

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**

**110001194**

**APPLICANTS:** CNX Gas Company on behalf of Harrison -  
Wyatt, LLC and Stevie Dean Roten.

**DOCKET NO.**

**04-1214-1368-02**

**RELIEF SOUGHT:**

**Issuance:** A Supplemental Order for Disbursement of Escrowed Funds  
**Action:** Amending Prior Orders Affecting Drilling Unit BF-100, Tract 1B  
(Referenced herein as "the Subject Drilling Unit")  
**Location:** Buchanan County, Virginia

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit BF-100 by Tract Sub-accounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling 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 April 26, 2011, at the Russell County Conference Center, Lebanon, Virginia.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Sr. 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.

4. **Prior Proceedings:**

- 4.1 (a) On December 14, 2004, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 22, 2005, in Deed Book 620, Pages 214 to 243 Instrument 050001844. The Supplemental Order was executed and recorded in with the Clerk of the Circuit Court Buchanan County on August 16, 2006, Instrument 060002673.
- (b) On April 20, 2010, the Board approved an on August 23, 2010 executed its disbursement order. The Disbursement Order was filed with the Clerk of the Circuit Court of Buchanan County on September 8, 2010, in Instrument 100002487.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Harrison Wyatt, LLC and the gas ownerships of Stevie Dean Roten in Tract 1B in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding tracts 1B, a copy of which is attached to and made a part hereof, states under oath that Harrison Wyatt, LLC and Stevie Dean Roten have entered into an agreement with regard to Tract 1B, respectively.
- 4.4 The Unit Operator gave notice to Harrison Wyatt LLC and Stevie Dean Roten that the Board would consider this disbursement authorization at its hearing on April 26, 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 1B and 1I identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 1B relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties in other tracts under this order subject to continued payment in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

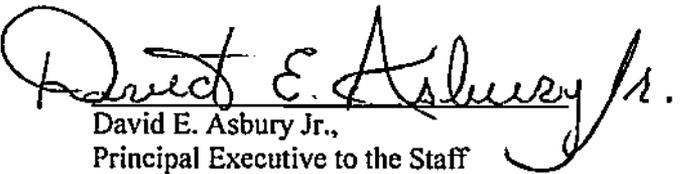


9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 28 day of April, 2011, by a majority of the Virginia Gas and Oil Board.

  
Bradley C. Lambert, Chairman  
Virginia Gas and Oil Board

DONE AND PERFORMED this 28 day of April, 2011, by an Order of this Board.

  
David E. Asbury Jr.,  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF RUSSELL

Acknowledged on this 28<sup>th</sup> day of April, 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 **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 09/30/2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 04-1214-1368-02

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

HEARING DATE: April 19, 2011

DRILLING UNIT: BF-100

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, SWARTZ LAW OFFICES, PLLC., 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. Relief sought: (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to of Tract(s) 1B as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty agreement between Harrison-Wyatt, LLC Stevie Dean Roten

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.

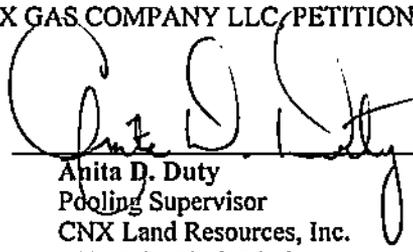
4. Type of well(s): Coalbed methane.

5. Factual basis for relief requested: Harrison-Wyatt, LLC Stevie Dean Roten 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  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

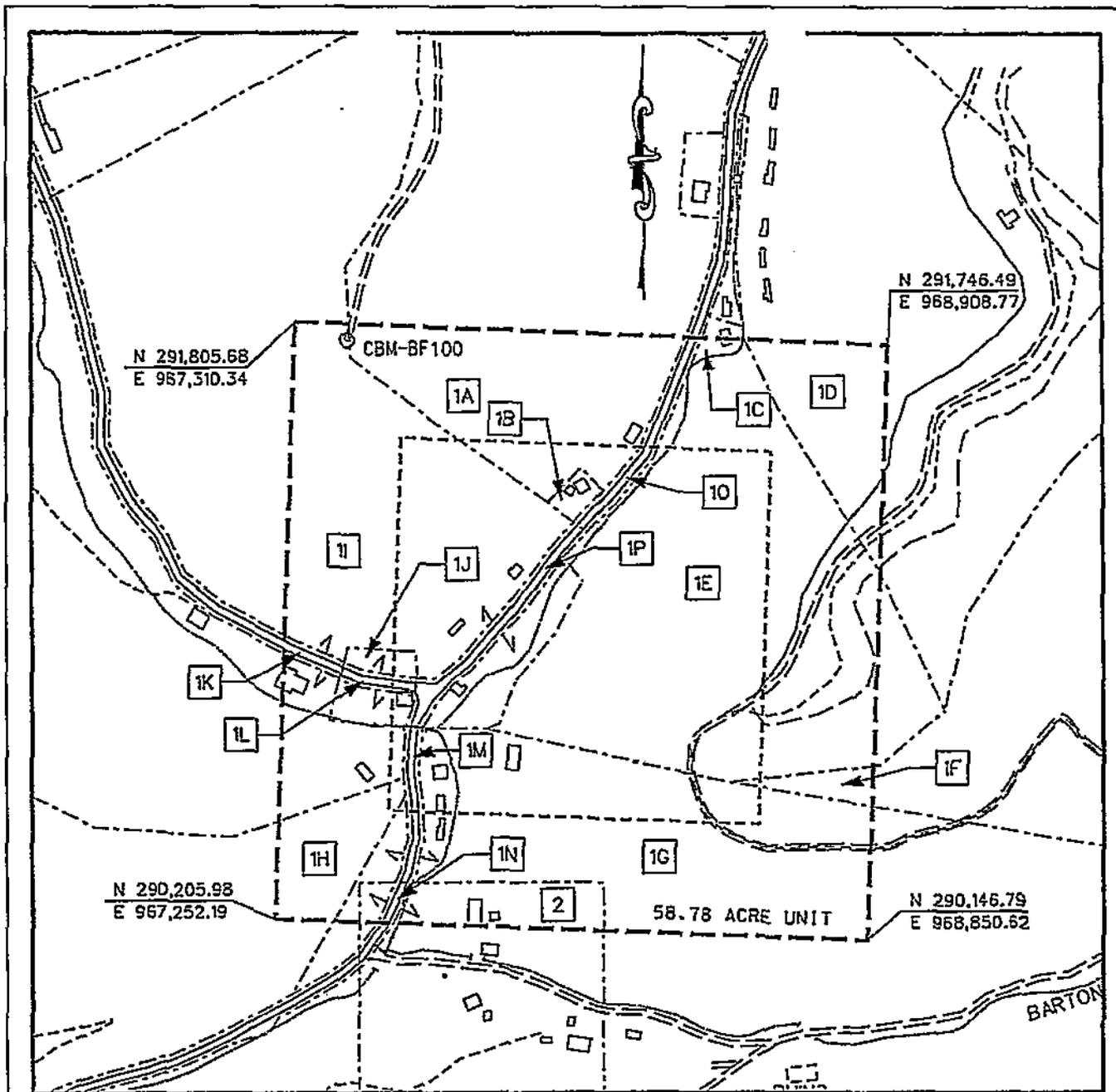
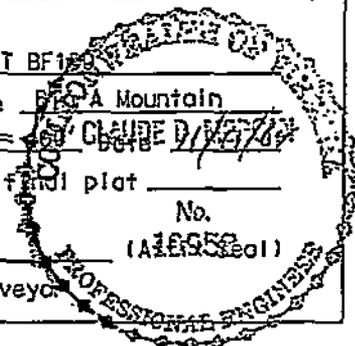


EXHIBIT A  
 NORA FIELD  
 UNIT BF-100  
 FORCE POOLING  
 VGDB-04-1214-1368

Company CNX Gas Company LLC Well Name and Number UNIT BF100  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle B1-A Mountain  
 County Buchanan District Hurricane Scale: 1" = 40'  
 This plot is a new plot  ; on updated plot \_\_\_\_\_ ; or a final plot \_\_\_\_\_

Form DGD-00-7  
 Rev. 9/91  
 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



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# CNX Gas Company LLC

## UNIT BF-100

Tract Identifications  
(58.78 Acre Unit)

- 1A. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Emory James – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
6.07 acres 10.3266%
- 1B. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Stevie Dean Roten, et al – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.25 acres 0.4253%
- 1C. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Arvil Miller, et ux – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.13 acres 0.2212%
- 1D. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Carson D. Austin – Surface and All Minerals except Coal  
2.82 acres 4.7976%
- 1E. Harrison-Wyatt, LLC. (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Carson D. Austin – Surface and All Minerals except Coal  
17.20 acres 29.2617%
- 1F. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Carson D. Austin OR Mary Leftwich Heirs – All Minerals except Coal  
Carson D. Austin – Surface  
0.47 acres 0.7996%
- 1G. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Carson D. Austin OR Mary Leftwich Heirs – All Minerals except Coal  
Carson D. Austin – Surface  
11.59 acres 19.7176%
- 1H. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Mary Leftwich Heirs, et al – Surface and All Minerals except Coal (37.50%)  
CNX Gas Company LLC – Surface and All Minerals except Coal (62.50%)  
1.85 acres 3.1473%

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# CNX Gas Company LLC

UNIT BF-100

Tract Identifications  
(58.78 Acre Unit)

- 1I. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Hampton E. Austin, et ux – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
13.69 acres                      23.2902%
- 1J. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal  
CNX Gas Company LLC - CBM Leased  
Buchanan County, Virginia – All Minerals except Coal  
Carson D. Austin – Surface  
0.73 acres                      1.2419%
- 1K. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,  
et ux)  
Commonwealth of Virginia - Surface  
0.18 acres                      0.3062%
- 1L. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal  
Commonwealth of Virginia - Surface  
0.22 acres                      0.3743%
- 1M. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal  
Commonwealth of Virginia - Surface  
0.42 acres                      0.7145%
- 1N. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal  
Commonwealth of Virginia - Surface  
0.11 acres                      0.1871%

# CNX Gas Company LLC

## UNIT BF-100

Tract Identifications  
(58.78 Acre Unit)

10. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,  
et ux)  
Commonwealth of Virginia - Surface  
0.62 acres 1.0548%
- 1P. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,  
et ux)  
Commonwealth of Virginia - Surface  
0.76 acres 1.2930%
2. Carson Austin OR Mary Leftwich Heirs – All Minerals  
Carson D. Austin – Surface  
1.57 acres 2.8411%

Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #1D - 2.82 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	2.82 acres	4.7976%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	2.82 acres	4.7976%
<b><u>Tract #1E - 17.20 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	17.20 acres	29.2617%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	17.20 acres	29.2617%
<b><u>Tract #1F - 0.47 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.47 acres	0.7996%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	0.47 acres	0.7996%
- OR -		
(1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al.	0.47 acres	0.7996%
(a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns		
(a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407	0.031 1/15 of 0.47 acres	0.05331%
(a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960	0.031 1/15 of 0.47 acres	0.05331%

Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a.3) James B. Harris Heirs, Devisees, Successors or Assigns		
(a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908	0.010 1/45 of 0.47 acres	0.01777%
(a.3.2) Carolyn S. Harris Soliz Address Unknown	0.010 1/45 of 0.47 acres	0.01777%
(a.3.3) James Harris Address Unknown	0.010 1/45 of 0.47 acres	0.01777%
(b) Willie C. Harris Heirs, Devisees, Successors or Assigns		
(b.1) Billy Harris Box 38 Davenport, VA 24239	0.094 1/5 of 0.47 acres	0.15992%
(c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns		
(c.1) Jim Herron 12651 Tunstall St Garden Grove, CA 92845	0.094 1/5 of 0.47 acres	0.15992%
(d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns		
(d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns		
(d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712	0.024 1/20 of 0.47 acres	0.03998%
(d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712	0.024 1/20 of 0.47 acres	0.03998%
(d.2) Gail Patricia Dunn Address Unknown	0.047 1/10 of 0.47 acres	0.07996%
(e) Clarence Harris Heirs, Devisees, Successors or Assigns		
(e.1) Jackie Harris PO Box 37 Rosedale, VA 24280	0.024 1/20 of 0.47 acres	0.03998%
(e.2) Don Harris Heirs, Devisees, Successors or Assigns		
(e.2.1) Ricky Harris Address Unknown	0.012 1/40 of 0.47 acres	0.01999%

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Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947	0.012 1/40 of 0.47 acres	0.01999%
(e.3) Clarence E. Harris, Jr. <i>Address Unknown</i>	0.024 1/20 of 0.47 acres	0.03998%
(e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i>	0.024 1/20 of 0.47 acres	0.03998%

**Tract #1G - 11.59 acres**

*Escrow due to title conflict*

**COAL OWNERSHIP**

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	11.59 acres	19.7176%
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**OIL & GAS OWNERSHIP**

(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	11.59 acres	19.7176%
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- OR -

(1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al.	11.59 acres	19.7176%
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(a) Jacob/J.B. Harris Heirs, Devisees,  
Successors or Assigns

(a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407	0.773 1/15 of 11.59 acres	1.31451%
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(a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960	0.773 1/15 of 11.59 acres	1.31451%
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(a.3) James B. Harris Heirs, Devisees,  
Successors or Assigns

(a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908	0.258 1/45 of 11.59 acres	0.43817%
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(a.3.2) Carolyn S. Harris Soliz <i>Address Unknown</i>	0.258 1/45 of 11.59 acres	0.43817%
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(a.3.3) James Harris <i>Address Unknown</i>	0.258 1/45 of 11.59 acres	0.43817%
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(b) Willie C. Harris Heirs, Devisees,  
Successors or Assigns

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**Exhibit E**  
**Unit BF-100**  
**Docket #VGOB 04-1214-1368-02**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(b.1) Billy Harris Box 38 Davenport, VA 24239	2.318 1/5 of 11.59 acres	3.94352%
(c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns		
(c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845	2.318 1/5 of 11.59 acres	3.94352%
(d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns		
(d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns		
(d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712	0.580 1/20 of 11.59 acres	0.98588%
(d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712	0.580 1/20 of 11.59 acres	0.98588%
(d.2) Gail Patricia Dunn <i>Address Unknown</i>	1.159 1/10 of 11.59 acres	1.97176%
(e) Clarence Harris Heirs, Devisees, Successors or Assigns		
(e.1) Jackie Harris PO Box 37 Rosedale, VA 24280	0.580 1/20 of 11.59 acres	0.98588%
(e.2) Don Harris Heirs, Devisees, Successors or Assigns		
(e.2.1) Ricky Harris <i>Address Unknown</i>	0.290 1/40 of 11.59 acres	0.49294%
(e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947	0.290 1/40 of 11.59 acres	0.49294%
(e.3) Clarence E. Harris, Jr. <i>Address Unknown</i>	0.580 1/20 of 11.59 acres	0.98588%
(e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i>	0.580 1/20 of 11.59 acres	0.98588%

**Tract #1J - 0.73 acres**

**COAL OWNERSHIP**

(1) Hamison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.73 acres	1.2419%
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Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Buchanan County Attn: Mr. William Caudill P.O. Box 950 Grundy, VA 24614	0.73 acres	1.2419%
<b><u>Tract #1K - 0.18 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.18 acres	0.3062%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260	0.18 acres	0.3062%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201	0.18 acres	0.3062%
<b><u>Tract #1L - 0.22 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.22 acres	0.3743%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Buchanan County Attn: Mr. William Caudill P.O. Box 950 Grundy, VA 24614	0.22 acres	0.3743%
<b><u>Tract #1M - 0.42 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.42 acres	0.7145%

Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	0.42 acres	0.7145%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201	0.42 acres	0.7145%

**Tract #1N - 0.11 acres**

*Escrow due to title conflict*

**COAL OWNERSHIP**

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.11 acres	0.1871%
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**OIL & GAS OWNERSHIP**

(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	0.11 acres	0.1871%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201	0.11 acres	0.1871%

**Tract #1O - 0.62 acres**

*Escrow due to title conflict*

**COAL OWNERSHIP**

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.62 acres	1.0548%
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**OIL & GAS OWNERSHIP**

(1) Emory James 1173 Nance White Branch Rd. Honaker, VA 24260-5137	0.62 acres	1.0548%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201	0.62 acres	1.0548%

Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #1P - 0.76 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.76 acres	1.2930%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260	0.76 acres	1.2930%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201	0.76 acres	1.2930%
<b><u>Tract #2 - 1.67 acres</u></b>		
<i>Escrow due to title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	1.67 acres	2.8411%
- OR -		
(1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al.	1.67 acres	2.8411%
(a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns		
(a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407	0.111 1/15 of 1.67 acres	0.18941%
(a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960	0.111 1/15 of 1.67 acres	0.18941%
(a.3) James B. Harris Heirs, Devisees, Successors or Assigns		
(a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908	0.037 1/45 of 1.67 acres	0.06314%
(a.3.2) Carolyn S. Harris Soliz Address Unknown	0.037 1/45 of 1.67 acres	0.06314%

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Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a.3.3) James Harris <i>Address Unknown</i>	0.037 1/45 of 1.67 acres	0.06314%
(b) Willie C. Harris Heirs, Devisees, Successors or Assigns		
(b.1) Billy Harris Box 38 Davenport, VA 24239	0.334 1/5 of 1.67 acres	0.56822%
(c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns		
(c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845	0.334 1/5 of 1.67 acres	0.56822%
(d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns		
(d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns		
(d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712	0.084 1/20 of 1.67 acres	0.14206%
(d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712	0.084 1/20 of 1.67 acres	0.14206%
(d.2) Gail Patricia Dunn <i>Address Unknown</i>	0.167 1/10 of 1.67 acres	0.28411%
(e) Clarence Harris Heirs, Devisees, Successors or Assigns		
(e.1) Jackie Harris PO Box 37 Rosedale, VA 24280	0.084 1/20 of 1.67 acres	0.14206%
(e.2) Don Harris Heirs, Devisees, Successors or Assigns		
(e.2.1) Ricky Harris <i>Address Unknown</i>	0.042 1/40 of 1.67 acres	0.07103%
(e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947	0.042 1/40 of 1.67 acres	0.07103%
(e.3) Clarence E. Harris, Jr. <i>Address Unknown</i>	0.084 1/20 of 1.67 acres	0.14206%
(e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i>	0.084 1/20 of 1.67 acres	0.14206%

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Exhibit E  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	1.67 acres	2.8411%
- OR -		
(1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al.	1.67 acres	2.8411%
(a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns		
(a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407	0.111 1/15 of 1.67 acres	0.18941%
(a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960	0.111 1/15 of 1.67 acres	0.18941%
(a.3) James B. Harris Heirs, Devisees, Successors or Assigns		
(a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908	0.037 1/45 of 1.67 acres	0.06314%
(a.3.2) Carolyn S. Harris Soliz <i>Address Unknown</i>	0.037 1/45 of 1.67 acres	0.06314%
(a.3.3) James Harris <i>Address Unknown</i>	0.037 1/45 of 1.67 acres	0.06314%
(b) Willie C. Harris Heirs, Devisees, Successors or Assigns		
(b.1) Billy Harris Box 38 Davenport, VA 24239	0.334 1/5 of 1.67 acres	0.56822%
(c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns		
(c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845	0.334 1/5 of 1.67 acres	0.56822%
(d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns		
(d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns		
(d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712	0.084 1/20 of 1.67 acres	0.14206%

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**Exhibit E**  
**Unit BF-100**  
**Docket #VGOB 04-1214-1368-02**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712	0.084 1/20 of 1.67 acres	0.14206%
(d.2) Gail Patricia Dunn <i>Address Unknown</i>	0.167 1/10 of 1.67 acres	0.28411%
(e) Clarence Harris Heirs, Devisees, Successors or Assigns		
(e.1) Jackie Harris PO Box 37 Rosedale, VA 24280	0.084 1/20 of 1.67 acres	0.14206%
(e.2) Don Harris Heirs, Devisees, Successors or Assigns		
(e.2.1) Ricky Harris <i>Address Unknown</i>	0.042 1/40 of 1.67 acres	0.07103%
(e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947	0.042 1/40 of 1.67 acres	0.07103%
(e.3) Clarence E. Harris, Jr. <i>Address Unknown</i>	0.084 1/20 of 1.67 acres	0.14206%
(e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i>	0.084 1/20 of 1.67 acres	0.14206%

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Exhibit EE  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of all Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1A - 6.07 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	6.07 acres	10.3266%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Jerry L. James * 1990 Witten Mill Road North Tazewell, VA 24630	6.07 acres	10.3266%	<i>n/a</i>
* Deed of gift dated October 29, 2010 from Emory James to Jerry and Janet James			
<b><u>Tract #1B - 0.25 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.25 acres	0.4253%	0.2255%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Stevie Dean Roten, et al.	0.25 acres	0.4253%	
(a) Stevie Dean Roten Rt.2 Box 457 Honaker, VA 24260	0.0833 1/3 of 0.25 acres	0.1418%	<i>n/a</i>
(b) Stevie Dean Roten * Rt.2 Box 457 Honaker, VA 24260	0.1667 2/3 of 0.25 acres	0.2835%	0.2255%
* Previously listed as Earlene Roten Yates. According to title, Stevie Dean Roten owns 100% of this tract, subject to the Life Estate of Gilbert Roten and Earlene Roten.			
<b><u>Tract #1C - 0.13 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	0.13 acres	0.2212%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Arvil Miller, et ux. 1232 Nance White Branch Rd. Honaker, VA 24260-5137	0.13 acres	0.2212%	<i>n/a</i>
<b><u>Tract #1H - 1.85 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	1.85 acres	3.1473%	<i>n/a</i>

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Exhibit EE  
Unit BF-100  
Docket #VGOB 04-1214-1368-02  
List of all Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 <i>(previously Mary Leftwich Heirs)</i>	1.85 acres	3.1473%	<i>n/a</i>
<b><u>Tract #11 - 13.69 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	13.69 acres	23.2902%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260	13.69 acres	23.2902%	<i>n/a</i>

**Exhibit A-1  
Tract-by-Tract Escrow Calculation  
Account Balances as of 1/31/11**

Unit BF100  
VGOB 04-1214-1368-02  
Acres Escrowed: 36.956700

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners
Harrison-Wyatt, L.L.C. - Coal	1B	0.1667000			0.2255%	\$59.24
Stevie Dean Roten, et al. - Oil & Gas		0.25				
Stevie Dean Roten *			0.1667	2/3	0.2255%	\$59.24

\* Previously listed as Earlene Roten Yates. According to title, Stevie Dean Roten owns 100% of this tract, subject to the Life Estate of Gilbert Roten and Earlene Roten.

*Wells contributing to the escrow account:*

BF100 & BF100A

INSTRUMENT #110001194  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 20, 2011 AT 01:42PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: SLB

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