

542

BK 1108PG0914

Instrument prepared by:
VIRGINIA GAS AND OIL BOARD

Order recorded under:
CODE OF VIRGINIA
§ 45.1-361.26

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: FF-39
TRACT(S): 1A
LOCATION: Tazewell County
TAX MAP NOS. Located on Exhibit Entitled Tract Identifications

DOCKET NUMBER: VGOB-03-1021-1208-02

APPLICANTS: CNX Production Company on behalf of Betty Short and Russell Rakes.

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
June 14, 2011

APPEARANCES: Mark Swartz, Esq. Swartz Law Office appeared for the applicant; Sharon M. B. Pigeon, Sr. Assistant Attorney General appeared for the Board.

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 12/15/03, Recorded on 12/22/03 at Deed Book 898, Page 182
2. Supplemental Order Executed 10/13/04, Recorded on 10/19/04, Deed Book 924, Pg 880
3. Disbursement Order -01 Executed 11/24/09, Recorded on 11/30/09, Deed Book 1066, Pg 444

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the June 14, 2011 hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 1A identified in the attached miscellaneous petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract 1A relative to the interests of the Applicants identified in the attached miscellaneous petition.
- (3) Continue the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

1. The owner of the coal estate for Tract 1A is Coal Mountain Mining Company Ltd Partnership or the subject drilling unit.
2. The owners of the gas estate for Tract 1A are Betty Short and Russell Bryan Rakes for the subject drilling unit.

- On March 11, 2011, Case No. CL11-206 adjudicating the ownership of the coalbed methane gas was mad which stated Betty J. Short and Russell Bryan Rakes were entitled to 100% of the royalties in escrow and that future royalties were to be paid directly the prevailing plaintiffs.

RELIEF GRANTED:

VGOR Approved Disbursement
 VGOR-03-1021-1208-02
 FF-39

| Acreage Fraction | Acreage Interest | Split Agreement | Acres | % of Escrowed Funds |
|------------------|------------------|-----------------|-------|---------------------|
|------------------|------------------|-----------------|-------|---------------------|

Table 1

| Item | Tract | Disbursement Table | Acreage Fraction | Acreage Interest | Split Agreement | Acres | % of Escrowed Funds |
|------|----------|---|------------------|------------------|-----------------|-------|---------------------|
| | Tract JG | | | | | | |
| | | | | | | 38.55 | |
| 1 | IA | Coal Mountain Mining Co. Ltd. Partnership, LLP, P O Box 675, Tazewell, VA 24651 | | 1.4700 | 0.0% | - | 0.0000% |
| 2 | IA | Betty J Short / 211 Hunter Avenue / Pounding Mill, VA 24637 | 3/4 | 1.1025 | 100.0% | 1.10 | 2.8599% |
| 3 | IA | Russell Bryan Rakes / 1716 Green Mountain Road / Cedar Bluff, VA 24609 | 1/4 | 0.3675 | 100.0% | 0.37 | 0.9533% |

- The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.
- The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

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

APPEALS:

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 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.

Effective Date:

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

DONE AND EXECUTED this 12 day of Jan, 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 12th day of JANUARY, 2012, by Order of the Board.

Rick Cooper
Rick Cooper
(Acting) Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 12th day of JANUARY, 2012, 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 Chairman of the Virginia Gas and Oil Board, and appeared Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis
Diane Davis, Notary Public
174394

My commission expires: September 30, 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

BK 1108PG0917

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 03-1021-1208-02

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

HEARING DATE: June 14, 2011

DRILLING UNIT: FF-39

TAZEWELL 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) 1A as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the prevailing plaintiffs; Betty J. Short and Russell Bryan Rakes

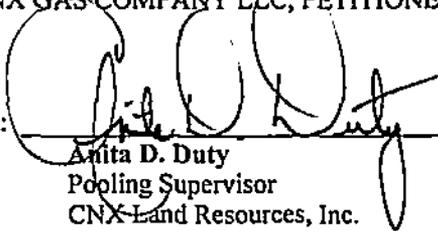
3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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

5. Factual basis for relief requested Betty J. Short and Russell Bryan Rakes are entitled to 100% of the royalties according to the Order which was entered on March 11, 2011, Case No:CL11-206, adjudicating the ownership of coalbed methane gas. This order allows the Applicant and Designated Operator to pay royalties directly to the prevailing plaintiffs identified in Exhibit EE annexed hereto and the annexed Exhibit A-1, further, specifies how said royalties are to be 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
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

DK 1100700010

PROPERTY LINES SHOWN WERE TAKEN
PROVIDED BY CONSOL INC. AND WERE N.

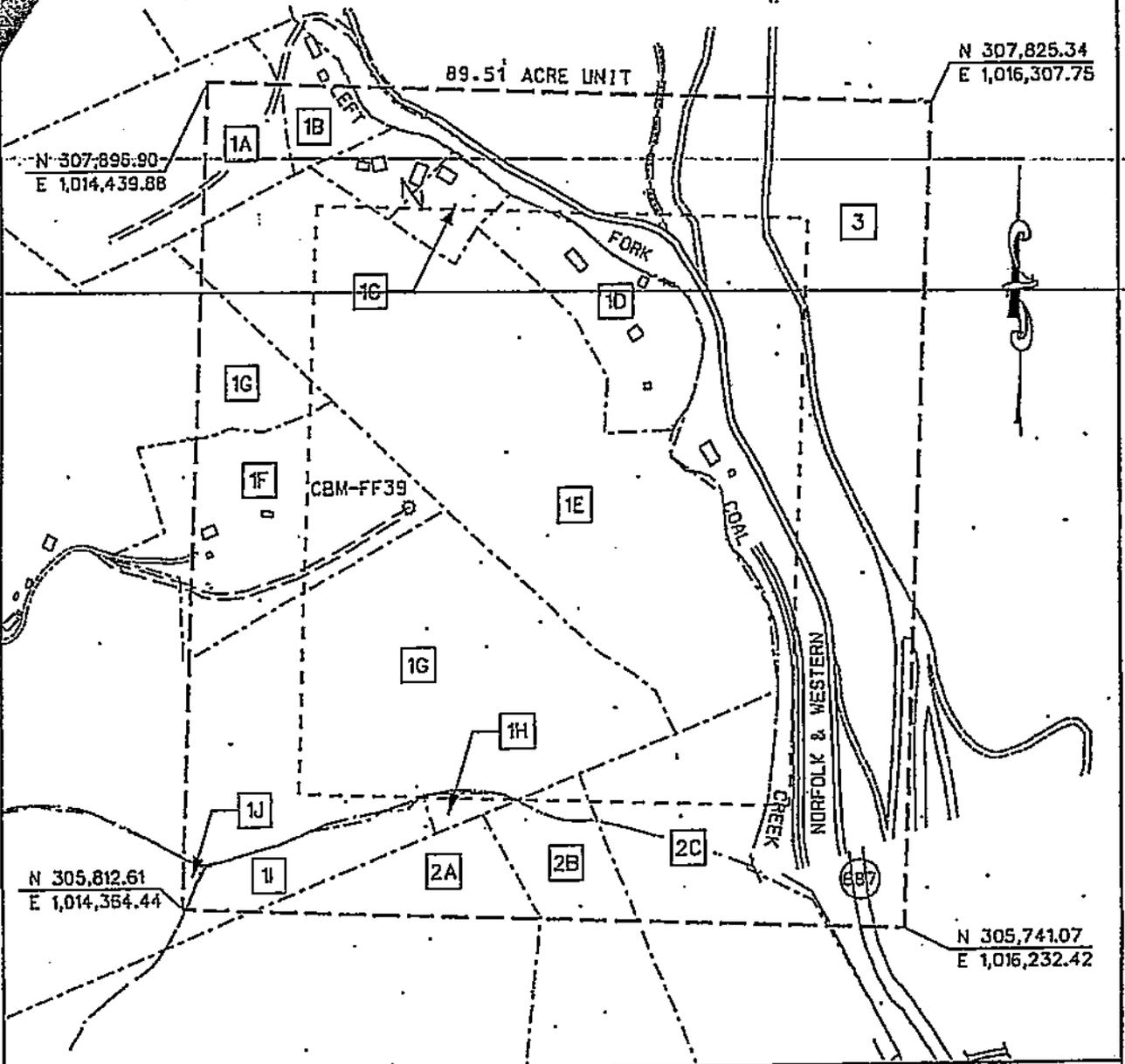


EXHIBIT A
 OAKWOOD FIELD UNIT FF-39
 FORCE POOLING
 VGOB-03-1021-1208

Company CNX Gas Company LLC Well Name and Number UNIT FF39
 Tract No. _____ Elevation _____ Quadrangle Keen, Madison
 County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/19/05
 This plot is a new plot X; an updated plot _____; or a final plot _____

Form DGD-GO-7
 Rev: 9/91

 Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

BK 1108PG0919
CNX GAS COMPANY LLC
UNIT FF-39
Tract Identifications

- 1A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 – Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Betty J. Short, et al - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
1.47 acres 1.6423 %
- 1B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Perry Deskins, et ux - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.89 acres 0.9943 %
- 1C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Raymond E. Shelton, et al. - Surface and All Minerals except Coal
2.00 acres 2.2344 %
- 1D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Charlie Deskins, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
3.51 acres 3.9214 %
- 1E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Wanda Simmons, et al. – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (70.4861%)
Knox Creek Carbon Company - Surface
19.51 acres 21.7964 %
- 1F. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Carl N. Ball, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
5.57 acres 6.2228 %

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BK 1108PG0920
CNX GAS COMPANY LLC
UNIT FF-39
Tract Identifications

- 1G. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
James M. Short, et al. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
17.08 acres 19.0817 %
- 1H. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Knox Creek Coal Corporation - Surface and All Minerals except Coal
0.31 acres 0.3463 %
- 1I. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Alvie Newberry - Surface and All Minerals except Coal
1.74 acres 1.9439 %
- 1J. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Cari Ball, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.09 acres 0.1005 %
- 2A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 20 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Alvie Newberry - Surface and All Minerals except Coal
2.24 acres 2.5025 %
- 2B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 20 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Knox Creek Coal Corporation - Surface and All Minerals except Coal
2.00 acres 2.2344 %

BK 1108PG0921

CNX GAS COMPANY LLC

UNIT FF-39

Tract Identifications

- 2C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 20 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Knox Creek Coal Corporation, et al - Surface and All Minerals except Coal
4.88 acres 5.4519 %
3. Commonwealth Coal Company (May & Painter Tr.) - Fee
Reserve Coal Properties Company - Below Tiller Coal Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Reserve Coal Properties Company - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
28.22 acres 31.5272 %

CNX GAS COMPANY LLC

UNIT FF-39

Tract Identifications

(89.51 Acre Unit)

BK 1108PG0922

- 1A. Tax Map 84A, Parcel 92A
- 1B. Tax Map 84A, Parcel 97
- 1C. Tax Map 84A, Parcel 96
- 1D. Tax Map 84A, Parcel 95
- 1E. Tax Map MM0253
- 1F. Tax Map 84A, Parcel 93
- 1G. Tax Map 84A, Parcel 92
- 1H. Tax Map NM0245
- 1I. Tax Map 84A, Parcel 89
- 1J. Tax Map 84A, Parcel 91
- 2A. Tax Map 84A, Parcel 89
- 2B. Tax Map 84A, Parcel 84
- 2C. Tax Map 84A, Parcel 94
- 3. Tax Map 64, Parcel 0000

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Tract-by-Tract Escrow Calculation
 Account Balances as of 4/30/2011

Unit FF39
 VGOB 03-1021-1208-02
 Acres Escrowed: 38.55000

| Owners | Tract # | Acres | Owner Acres | Interest | Owners' Percent of Escrow | Amount Due Owners |
|--|---------|-------|-------------|----------|---------------------------|-------------------|
| Coal Mountain Mining Co. Limited Partnership, LLP - Coal | 1a | 1.47 | | | | |
| Betty J. Short - O.G. & CBM | | | | | | |
| Betty J. Short | | | 1.10 | 3/4 | 2.8599% | \$2,281.79 |
| Russell Bryan Rakes | | | 0.37 | 1/4 | 0.9533% | \$760.60 |

Wells contributing to the escrow account: FF39

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Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants that require escrow **BK 1108PG0924**
(89.51 Acre Unit)

| | Acres in Unit | Interest in Unit |
|--|---------------|------------------|
| <u>Tract #1B, 0.89 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 0.89 acres | 0.9943% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Perry & Sylvia Naydine Deskins Star Rt. Box 37A Raven, VA 24639 | 0.89 acres | 0.9943% |
| <u>Tract #1C, 2.00 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 2.00 acres | 2.2344% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Raymond E. Shelton, et al. HC62 Box 37 Raven, VA 24639 | 2.00 acres | 2.2344% |
| <u>Tract #1D, 3.51 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 3.51 acres | 3.9213% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Nadeine Deskins, widow HC62 Box 35 Raven, VA 24639 | 3.51 acres | 3.9213% |
| <u>Tract #1E, 19.51 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 19.51 acres | 21.7964% |

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Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02 **BK 1108PG0925**
List of Conflicting Owners/Claimants that require escrow
(89.51 Acre Unit)

| | Acres in Unit | Interest in Unit |
|--|------------------------------------|------------------|
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Wanda Simmons, et al. <i>(aka Mary Jane Short Heirs, Devisees, Successors or Assigns)</i> | 19.51 acres | 21.7964% |
| (a) Maude Murray 1234 1/2 N. F Street Muscogee, OK 74403 <i>(Deceased - documentation pending)</i> | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (b) Ruby Boice 1409 Old Manor Road Chesapeake, VA 23323 <i>(Deceased - documentation pending)</i> | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (c) Millie Campbell 216 Cassidy Avenue Virginia Beach, VA 23452 | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (d) Carolyn Phelps Heirs, Devisees, Successors or Assigns | | |
| (d.1) Robert L. Phelps, widower 3108 Sterling Way Portsmouth, VA 23703 | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (e) George H. Short 806 Nottingham Road Portsmouth, VA 23703 <i>(Deceased - documentation pending)</i> | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (f) James H. Short 622 Chandler Harper Drive Portsmouth, VA 23701 <i>(Deceased - documentation pending)</i> | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (g) Donald Blaine Short 4404 Point West Drive Portsmouth, VA 23703 | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (h) Alfred V. Short Heirs, Devisees, Successors or Assigns | | |
| (h.1) Alfred V. Short, Jr. 109 Wyoming Avenue Portsmouth, VA 23701 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (h.2) Cheryl Wood 13 California Avenue Portsmouth, VA 23701 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (h.3) Patricia Clark 6101 #B College Drive Suffolk, VA 23435 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |

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Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants that require escrow
(89.51 Acre Unit)

BK 1108PG0926

| | Acres in Unit | Interest in Unit |
|---|------------------------------------|------------------|
| (i) Daniel A. Short Heirs, Devisees, Successors or Assigns | | |
| (i.1) Delmar Short (spouse) 2741 Martha Drive Chesapeake, VA 23323 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (i.2) Dennis Short 1421 Old Manor Road Chesapeake, VA 23323 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.3) Dwayne Short 2106 Wyoming Avenue Portsmouth, VA 23701 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.4) David Short 2741 Martha Drive Chesapeake, VA 23323 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.5) Danny Short 1112 Elm Street Suffolk, VA 23434 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.6) Delma S. Grove 2741 Martha Drive Chesapeake, VA 23323 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.7) Dawn Short Robey 2749 Martha Drive Chesapeake, VA 23323 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (i.8) Dianna Short Barney 3 Windmere Heights Bristol, VA 24201 | 0.14 acres 1/144 of 19.51 acres | 0.1514% |
| (j) Max O. Short Heirs, Devisees, Successors or Assigns | | |
| (j.1) Marie (Frances) Short, widow 9 Morris Street, Apt.2 Portsmouth, VA 23702 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (j.2) Mary Ann Rowe 9 Morris Street, Apt.2 Portsmouth, VA 23702 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (j.3) Carrol J. Short 3263 Asbury Square Atlanta, GA 30346 | 0.47 acres 7/288 of 19.51 acres | 0.5298% |
| (k) John D. Short 6178 Knotts Creek Lane Suffolk, VA 23435 <i>(Deceased - documentation pending)</i> | 1.42 acres 7/96 of 19.51 acres | 1.5893% |
| (l) Wanda Simmons Heirs, Devisees, Successors or Assigns | | |

Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants that require escrow
(89.51 Acre Unit)

BK 1108PG0927

| | Acres in Unit | Interest in Unit |
|---|------------------------------------|------------------|
| (1.1) Michael Simmons 687 Forest Hills Dr. Pounding Mill, VA 24637 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.2) Bernard Simmons Heirs, Devisees, Successors or Assigns | | |
| (1.2.1) Bernard Rolf Simmons Marital Trust 16308 Old Jonesborough Rd. Bristol, VA 24202 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.3) Dennis Simmons 109 Eagle St. Richlands, VA 24641 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.4) Norma Lee Heirs, Devisees, Successors or Assigns | | |
| (1.4.1) Robert Lee 751 Terry Dr. Richlands, VA 24641 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.5) Billy R. Simmons P.O. Box 45 Doran, VA 24612 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.6) Jack Simmons 764 Terry Drive Richlands, VA 24641 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.7) Sandra Spruell 11 23rd St., SW Roanoke, VA 24014 | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (1.8) Renee Younce <i>Address Unknown</i> | 0.18 acres 7/768 of 19.51 acres | 0.1987% |
| (2) Knox Creek Coal Corporation P.O. Box 519 Raven, VA 24639 | 2.44 acres 1/8 of 19.51 acres | 2.7246% |

Tract #1H, 0.31 acres

COAL OWNERSHIP

| | | |
|--|------------|---------|
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 0.31 acres | 0.3463% |
|--|------------|---------|

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Knox Creek Coal Corporation P.O. Box 519 Raven, VA 24639 | 0.31 acres | 0.3463% |
|--|------------|---------|

Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants that require escrow
(89.51 Acre Unit)

BK 1108PG0928

| | Acres in Unit | Interest in Unit |
|--|---------------|------------------|
| <u>Tract #1I, 1.74 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 1.74 acres | 1.9439% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Alvie Newberry, et ux. Rt.1 Box 20 Raven, VA 24639 | 1.74 acres | 1.9439% |
| <u>Tract #2A, 2.24 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.20 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 2.24 acres | 2.5025% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Alvie Newberry, et ux. Rt.1 Box 20 Raven, VA 24639 | 2.24 acres | 2.5025% |
| <u>Tract #2B, 2.00 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.20 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 2.00 acres | 2.2344% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Knox Creek Coal Corporation P.O. Box 519 Raven, VA 24639 | 2.00 acres | 2.2344% |
| <u>Tract #2C, 4.88 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Coal Mountain Mining Company, Tr.20 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 4.88 acres | 5.4519% |

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Exhibit E
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants that require escrow (89.51 Acre Unit) BK 1108PG0929

| | Acres In Unit | Interest in Unit |
|--|---------------|------------------|
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Knox Creek Coal Corporation P.O. Box 519 Raven, VA 24639 | 4.88 acres | 5.4519% |

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Exhibit EE
Unit FF-39
Docket #VGOB 03-1021-1208-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.51 Acre Unit)

BK 1108 PG0930

| | Acres in Unit | Interest in Unit | Percent of Escrow |
|--|---------------|------------------|-------------------|
|--|---------------|------------------|-------------------|

Tract #1A, 1.47 acres

COAL OWNERSHIP

| | | | |
|--|------------|---------|-----|
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 1.47 acres | 1.6423% | n/a |
|--|------------|---------|-----|

OIL & GAS OWNERSHIP

| | | | |
|---|---------------------------------|---------|---------|
| (1) Betty J. Short <i>(Previously listed as Betty J. Short, et al)</i> | | | |
| (a) Betty J. Short 211 Hunter Ave. Pounding Mill, VA 24637 | 1.47 acres | 1.6423% | |
| <u>Royalties should be paid as follows:</u> | | | |
| Betty J. Short 211 Hunter Ave. Pounding Mill, VA 24637 | 1.10 acres 3/4 of 1.47 acres | 1.2317% | 2.8599% |
| Russell Bryan Rakes 1716 Green Mountain Road Cedar Bluff, VA 24609 | 0.37 acres 1/4 of 1.47 acres | 0.4106% | 0.9533% |

By Deed of Gift dated 4/9/11, Russell Bryan Rakes conveyed his 25% ownership inherited from Charles G. Rakes to Betty J. Short. (DB1092/PG708). In exchange, Betty J. Short assigned Russell Bryan Rakes a 25% royalty interest, executed 5/5/11.

Note: CBM ownership was adjudicated to the prevailing plaintiff under Case no. CL 11-206 The Order was executed March 11, 2011 and plaintiff was awarded 100% of the Coalbed Methane Gas underlying this tract.

Tract #1F, 5.57 acres

COAL OWNERSHIP

| | | | |
|--|------------|---------|-----|
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 5.57 acres | 6.2228% | n/a |
|--|------------|---------|-----|

OIL & GAS OWNERSHIP

| | | | |
|--|------------|---------|-----|
| (1) Carl N. Ball, et ux. Heirs, Devisees, Successors or Assigns | | | |
| (a) David D. Ball 384 Leonards Drive Raven, VA 24639 | 5.57 acres | 6.2228% | n/a |

5/9/11
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Exhibit EE
 Unit FF-39
 Docket #VGOB 03-1021-1208-02
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (89.51 Acre Unit)

BK 1108PG0931

| | Acres in Unit | Interest in Unit | Percent of Escrow |
|--|---------------|------------------|-------------------|
|--|---------------|------------------|-------------------|

Tract #1G, 17.08 acres

Deed of Confirmation dated 7/30/09, James Short 72.5% CBM rights / Coal Mountain 27.5% CBM rights.

COAL OWNERSHIP

| | | | |
|--|-------------|----------|-----|
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 17.08 acres | 19.0817% | n/a |
|--|-------------|----------|-----|

OIL & GAS OWNERSHIP

| | | | |
|---|-------------|----------|-----|
| (1) James M. Short 181 Vickey Drive Richlands, VA 24641 | 17.08 acres | 19.0817% | n/a |
|---|-------------|----------|-----|

Tract #1J, 0.09 acres

COAL OWNERSHIP

| | | | |
|--|------------|---------|-----|
| (1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651 | 0.09 acres | 0.1005% | n/a |
|--|------------|---------|-----|

OIL & GAS OWNERSHIP

| | | | |
|--|------------|---------|-----|
| (1) Carl N. Ball, et ux. Heirs, Devisees, Successors or Assigns | | | |
| (a) David D. Ball 384 Leonards Drive Raven, VA 24639 | 0.09 acres | 0.1005% | n/a |

INSTRUMENT #120000542
 RECORDED IN THE CLERK'S OFFICE OF
 TAZEWELL COUNTY ON
 FEBRUARY 16, 2012 AT 12:53PM
 ANGELA RAY
 JAMES E. BLEVINS, CLERK
 RECORDED BY: ADR

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