tr. 13 - Fee
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - Oil, Gas & CBM Leased
 0.64 acres 1.0896 %
- 3B. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 George T. Staudohar - Surface and All Minerals except Coal
 0.59 acres 1.0044 %
- 3C. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Julius Steele, et ux. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 1.77 acres 3.0133 %
- 3D. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Melba S. Stephens, et al. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 2.20 acres 3.7453 %

CONSOL Energy, Inc.
Unit BC-121
Tract Identifications
(58.74 Acre Unit)

- 3E. Swords Creek Land Partnership Tr. 13 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Reserve Coal Properties Company - CBM Leased
E. P. Whited Heirs, Devisees, Successors or Assigns or Wayne Bostic -
Surface and All Minerals except Coal
CNX Gas Company, LLC (E. P. Whited Interest) - Oil, Gas & CBM Leased (99.99%)
CNX Gas Company, LLC (Wayne Bostic Interest) - Oil, Gas & CBM Leased
0.85 acres 1.4471 %
4. Swords Creek Land Partnership Tr. 25 - Coal, Oil & Gas
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Reserve Coal Properties Company - CBM Leased
Reserve Coal Properties Company - Oil, Gas & CBM Leased
38.51 acres 65.5601 %
- 4A. Ralph Steele, et ux. - Surface
4B. E. P. Whited Heirs, Devisees, Successors or Assigns or Wayne Bostic - Surface
5. Ralph Steele, et ux. - Fee (Cemetery)
CNX Gas Company, LLC - Oil, Gas & CBM Leased
1.00 acres 1.7024 %

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116-01
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

(revised 11/15/2011)

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	Acres in Unit	Interest in Unit
<u>Tract #1, 4.97 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.27 P.O. Box 29 Tazewell, VA 24651	4.97 acres	8.4610%
<u>OIL & GAS OWNERSHIP</u>		
(1) Ruth Byrd, et al. (62.30 acre tract)	4.97 acres	8.4610%
(b) Daniel L. Keen 48 Dalsy Lane Swords Creek, VA 24649	0.994 acres 1/5 of 4.97 acres	1.6922%
(c) Raymond P. Slate 1829 Lynn Springs Rd. Swords Creek, VA 24649	0.249 acres 1/20 of 4.97 acres	0.4231%
(h) Daniel Tucker 1029 Pine Creek Rd. Swords Creek, VA 24649	0.994 acres 1/5 of 4.97 acres	1.6922%
<u>Tract #3B, 0.59 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 29 Tazewell, VA 24651	0.59 acres	1.0044%
<u>OIL & GAS OWNERSHIP</u>		
(1) George T. Staudohar 1602 East 8th Street Stuart, FL 34996	0.59 acres	1.0044%
<u>Tract #3D, 2.20 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 29 Tazewell, VA 24651	2.20 acres	3.7453%
<u>OIL & GAS OWNERSHIP</u>		
(1) Melba Stephens, et al.	2.20 acres	3.7453%
(b) Loretta Jones Rt.1 Box 548 Swords Creek, VA 24649	0.55 acres 1/4 of 2.20 acres	0.9363%
(c) Melba S. Stephens Box 49 Vansant, VA 24656	0.55 acres 1/4 of 2.20 acres	0.9363%

Exhibit E
Unit BC-121
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(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(d) Vivian Dawson 3880 Mars Dr. Brunswick, OH 44212	0.55 acres 1/4 of 2.20 acres	0.9363%
<u>Tract #3E, 0.85 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 29 Tazewell, VA 24651	0.85 acres	1.4471%
<u>OIL & GAS OWNERSHIP</u>		
(1) E. P. Whited Heirs, Devises, Successors or Assigns	0.85 acres	1.4471%
(a) Esta Madeline Whited Heirs, Devises, Successors or Assigns		
(a.1) Sheila D. Whited 1563 Massillon Road Akron, OH 44312	0.084 acres 25/252 of 0.85 acres	0.1436%
(a.1) Linda Whited Burnett 14506 CR112 Centerville, TX 75833	0.084 acres 25/252 of 0.85 acres	0.1436%
(b) Easterly Elkins Heirs, Devises, Successors or Assigns		
(b.1) Arch J. Elkins - Conveyed interest to Corine W. Dye (DB 420, PG 277)		
(b.2) Corine W. Dye Rt. 2 Box 155 Honaker, VA 24260	0.162 acres 4/21 of 0.85 acres	0.2756%
(c) Leah McNulty Heirs, Devises, Successors or Assigns		
(c.1) Brenda Joyce Strouth 175 Shaker Road Enfield, CT 06082	0.056 acres 25/378 of 0.85 acres	0.0957%
(c.2) Jana Carolyn McCann 979 Warrenville Road Mansfield, CT 06250	0.056 acres 25/378 of 0.85 acres	0.0957%
(c.3) Stevie Frederick McNulty Rt. 2 Box 229 Honaker, VA 24260	0.056 acres 25/378 of 0.85 acres	0.0957%
(d) Mary Steele Heirs, Devises, Successors or Assigns		

Exhibit E
Unit BC-121
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List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(d.1) Melba S. Stephens PO Box 49 Vansant, VA 24656	0.042 acres 25/504 of 0.85 acres	0.0718%
(d.2) Vivian Dawson 3880 Marrs Drive Brunswick, OH 44212	0.042 acres 25/504 of 0.85 acres	0.0718%
(d.3) Loretta Jones Rt. 1 Box 548 Swords Creek, VA 24649	0.042 acres 25/504 of 0.85 acres	0.0718%
(e) Julius Steele Heirs, Devisess, Successors or Assigns		
(e.1) Lolita Lockhart 2459 Lynn Springs Road Swords Creek, VA 24649	0.014 acres 25/1512 of 0.85 acres	0.0239%
(e.2) Rita Powell 2671 Lynn Springs Road Swords Creek, VA 24649	0.014 acres 25/1512 of 0.85 acres	0.0239%
(e.3) Angela Roberts 361 Pond Street Pounding Mill, VA 24637	0.014 acres 25/1512 of 0.85 acres	0.0239%
(f) James C. Whited and Pearl H. Whited Heirs, Devisess, Successors or Assigns		
(f.1) Dorothy J. Keene 2774 Wardell Road Pounding Mill, VA 24637	0.019 acres 25/1134 of 0.85 acres	0.0319%
(f.2) Linda Lowman PO Box 211 Tazewell, VA 24651	0.009 acres 25/2268 of 0.85 acres	0.0160%
(f.3) David Whittaker 1100 Flat Lick Road London, KY 40744	0.009 acres 25/2268 of 0.85 acres	0.0160%
(f.4) Joetta Wahlen 402 Point Drive Pounding Mill, VA 24637	0.009 acres 25/2268 of 0.85 acres	0.0160%
(f.5) Charlena Altizer 901 Emanon Street North Myrtle Beach, SC 29591	0.009 acres 25/2268 of 0.85 acres	0.0160%
(f.6) Betty Cole 1100 N. Ironwood Place Broken Arrow, OK 74012	0.014 acres 2/121 of 0.85 acres	0.0239%
(f.7) Anita Ray 1903 Lynn Springs Road Swords Creek, VA 24649	0.014 acres 2/121 of 0.85 acres	0.0239%

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Exhibit E
Unit BC-121
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List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(f.8) James Whited 2830 Sprague Street Winston-Salem, NC 27107	0.014 acres 2/121 of 0.85 acres	0.0239%
(f.9) Judy Miller 1254 Lynn Springs Road Swords Creek, VA 24649	0.014 acres 2/121 of 0.85 acres	0.0239%
(f.10) L. Karen Webb 825 Big Creek Road Richlands, VA 24641	0.014 acres 2/121 of 0.85 acres	0.0239%
(f.11) Donna S. Plaster 105 Shannon Heights Richlands, VA 24641	0.014 acres 2/121 of 0.85 acres	0.0239%
(f.10) David A. Whited Box 215 Richlands, VA 24641	0.014 acres 2/121 of 0.85 acres	0.0239%
(g) Randall G. Whited Heirs, Devisess, Successors or Assigns		
(g.1) Lilly Keen Whited 513 E. 15th St. Lumberton, NC 28358	0.014 acres 2/121 of 0.85 acres	0.0239%
(h) JB. Whited Heirs, Devisess, Successors or Assigns 2942 Silver Lake Villiage Stow, OH 44224	0.007 acres 1/126 of 0.85 acres	0.0115%
(i) Margaret Sigmon Heirs, Devisess, Successors or Assigns		
(i.1) Janis K. Ray 1097 River Drive Mansfield, OH 44906	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.2) Leslie G. Sigmon 121 Hazel Street, NE Hartville Hartville, OH 44632-8781	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.3) Larry G. Sigmon Rt. 1 Box 198 Honaker, VA 24260	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.4) Rebecca L. Wilson 3757 Sweitzer St. NW Uniontown, OH 44685	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.5) Lora L. Messer 2649 Bowman Street Mansfield, OH 44903	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.6) Carol A. Musick-Dye Rt. 1 PO Box 193 Swords Creek, VA 24649	0.001 acres 1/1008 of 0.85 acres	0.0014%

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Exhibit E
Unit BC-121
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List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres In Unit	Interest in Unit
(i.7) Sharon L. Hubbard PO Box 164 Swords Creek, VA 24649	0.001 acres 1/1008 of 0.85 acres	0.0014%
(i.8) Ricky D. Sigmon 809 Fayette Street Princeton, WV 24740	0.001 acres 1/1008 of 0.85 acres	0.0014%
(OR)		
(1) Wayne Bostic P.O. Box 1 Swords Creek, VA 24649	0.85 acres	1.4471%

Exhibit EE
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

(revised 11/15/2011)

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	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1, 4.97 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.27 P.O. Box 29 Tazewell, VA 24651	4.97 acres	8.4610%	1.5738%
<u>OIL & GAS OWNERSHIP</u>			
(1) Ruth Byrd, et al. (62.30 acre tract)	4.97 acres	8.4610%	
(a) Ruth Byrd P.O. Box 714 Doran, VA 24612	0.994 acres 1/5 of 4.97 acres	1.6922%	n/a
(d) Jeffery W. Slate PO Box 33 Swords Creek, VA 24649-0033	0.249 acres 1/20 of 4.97 acres	0.4231%	n/a
(e) Jackie Dale Slate Keen Mountain Correctional Center PO Box 860/B-138 Oakwood, VA 24631	0.249 acres 1/20 of 4.97 acres	0.4231%	n/a
(f) Sheila Slate Lofton HC 69, Box 1828 White Sulphur Springs, WV 24984	0.249 acres 1/20 of 4.97 acres	0.4231%	1.5738%
(g) Virginia Spiva 3140 State Hwy 325 Blairsville, GA 30512	0.994 acres 1/5 of 4.97 acres	1.6922%	n/a
<u>Tract #3C, 1.77 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 29 Tazewell, VA 24651	1.77 acres	3.0133%	11.2096%
<u>OIL & GAS OWNERSHIP</u>			
(1) Julius Steele Heirs, Devisees, Successors, or Assigns	1.77 acres	3.0133%	
(a) Lolita Lockhart * 2459 Lynn Springs Road Swords Creek, VA 24649	0.59 acres 1/3 of 2.20 acres	1.0044%	1.8683%
(b) Rita Powell * 2671 Lynn Springs Road Swords Creek, VA 24649	0.59 acres 1/3 of 2.20 acres	1.0044%	1.8683%
(c) Angela Roberts * 361 Pond Street Pounding Mill, VA 24637	0.59 acres 1/3 of 2.20 acres	1.0044%	1.8683%

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Exhibit EE
 Unit BC-121
 Docket #VGOB 03-0218-1116
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (58.74 Acre Unit)

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	Acres In Unit	Interest In Unit	Percent of Escrow
* 1/2 of all royalties was reserved by Virginia Steele attributable to this tract Virginia Steele 1251 Lynn Springs Road Swords Creek, VA 24649			5.6048%

Tract #3D, 2.20 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.13 P.O. Box 29 Tazewell, VA 24651	2.20 acres	3.7453%	3.4832%
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OIL & GAS OWNERSHIP

(1) Melba Stephens, et al.	2.20 acres	3.7453%	
(a) Julius Steele Heirs, Devisees, Successors or Assigns			
(a.1) Lolita Lockhart 2459 Lynn Springs Road Swords Creek, VA 24649	0.18 acres 1/12 of 2.20 acres	0.3121%	1.1611%
(a.2) Rita Powell 2671 Lynn Springs Road Swords Creek, VA 24649	0.18 acres 1/12 of 2.20 acres	0.3121%	1.1611%
(a.3) Angela Roberts 361 Ppnd Street Pounding Mill, VA 24637	0.18 acres 1/12 of 2.20 acres	0.3121%	1.1611%

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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 11/01, 2012. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:45 o'clock P M, after payment of \$ — tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK

Original returned this date to: Sharon Hays

BY: Mundell Cook D. CLERK

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