

VIRGINIA:

6K0924660000

5703

BEFORE THE VIRGINIA GAS AND OIL BOARD

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 03-1021-1208

ELECTIONS: UNIT FF-39
(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 in the captioned matter on December 15, 2003 which was recorded at Deed Book 898, Page 182 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on December 22, 2003, (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 FF-39;

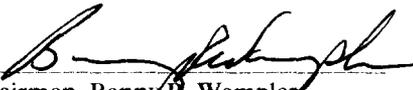
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate 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 October, 2004, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 8th day of October, 2004, 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: 7-31-06

DONE AND PERFORMED THIS 13th day of October, 2004, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 13th day of October, 2004, 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

Order Recorded Under Code of
Virginia Section 45.1-361.26

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 FF-39
VGOB 03-1021-1208 in the Maiden Springs District of Tazewell 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 December 15, 2003, 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 December 15, 2003;

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 December 15, 2003;

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:

None

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:

None

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 29th day of SEPTEMBER, 2004.


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 29th day of September, 2004.


Notary

My commission expires: 10/31/05

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

OK0396730103
OK0924FG0384

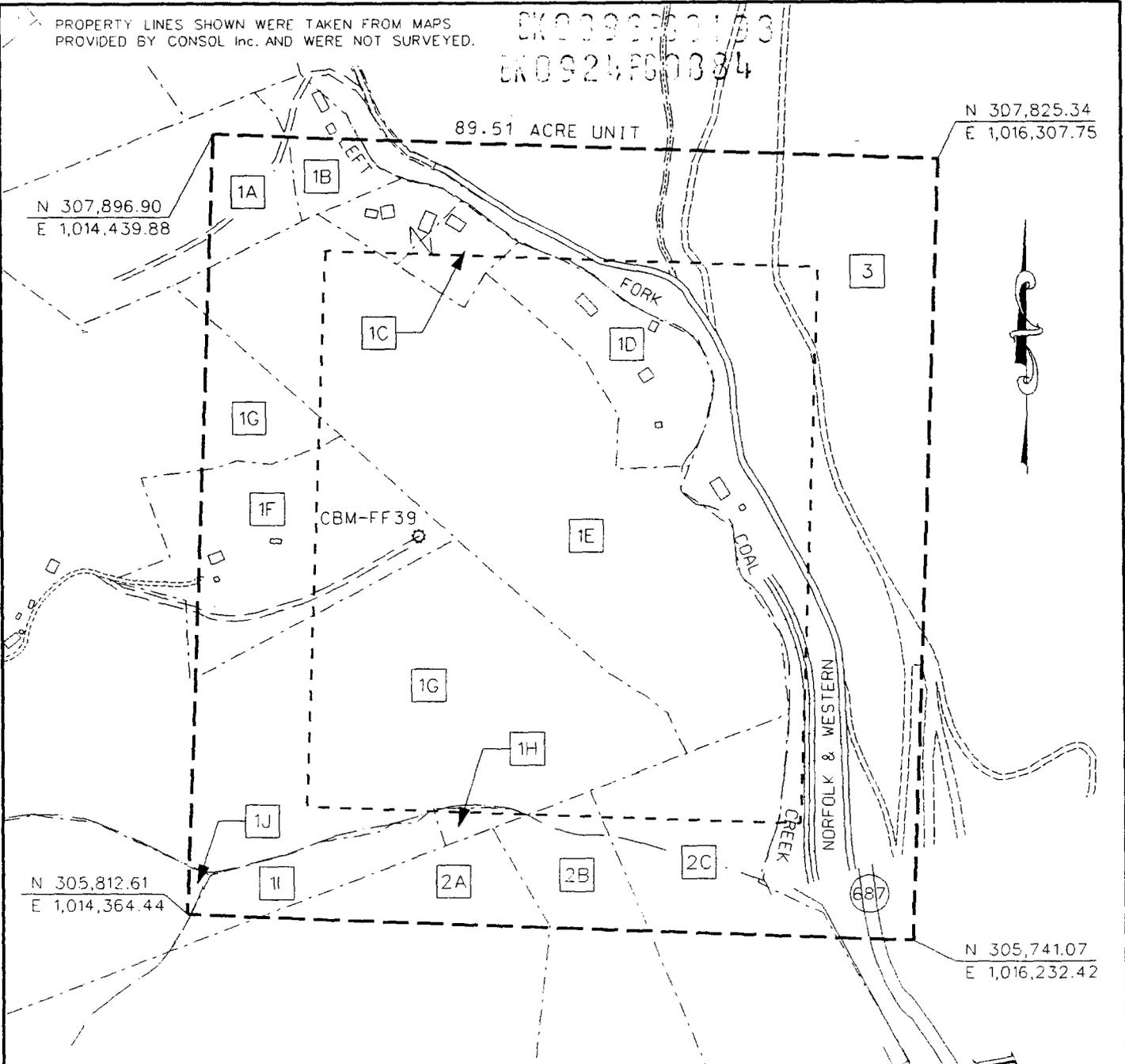


EXHIBIT A
 OAKWOOD FIELD UNIT FF-39
 FORCE POOLING
 VGOB-03-1021-1208

Company CNX Gas Company LLC Well Name and Number UNIT FF39
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/14/05
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-60-7
 Rev. 9/91

 Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

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 %

BK0898760195

BK0924760886

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
Carl 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 0898860196

BK 0924860887

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 %**

Exhibit B-3
Unit FF-39
Docket #VGOB 03-1021-1208
List of Unleased Owners/Claimants
 (39.51 Acre Unit)

DK0090800197

LN0024700000

	Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #1C, 2.00 acres</u>		
(1) Raymond E. Shelton, et al. HC62 Box 37 Raven, VA 24639	2.00 acres	2.2344%
<u>Tract #1E, 19.51 acres</u>		
(1) Wanda Simmons, et al. (Mary Jane Short Heirs, Devisees, Successors or Assigns)	19.51 acres	21.7964%
(I) Wanda Simmons Heirs, Devisees, Successors or Assigns		
(I.1) Dennis Simmons 109 Eagle Street Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.2) Bernice Simmons (Widow) Heirs, Devisees, Successors or Assigns		
(I.2.1) Michael T. Simmons 520 Crestwood Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.3) Norma Lee 751 Terry Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.4) Billy R. Simmons P.O. Box 45 Doran, VA 24612	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.5) Jack Simmons 764 Terry Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.6) Renee Younce 1828 Broad Street Bristol, TN 37620	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.7) Bernard Simmons 2805 W. Front Street Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(I.8) Sandra Simmons 3455 Pitzer Road Roanoke, VA 24014	0.18 acres 7/768 of 19.51 acres	0.1987%
(2) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	2.44 acres 1/8 of 19.51 acres	2.7246%

Exhibit B-3
Unit FF-39
Docket #VGOB 03-1021-1208
List of Unleased Owners/Claimants
(89.51 Acre Unit)

BK 0399660198

LN 0321PG0389

	Acres in Unit	Interest in Unit
<u>Tract #1H, 0.31 acres</u>		
(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	0.31 acres	0.3463%
<u>Tract #1I, 1.74 acres</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>		
(1) Alvie Newberry, et ux. Rt.1 Box 20 Raven, VA 24639	2.24 acres	2.5025%
<u>Tract #2B, 2.00 acres</u>		
(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	2.00 acres	2.2344%
<u>Tract #2C, 4.88 acres</u>		
(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	4.88 acres	5.4519%

BK089960199

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

BK092460390

	Acres in Unit	Interest in Unit
<u>Tract #1A, 1.47 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.47 acres	1.6423%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Betty J. Short, et al.	1.47 acres	1.6423%
(a) Betty J. Short 411 Kents Ridge Road Richlands, VA 24641	1.10 acres 3/4 of 1.47 acres	1.2317%
(b) Charles G. Rakes Rt.3 Box 108A Tazewell, VA 24651	0.37 acres 1/4 of 1.47 acres	0.4106%
<u>Tract #1B, 0.89 acres</u>		
<u>COAL FEE 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 FEE 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 FEE 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 FEE OWNERSHIP</u>		
(1) Raymond E. Shelton, et al. HC62 Box 37 Raven, VA 24639	2.00 acres	2.2344%

BK 0 9 2 4 8 6 9 8 9 1

Exhibit E
Unit FF-39

Docket #VGOB 03-1021-1208

List of Conflicting Owners/Claimants that require escrow
(89.51 Acre Unit)

BK 0 9 2 4 8 6 9 8 9 1

	Acres in Unit	Interest in Unit
<u>Tract #1D, 3.51 acres</u>		
<u>COAL FEE 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 FEE 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 FEE 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%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Wanda Simmons, et al. (Mary Jane Short Heirs, Devisees, Successors or Assigns)	19.51 acres	21.7964%
(a) Maude Murray 1234 1/2 N. F Street Muscogee, OK 74403	1.42 acres 7/96 of 19.51 acres	1.5893%
(b) Ruby Boice 1409 Old Manor Road Chesapeake, VA 23323	1.42 acres 7/96 of 19.51 acres	1.5893%
(c) Millie Maxey 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	1.42 acres 7/96 of 19.51 acres	1.5893%

Exhibit E

Unit FF-39

Docket #VGOB 03-1021-1208

List of Conflicting Owners/Claimants that require escrow

(39.51 Acre Unit)

BK0996669201

BK0924P30092

	Acres in Unit	Interest in Unit
(f) James H. Short 622 Chandler Harper Drive Portsmouth, VA 23701	1.42 acres 7/96 of 19.51 acres	1.5893%
(g) Donald Blane 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%
(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 3920 Wedgewood Drive Chesapeake, VA 23321	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) Delmar Grover Short 2709 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%

DK0892730202

Exhibit E
Unit FF-39

DK0921730093

Docket #VGOB 03-1021-1208

List of Conflicting Owners/Claimants that require escrow

(39.51 Acre Unit)

	Acres in Unit	Interest in Unit
(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	1.42 acres 7/96 of 19.51 acres	1.5893%
(l) Wanda Simmons Heirs, Devisees, Successors or Assigns		
(l.1) Dennis Simmons 109 Eagle Street Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.2) Bernice Simmons (Widow) Heirs, Devisees, Successors or Assigns		
(l.2.1) Michael T. Simmons 520 Crestwood Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.3) Norma Lee 751 Terry Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.4) Billy R. Simmons P. O. Box 45 Doran, VA 24612	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.5) Jack Simmons 764 Terry Drive Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.6) Renee Younce 1828 Broad Street Bristol, TN 37620	0.18 acres 7/768 of 19.51 acres	0.1987%
(l.7) Bernard Simmons 2805 W. Front Street Richlands, VA 24641	0.18 acres 7/768 of 19.51 acres	0.1987%

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

BK0303730200

BK0924860094

	Acres in Unit	Interest in Unit
(1.8) Sandra Simmons 3455 Pitzer Road Roanoke, VA 24014	0.18 acres 7/768 of 19.51 acres	0.1987%
(2) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	2.44 acres 1/8 of 19.51 acres	2.7246%

Tract #1G, 17.08 acres

COAL FEE 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%
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OIL & GAS FEE OWNERSHIP

(1) James M. Short, et al. c/o Myrtle Short Rt.1 Box 24 Raven, VA 24639	17.08 acres	19.0817%
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Tract #1H, 0.31 acres

COAL FEE 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%
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OIL & GAS FEE OWNERSHIP

(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	0.31 acres	0.3463%
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Tract #1I, 1.74 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.74 acres	1.9439%
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OIL & GAS FEE OWNERSHIP

(1) Alvie Newberry, et ux. Rt.1 Box 20 Raven, VA 24639	1.74 acres	1.9439%
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BK0892860204

Exhibit E

Unit FF-39

Docket #VGOB 03-1021-1208

BK0924PG0895

List of Conflicting Owners/Claimants that require escrow
(39.51 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #2A, 2.24 acres</u>		
<u>COAL FEE 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 FEE 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 FEE 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 FEE OWNERSHIP</u>		
(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	2.00 acres	2.2344%
<u>Tract #2C, 4.88 acres</u>		
<u>COAL FEE 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%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Knox Creek Coal Corporation c/o A.T. Massey P.O. Box 519 Raven, VA 24639	4.88 acres	5.4519%

INSTRUMENT #030007136
RECORDED IN THE CLERK'S OFFICE OF
TAEWELL COUNTY ON
DECEMBER 22, 2003 AT 10:17AM
JAMES E. BLEVINS, CLERK

BY Judy N. SHAYEN CO.

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

UK0924PG0896

	Acres in Unit	Interest in Unit
<u>Tract #1F, 5.57 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.57 acres	6.2228%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Carl N. Ball, et ux. 384 Leonards Drive Raven, VA 24639	5.57 acres	6.2228%
<u>Tract #1J, 0.09 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.09 acres	0.1005%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Carl N. Ball, et ux. 384 Leonards Drive Raven, VA 24639	0.09 acres	0.1005%

INSTRUMENT #040005703
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY ON
OCTOBER 19, 2004 AT 02:32PM
JAMES E. BLEVINS, CLERK
Angela O'Ray
RECORDED BY: 4DR