

1054

BOOK 05-0215-1401

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER

VGOB 05-0215-1401

ELECTIONS: UNIT BG-103
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously executed in the captioned matter on June 15, 2005 which was recorded at Deed Book 620, Page 328 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on June 22, 2005, and also recorded at Deed Book 633, Page 616 and in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on June 22, 2005 (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 BG-103;

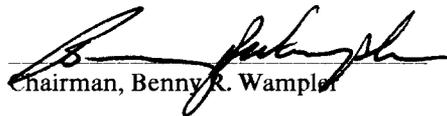
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate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

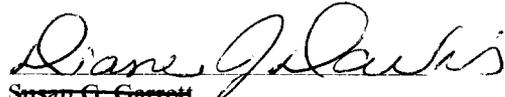
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8th day of August, 2006, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF ~~WISE~~

Washington
Acknowledged on this 8th day of August, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary

My commission expires: 9/30/09.

DONE AND PERFORMED THIS 8th day of August, 2006, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 8th day of August, 2006, 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: 9/30/09.

BOOK 007122005

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 BG-103
VGOB 05-0215-1401 in the Hurricane & New Garden Districts of Buchanan and Russell Counties, 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 June 15, 2005, 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 June 22, 2005;

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 June 15, 2005;

See attached Exhibit B-3

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

See attached Exhibit E

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

See attached Exhibit B-2

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

Pamela Shearer, Wilma J. Bowyer, Linda Christoff, Carol Goodman, Linda Turkett and Arthritis Foundation

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.

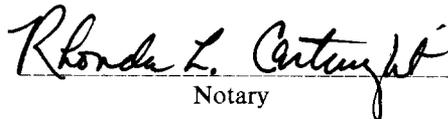
None

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 27th day of June, 2006.


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 27th day of June, 2006.


Notary

My commission expires: 10/31/2009.

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

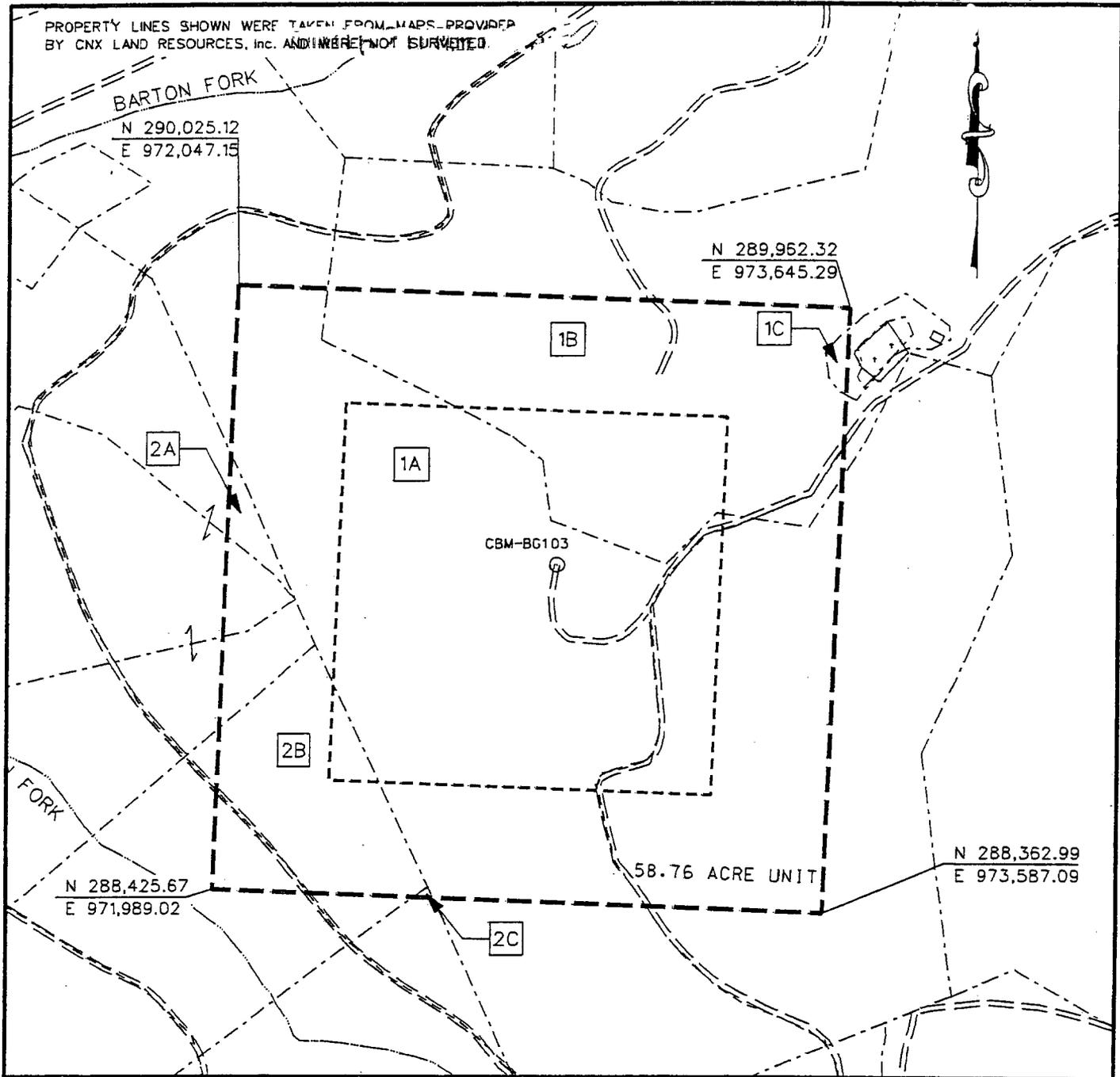


EXHIBIT A
NORA FIELD
UNIT BG-103
FORCE POOLING
VGOB-05-0215-1401

Company CNX Gas Company LLC Well Name and Number UNIT BG103

Tract No. _____ Elevation _____ Quadrangle Big A Mountain

County Buchanan/Russell District Hurricane/New Garden Scale: 1" = 400' Date 4/12/05

This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor

10253
(Affix Seal)

CNX Gas Company LLC
UNIT BG103
Tract Identifications
(58.76 Acre Unit)

- 1A. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Gent Enterprise OR Tazewell Coal and Iron Company – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Gent Enterprise - Surface
 36.65 acres 62.3724%

- 1B. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Randall Hillman, et al OR Tazewell Coal and Iron Company – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Randall Hillman, et al - Surface
 14.29 acres 24.3193%

- 1C. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Louisa Clark Heirs OR Tazewell Coal and Iron Company – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Louisa Clark Heirs - Surface
 0.15 acres 0.2553%

- 2A. Tazewell Coal and Iron Company (J. S. Gillespie 198.20 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Arthritis Foundation, et al – All Minerals except Coal
 Nadyne K. Combs – Surface
 2.08 acres 3.5398%

- 2B. Tazewell Coal and Iron Company (J. S. Gillespie 198.20 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Nadyne K. Combs OR Tazewell Coal and Iron Company – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Nadyne K. Combs - Surface
 5.57 acres 9.4792%

- 2C. Tazewell Coal and Iron Company (J. S. Gillespie 198.20 Acre Tract) – Coal
 CNX Gas Company LLC – CBM Leased
 Tazewell Coal and Iron Company OR Garden Realty Corporation – Surface and All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 0.02 acres 0.0340%

Exhibit B-2
Unit BG-103
Docket #VGOB 05-0215-1401
List of Respondents to be Dismissed
(58.77 Acre Unit)

BOOK 005 PAGE 00190

	Acres in Unit	Percent of Unit	Reason for Dismissal
II. OIL & GAS FEE OWNERSHIP			
<u>Tract #2A, 2.08 acres</u>			
Arthritis Foundation, et al. (Logan W. Jackson Heirs, Devisees, Successors or Assigns)	2.08 acres	3.5392%	
(1) Lou Emma Combs Heirs, Devisees, Successors or Assigns (1/5)			
(3) Albert Combs Heirs, Devisees, Successors or Assigns			
(e) Gay Logan Heirs, Devisees, Successors or Assigns			
(e.7) Pamela Shearer 112 Opal Court Cranberry, PA 16066	0.0021 acres 1/980 of 2.08 acres	0.0036%	Leased
(2) Pearl Inez Worley Heirs, Devisees, Successors or Assigns (1/5)			
(3) Marvin Whorley Heirs, Devisees, Successors or Assigns			
(b) Wilma J. Bowyer P.O. Box 904, Willow Bend Road Union, WV 24983	0.0139 acres 1/150 of 2.08 acres	0.0236%	Leased
(e) Linda Christoff 3762 Station Drive Kennesaw, GA 30144	0.0139 acres 1/150 of 2.08 acres	0.0236%	Leased
(4) Hattie Burton Heirs, Devisees, Successors or Assigns			
(e) Jettie Marie Ray Heirs, Devisees, Successors or Assigns			
(e.1) Carol Goodman P.O. Box 47 Williamsburg, VA 24991	0.0083 acres 1/250 of 2.08 acres	0.0142%	Leased
(3) Celia Compton Heirs, Devisees, Successors or Assigns (1/5)			
(2) Monnie Turkette Heirs, Devisees, Successors or Assigns			
(f) Fielden Turkette Heirs, Devisees, Successors or Assigns			
(f.3) Larry Fielden Turkette Heirs, Devisees, Successors or Assigns			

Exhibit B-2
Unit BG-103
Docket #VGOB 05-0215-1401
List of Respondents to be Dismissed
(58.77 Acre Unit)

BOOK 05-0215-1401

	Acres in Unit	Percent of Unit	Reason for Dismissal
(f.3.1) Linda Turkett, widow 1126 Cymar Drive East Beavercreek, OH 45434	0.0039 acres 1/540 of 2.08 acres	0.0066%	Leased
(5) Arthritis Foundation 3805 Cutshaw Avenue, Suite 200 Richmond, VA 23230	0.4160 acres 1/5 of 2.08 acres	0.7078%	Leased

Exhibit B-3
Unit BG-103
Docket #VGOB 05-0215-1401
List of Unleased Owners/Claimants
(58.77 Acre Unit)

BOOK 67 PAGE 1001

	Acres in Unit	Percent of Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #1C, 0.15 acres</u>		
(1) Louisa Clark Heirs, Devisees, Successors or Assigns	0.15 acres	0.2552%
(h) Timmy Lockhart Address Unknown	0.004 1/36 of 0.15 acres	0.0071%
(i) Michelle Lockhart Connell 168 School Lane Toano, VA 23168	0.004 1/36 of 0.15 acres	0.0071%
<u>Tract #2A, 2.08 acres</u>		
Arthritis Foundation, et al. (Logan W. Jackson Heirs, Devisees, Successors or Assigns)	2.08 acres	3.5392%
(1) Lou Emma Combs Heirs, Devisees, Successors or Assigns (1/5)		
(3) Albert Combs Heirs, Devisees, Successors or Assigns		
(e) Gay Logan Heirs, Devisees, Successors or Assigns		
(e.5) Jan L. Deal 309 Estate Lane Butler, PA 16001	0.0021 acres 1/980 of 2.08 acres	0.0036%
(2) Pearl Inez Worley Heirs, Devisees, Successors or Assigns (1/5)		
(4) Hattie Burton Heirs, Devisees, Successors or Assigns		
(a) Charlotte Miller Rt.2 Box 117 Sinks Grove, WV 24976	0.0166 acres 1/125 of 2.08 acres	0.0283%
(e) Jettie Marie Ray Heirs, Devisees, Successors or Assigns		
(e.2) Donna Blanco 21354 Fultanham Circle Ashburn, VA 20147	0.0083 acres 1/250 of 2.08 acres	0.0142%
(3) Celia Compton Heirs, Devisees, Successors or Assigns (1/5)		
(1) Callie Kestner Heirs, Devisees, Successors or Assigns Heirs / Addresses Unknown	0.0693 acres 1/30 of 2.08 acres	0.1180%

Exhibit B-3
Unit BG-103
Docket #VGOB 05-0215-1401
List of Unleased Owners/Claimants
(58.77 Acre Unit)

BOOK 077 PAGE 0039

	Acres in Unit	Percent of Unit
(2) Monnie Turkette Heirs, Devisees, Successors or Assigns		
(a) Bessie Turkette 1415 South Lombard Avenue Cicero, IL 60804	0.0116 acres 1/180 of 2.08 acres	0.0197%
(b) Juanita Holmes Heirs, Devisees, Successors or Assigns Heirs / Addresses Unknown	0.0116 acres 1/180 of 2.08 acres	0.0197%
(c) Virginia Dye Heirs, Devisees, Successors or Assigns		
(c.1) William Dye Address Unknown	0.0039 acres 1/540 of 2.08 acres	0.0066%
(c.2) Randolph Dye Address Unknown	0.0039 acres 1/540 of 2.08 acres	0.0066%
(c.3) Michael Dye Address Unknown	0.0039 acres 1/540 of 2.08 acres	0.0066%
(d) Arthur Turkette Heirs, Devisees, Successors or Assigns		
(d.1) Arthur Turkette 8807 Hawthorne Lane T4 Laurel, MD 20708	0.0116 acres 1/180 of 2.08 acres	0.0197%
(e) Thomas Jackson Turkette Heirs, Devisees, Successors or Assigns		
(e.3) Frederick Harry Turkette 1584 Benzie Highway Benzonia, MI 49616	0.0019 acres 1/1080 of 2.08 acres	0.0033%
(e.4) Brenda Combs 960 Brookwood Lane Rochester, MI 48309	0.0019 acres 1/1080 of 2.08 acres	0.0033%
(e.5) Lana Lee Turkette Address Unknown	0.0019 acres 1/1080 of 2.08 acres	0.0033%
(3) Bessie Kiser Heirs, Devisees, Successors or Assigns		
(a) Rawle Kiser 408 Ridgefields Road Kingsport, TN 37660	0.0347 acres 1/60 of 2.08 acres	0.0590%
(b) Fayrene Stump Heirs, Devisees, Successors or Assigns		
(b.1) Ellis Stump, widower 125 Lakeview Circle Kingsport, TN 37663	0.0347 acres 1/60 of 2.08 acres	0.0590%

Exhibit B-3
Unit BG-103
Docket #VGOB 05-0215-1401
List of Unleased Owners/Claimants
(58.77 Acre Unit)

BOOK 63-1-111-9399

		Acres in Unit	Percent of Unit
(5)	Electa Hale Heirs, Devisees, Successors or Assigns		
(a)	Carl Hale Heirs, Devisees, Successors or Assigns		
(a.1)	Edward Hale 131 Augusta Avenue Akron, OH 44302	0.0099 acres 1/210 of 2.08 acres	0.0169%
(6)	Logan Compton Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0693 acres 1/30 of 2.08 acres	0.1180%
(4)	Virginia Caroline Boyd Heirs, Devisees, Successors or Assigns (1/5)		
(4)	Earl Boyd Heirs, Devisees, Successors or Assigns		
(d)	Monette Boyd Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0260 acres 1/80 of 2.08 acres	0.0442%

Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

BOOK 107 PAGE 0394

	Acres in Unit	Percent of Unit
<u>Tract #1A, 36.65 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	36.65 acres	62.3724%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Gent Enterprises P.O. Box 330 Honaker, VA 24260	36.65 acres	62.3724%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	36.65 acres	62.3724%
<u>Tract #1B, 14.29 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	14.29 acres	24.3193%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Randall Hillman, et al. P.O. Box 1076 Honaker, VA 24260	14.29 acres	24.3193%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	14.29 acres	24.3193%
<u>Tract #1C, 0.15 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	0.15 acres	0.2553%

Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

BOOK 677 PAGE 9999

	Acres in Unit	Percent of Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Louisa Clark Heirs, Devisees, Successors or Assigns	0.15 acres	0.2553%
(a) Lester Clark P.O. Box 897 Honaker, VA 24260	0.050 1/3 of 0.15 acres	0.0851%
(b) Lola Gay Childress P.O. Box 1204 Honaker, VA 24260	0.050 1/3 of 0.15 acres	0.0851%
(c) Dallas Wayne Thomas P.O. Box 1622 Honaker, VA 24260	0.008 1/18 of 0.15 acres	0.0142%
(d) Ronald Lee Thomas P.O. Box 1981 Honaker, VA 24260	0.008 1/18 of 0.15 acres	0.0142%
(e) Ricky Jay Thomas Rt.2 Box 581 Honaker, VA 24260	0.008 1/18 of 0.15 acres	0.0142%
(f) Harold Dean Thomas Rt.2 Box 583 Honaker, VA 24260	0.008 1/18 of 0.15 acres	0.0142%
(g) Connie Lloyd Box 13504 Fall Hill Road Abingdon, VA 24210	0.008 1/18 of 0.15 acres	0.0142%
(h) Timmy Lockhart <i>Address Unknown</i>	0.004 1/36 of 0.15 acres	0.0071%
(i) Michelle Lockhart Connell 168 School Lane Toano, VA 23168	0.004 1/36 of 0.15 acres	0.0071%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	0.15 acres	0.2553%

Tract #2A, 2.08 acres

COAL FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	2.08 acres	3.5398%
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Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

BOOK 001110896

	Acres in Unit	Percent of Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
Arthritis Foundation, et al. (Logan W. Jackson Heirs, Devisees, Successors or Assigns)	2.08 acres	3.5398%
(1) Lou Emma Combs Heirs, Devisees, Successors or Assigns (1/5)		
(1) Charlie Combs Heirs, Devisees, Successors or Assigns		
(a) Ivanelle Combs P.O. Box 362 Galax, VA 24333	0.0520 acres 1/40 of 2.08 acres	0.0885%
(b) Lou Holden 3313 Grassmere Drive Lexington, KY 40503	0.0520 acres 1/40 of 2.08 acres	0.0885%
(2) Tolbert Combs Heirs, Devisees, Successors or Assigns		
(a) Charlie I. Combs HC4 Box 714 Honaker, VA 24260	0.0130 acres 1/160 of 2.08 acres	0.0221%
(b) Tolbert Combs, Jr. HC4 Box 285 Council, VA 24260	0.0130 acres 1/160 of 2.08 acres	0.0221%
(c) Paul W. Combs 1217 Whitetop Road Bluff City, TN 37618	0.0130 acres 1/160 of 2.08 acres	0.0221%
(d) Randall L. Combs Rt.1 Box 187B Vansant, VA 24656	0.0130 acres 1/160 of 2.08 acres	0.0221%
(e) Dolly Blankenship Heirs, Devisees, Successors or Assigns		
(e.1) Billy Edd Blankenship Rt.2 Box 378 Honaker, VA 24260	0.0130 acres 1/160 of 2.08 acres	0.0221%
(f) Betty Hess Rt.2 Box 432 Honaker, VA 24260	0.0130 acres 1/160 of 2.08 acres	0.0221%
(g) Geneva McGlothlin Box 1241 Honaker, VA 24260	0.0130 acres 1/160 of 2.08 acres	0.0221%
(h) Herbert Combs Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

-DOK 007 11 0399

	Acres in Unit	Percent of Unit
(f.1) Roscoe Foleno, Jr. Rt.1 Box 69 Hiltons, VA 24258	0.0050 acres 1/420 of 2.08 acres	0.0084%
(f.2) Keith Foleno P.O. Box 669 Honaker, VA 24260	0.0050 acres 1/420 of 2.08 acres	0.0084%
(f.3) Barry Lee Foleno P.O. Box 934 Lebanon, VA 24266	0.0050 acres 1/420 of 2.08 acres	0.0084%
(g) Clyde Combs Heirs, Devisees, Successors or Assigns		
(g.1) Angeline Combs, widow HC4 Box 618 Council, VA 24260	0.0149 acres 1/140 of 2.08 acres	0.0253%
(4) Rassie McGlothlin Heirs, Devisees, Successors or Assigns		
(a) Edna Lucille Dawson 136 Hill Street Tazewell, VA 24651	0.0130 acres 1/160 of 2.08 acres	0.0221%
(b) Branch McGlothlin Heirs, Devisees, Successors or Assigns		
(b.1) Frances Ann McGlothlin 1600 Indian Creek Road Cedar Bluff, VA 24609	0.0130 acres 1/160 of 2.08 acres	0.0221%
(c) Dallas McGlothlin Heirs, Devisees, Successors or Assigns		
(c.1) Rose McGlothlin, widow 104 Sunnyside Drive Tazewell, VA 24651	0.0130 acres 1/160 of 2.08 acres	0.0221%
(d) Euva Dane Lyons 106 Shady Lane North Tazewell, VA 24630	0.0130 acres 1/160 of 2.08 acres	0.0221%
(e) Bobby Curtis McGlothlin 933 Finney Drive Vinton, VA 24179	0.0130 acres 1/160 of 2.08 acres	0.0221%
(f) Shirley Patrick c/o Rick Baldwin 3017 Embassy Drive Roanoke, VA 24019	0.0130 acres 1/160 of 2.08 acres	0.0221%
(g) Glenna Ruth Couch P.O. Box 28 Mountain City, TN 37683	0.0130 acres 1/160 of 2.08 acres	0.0221%

-00K 01/11/06

Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

	Acres in Unit	Percent of Unit
(h) Sandra Puckett 119 Royal Street Richlands, VA 24641	0.0130 acres 1/160 of 2.08 acres	0.0221%
(2) Pearl Inez Worley Heirs, Devisees, Successors or Assigns (1/5)		
(1) Douglas A. Worley, POA for Elonza S. Worley P.O. Box 266 Montvale, VA 24122	0.0832 acres 1/25 of 2.08 acres	0.1416%
(2) William T. Whorley Heirs, Devisees, Successors or Assigns		
(a) Vernie Whorley, widow Rt.1 Box 4 Greenville, WV 24945	0.0832 acres 1/25 of 2.08 acres	0.1416%
(3) Marvin Whorley Heirs, Devisees, Successors or Assigns		
(a) Richard Lee Whorley Box 155 Fort Montgomery, NY 10922	0.0139 acres 1/150 of 2.08 acres	0.0236%
(b) Wilma J. Bowyer P.O. Box 904, Willow Bend Road Union, WV 24983	0.0139 acres 1/150 of 2.08 acres	0.0236%
(c) James A. Whorley Rt.2 Box 225 Peterstown, WV 24963	0.0139 acres 1/150 of 2.08 acres	0.0236%
(d) Michael L. Whorley 1807 Mount Vernon Street Waynesboro, VA 22980	0.0139 acres 1/150 of 2.08 acres	0.0236%
(e) Linda Christoff 3762 Station Drive Kennesaw, GA 30144	0.0139 acres 1/150 of 2.08 acres	0.0236%
(f) Marvin Anthony Whorley 5011 Serenity Drive Mooresburg, TN 37811	0.0139 acres 1/150 of 2.08 acres	0.0236%
(4) Hattie Burton Heirs, Devisees, Successors or Assigns		
(a) Charlotte Miller Rt.2 Box 117 Sinks Grove, WV 24976	0.0166 acres 1/125 of 2.08 acres	0.0283%
(b) Joyce Orth-Shimp 212 S. DuPont Road Wilmington, DE 19805	0.0166 acres 1/125 of 2.08 acres	0.0283%

Exhibit E
Unit BG-103
Docket #VGOB 05-0215-1401
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(58.76 Acre Unit)

BOOK 071-121099

	Acres in Unit	Percent of Unit
(c) Omar Gentry Burton 3314 Old Capital Trail, Apt #L6 Wilmington, DE 19808	0.0166 acres 1/125 of 2.08 acres	0.0283%
(d) Ernestine Trader 2016 Naamans Road, Apt #B Wilmington, DE 19810	0.0166 acres 1/125 of 2.08 acres	0.0283%
(e) Jettie Marie Ray Heirs, Devisees, Successors or Assigns		
(e.1) Carol Goodman P.O. Box 47 Williamsburg, VA 24991	0.0083 acres 1/250 of 2.08 acres	0.0142%
(e.2) Donna Blanco 21354 Fultanham Circle Ashburn, VA 20147	0.0083 acres 1/250 of 2.08 acres	0.0142%
(5) Sally Poff 1 Front Avenue Salem, VA 24153	0.0832 acres 1/25 of 2.08 acres	0.1416%
(3) Celia Compton Heirs, Devisees, Successors or Assigns (1/5)		
(1) Callie Kestner Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0693 acres 1/30 of 2.08 acres	0.1180%
(2) Monnie Turkette Heirs, Devisees, Successors or Assigns		
(a) Bessie Turkette 1415 South Lombard Avenue Cicero, IL 60804	0.0116 acres 1/180 of 2.08 acres	0.0197%
(b) Juanita Holmes Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0116 acres 1/180 of 2.08 acres	0.0197%
(c) Virginia Dye Heirs, Devisees, Successors or Assigns		
(c.1) William Dye <i>Address Unknown</i>	0.0039 acres 1/540 of 2.08 acres	0.0066%
(c.2) Randolph Dye <i>Address Unknown</i>	0.0039 acres 1/540 of 2.08 acres	0.0066%
(c.3) Michael Dye <i>Address Unknown</i>	0.0039 acres 1/540 of 2.08 acres	0.0066%
(d) Arthur Turkette Heirs, Devisees, Successors or Assigns		
(d.1) Arthur Turkette 8807 Hawthorne Lane T4 Laurel, MD 20708	0.0116 acres 1/180 of 2.08 acres	0.0197%

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(58.76 Acre Unit)

BOOK 017 PAGE 11002

	Acres in Unit	Percent of Unit
(b) Fayrene Stump Heirs, Devisees, Successors or Assigns		
(b.1) Ellis Stump, widower 125 Lakeview Circle Kingsport, TN 37663	0.0347 acres 1/60 of 2.08 acres	0.0590%
(4) Alec Compton Heirs, Devisees, Successors or Assigns		
(a) Jack Compton 9765 E. Hasket Lane Dayton, OH 45424	0.0347 acres 1/60 of 2.08 acres	0.0590%
(b) Roger Compton 2207 Old Barton Road Lake Wales, FL 33853	0.0347 acres 1/60 of 2.08 acres	0.0590%
(5) Electa Hale Heirs, Devisees, Successors or Assigns		
(a) Carl Hale Heirs, Devisees, Successors or Assigns		
(a.1) Edward Hale 131 Augusta Avenue Akron, OH 44302	0.0099 acres 1/210 of 2.08 acres	0.0169%
(b) Curtis Hale Heirs, Devisees, Successors or Assigns		
(b.1) Jackie Moon 4808 Virginia Avenue Charleston, WV 25304	0.0033 acres 1/630 of 2.08 acres	0.0056%
(b.2) Patty Lynn Fragale 4808 Virginia Avenue Charleston, WV 25304	0.0033 acres 1/630 of 2.08 acres	0.0056%
(b.3) Barry Kent Hale 195 Township Road 1055 Proctorville, OH 45669	0.0033 acres 1/630 of 2.08 acres	0.0056%
(c) Geneva Mullins 109 Bland Street Narrows, VA 24124	0.0099 acres 1/210 of 2.08 acres	0.0169%
(d) Logan Hale HC4 Box 935 Council, VA 24260	0.0099 acres 1/210 of 2.08 acres	0.0169%
(e) Ilene Wolfe HC4 Box 37 Council, VA 24260	0.0099 acres 1/210 of 2.08 acres	0.0169%
(f) Lowell Hale P.O. Box 367 Epworth, GA 30541	0.0099 acres 1/210 of 2.08 acres	0.0169%

Exhibit E
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(58.76 Acre Unit)

100K
 05-0215-1401

	Acres in Unit	Percent of Unit
(g) William H. Hale 653 Glenwood Circle Berea, OH 44017	0.0099 acres 1/210 of 2.08 acres	0.0169%
(6) Logan Compton Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0693 acres 1/30 of 2.08 acres	0.1180%
(4) Virginia Caroline Boyd Heirs, Devisees, Successors or Assigns (1/5)		
(1) Myra Boyd Looney Heirs, Devisees, Successors or Assigns		
(a) Sylvia A. Watson Heirs, Devisees, Successors or Assigns		
(a.1) Arthur Watson, widower 300 E. Mill Road Evansville, IN 47711	0.0173 acres 1/120 of 2.08 acres	0.0295%
(b) Zelma R. Raypole Heirs, Devisees, Successors or Assigns		
(b.1) Jeremy Wallace 165 Columbus Street Wilmington, OH 45177	0.0173 acres 1/120 of 2.08 acres	0.0295%
(c) Virginia Crosier HC83 Box 147 Union, WV 24983	0.0173 acres 1/120 of 2.08 acres	0.0295%
(d) Lex I. Looney Heirs, Devisees, Successors or Assigns		
(d.1) Golda Looney, widow 14230 Rural Route 41S Greenfield, OH 45123	0.0173 acres 1/120 of 2.08 acres	0.0295%
(e) Joan Foley 165 Columbus Street Wilmington, OH 45177	0.0173 acres 1/120 of 2.08 acres	0.0295%
(f) Ralph B. Looney Heirs, Devisees, Successors or Assigns		
(f.1) Teresa Stodgel 547 Waugh Road Greenfield, OH 45123	0.0087 acres 1/240 of 2.08 acres	0.0147%
(f.2) Melody Powell HC3 Box 810 Port St. Joe, FL 32456	0.0087 acres 1/240 of 2.08 acres	0.0147%
(2) Theola Boyd Heirs, Devisees, Successors or Assigns		

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(58.76 Acre Unit)

BOOK 05-0215-1401

	Acres in Unit	Percent of Unit
(a) Earlene Strouth P.O. Box 136 Rosedale, VA 24280	0.0260 acres 1/80 of 2.08 acres	0.0442%
(b) Paul Boyd Rt.2 Box 118 Honaker, VA 24260	0.0260 acres 1/80 of 2.08 acres	0.0442%
(c) James William Boyd Heirs, Devisees, Successors or Assigns		
(c.1) Rita Hughart Heirs, Devisees, Successors or Assigns		
(c.1.1) Mark Andrew Hughart, widower P.O. Box 432 Doran, VA 24612	0.0087 acres 1/240 of 2.08 acres	0.0147%
(c.1.2) Judy Boyd Delp 6131 Kennedy Road, Lot #9 Trinity, NC 27370	0.0035 acres 1/600 of 2.08 acres	0.0059%
(c.1.3) Johnny Sherman Boyd 170 East Meadows Road Thomasville, NC 27360	0.0035 acres 1/600 of 2.08 acres	0.0059%
(c.1.4) James Dallas Boyd Heirs, Devisees, Successors or Assigns		
(c.1.4.1) James Boyd c/o Cindy Kennison 419 S. Fayette Street Washington C.H., OH 43160	0.0017 acres 1/1200 of 2.08 acres	0.0029%
(c.1.4.2) Christie Boyd c/o Cindy Kennison 419 S. Fayette Street Washington C.H., OH 43160	0.0017 acres 1/1200 of 2.08 acres	0.0029%
(c.1.5) Beth Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0035 acres 1/600 of 2.08 acres	0.0059%
(c.1.6) Viola Hughart c/o Mark Andrew Hughart P.O. Box 432 Doran, VA 24612	0.0035 acres 1/600 of 2.08 acres	0.0059%
(d) Barbara Reynolds Heirs, Devisees, Successors or Assigns		
(d.1) Raymond Reynolds, widower Rt.1 Box 208A Cleveland, VA 24225	0.0087 acres 1/240 of 2.08 acres	0.0147%
(d.2) Dorothy Jean Combs Rt.1 Box 206A Cleveland, VA 24225	0.0087 acres 1/240 of 2.08 acres	0.0147%

Exhibit E
Unit BG-103

Docket #VGOB 05-0215-1401

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

BOOK 057-1-2-1-1005

	Acres in Unit	Percent of Unit
(d.3) George Ray P.O. Box 3222 Lebanon, VA 24266	0.0087 acres 1/240 of 2.08 acres	0.0147%
(3) Celia Webb Heirs, Devisees, Successors or Assigns		
(a) Zita O. Hurt Heirs, Devisees, Successors or Assigns		
(a.1) Darrel Hurt 826 6th Street SE Hickory, NC 28602	0.0173 acres 1/120 of 2.08 acres	0.0295%
(a.2) Garland Lynn Hurt 883 Winchester Circle Macon, GA 31210	0.0173 acres 1/120 of 2.08 acres	0.0295%
(a.3) Betty Joyce Dye 8927 Columbus Road, Lot #35 Mt. Vernon, OH 43050	0.0173 acres 1/120 of 2.08 acres	0.0295%
(b) Elmer Webb Heirs, Devisees, Successors or Assigns		
(b.1) Gladys Webb, widower 444 Fisher Road Airville, PA 17302	0.0520 acres 1/40 of 2.08 acres	0.0885%
(4) Earl Boyd Heirs, Devisees, Successors or Assigns		
(a) Katie Jo Nichols 6741 S. Calaway Drive Chandler, AZ 85249	0.0260 acres 1/80 of 2.08 acres	0.0442%
(b) Otto Boyd 2683 Massillon Road Akron, OH 44312	0.0260 acres 1/80 of 2.08 acres	0.0442%
(c) John L. Boyd 2332 Eastlawn Avenue Akron, OH 44305	0.0260 acres 1/80 of 2.08 acres	0.0442%
(d) Monette Boyd Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.0260 acres 1/80 of 2.08 acres	0.0442%
(5) Arthritis Foundation 3805 Cutshaw Avenue, Suite 200 Richmond, VA 23230	0.4160 acres 1/5 of 2.08 acres	0.7080%

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(58.76 Acre Unit)

BOOK 62-1-1000

	Acres in Unit	Percent of Unit
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Tract #2B, 5.57 acres

Escrow due to title conflict

COAL FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	5.57 acres	9.4792%
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OIL & GAS FEE OWNERSHIP

(1) Nadyne K. Combs 110 Bogey Drive Abingdon, VA 24211	5.57 acres	9.4792%
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- OR -

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	5.57 acres	9.4792%
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Tract #2C, 0.02 acres

Escrow due to title conflict

COAL FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	0.02 acres	0.0340%
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OIL & GAS FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	0.02 acres	0.0340%
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- OR -

(1) Garden Realty Coal Corporation c/o Margaret Worley Burns 108 Bexley Road Mooresville, NC 28117	0.02 acres	0.0340%
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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 8-16, 2006. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:38 o'clock AM, after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Dane Davis

TESTE: DOLLIE M. COMPTON, CLERK
BY: Garre Rafferty D. CLERK