

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX GAS COMPANY LLC ) VIRGINIA GAS  
 ) AND OIL BOARD  
RELIEF SOUGHT: POOLING OF INTERESTS IN )  
DRILLING UNIT NO. BJ-109 LOCATED ) DOCKET NO.  
IN THE MIDDLE RIDGE I COALBED ) 06-0718-1672  
METHANE GAS FIELD PURSUANT TO VA. )  
CODE §§ 45.1-361.21 AND 45.1-361.22, )  
FOR THE PRODUCTION OF OCCLUDED )  
NATURAL GAS PRODUCED FROM COALBEDS )  
AND ROCK STRATA ASSOCIATED THEREWITH )  
(herein collectively referred to as )  
"Coalbed Methane Gas" or "Gas") )  
 )  
LEGAL DESCRIPTION: )  
 )  
DRILLING UNIT NUMBER BJ-109 )  
(herein "Subject Drilling Unit") IN THE )  
MIDDLE RIDGE I COALBED METHANE GAS FIELD )  
NEW GARDEN MAGISTERIAL DISTRICT )  
HONAKER QUADRANGLE )  
RUSSELL COUNTY, VIRGINIA )  
(the "Subject Lands" are more )  
particularly described on Exhibit )  
"A", attached hereto and made a )  
part hereof) )

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 (hereafter "Board") at 9:00 a.m. on **July 18, 2006** at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, Virginia.

2. Appearances: Mark Swartz, Esquire, of the firm Swartz & Stump, L.C., appeared for the Applicant; and Sharon M. B. Pigeon, Assistant Attorney General, was present to advise the Board.

3. Jurisdiction and Notice: Pursuant to Va. Code §§ 45.1-361.1 et seq., the Board finds that it has jurisdiction over the subject matter. Based upon the evidence presented by Applicant, the Board also finds that the Applicant has (1) exercised due diligence in conducting a search of the reasonably available sources to determine the identity and whereabouts of gas and oil owners, coal owners, mineral owners and/or potential owners, i.e., persons identified by Applicant as having ("Owner") or claiming ("Claimant") the rights to Coalbed Methane Gas in all coal seams below the Jawbone 1, including

Tiller, Upper Horsepen, Middle Horsepen, War Creek, Beckley, Lower Horsepen, Pocahontas No. 8, Pocahontas No. 6, Pocahontas No. 5, Pocahontas No. 4, Pocahontas No. 3, Pocahontas No. 1 and various unnamed coal seams, coalbeds and rock strata associated therewith (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands; (2) represented it has given notice to those parties (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by Va. Code §§ 45.1-361.19 and 45.1-361.22, to notice of the Application filed herein; and (3) that the persons set forth in their Application and Notice of Hearing are persons identified by Applicant through its due diligence who may be Owners or Claimants of Coalbed Methane Gas interests underlying Subject Drilling Unit and that the persons identified in **Exhibit B-3** attached hereto are persons identified by Applicant who may be Owners or Claimants of Coalbed Methane Gas interests in Subject Formation who have not heretofore agreed to lease or sell to the Applicant and/or voluntarily pool their Gas interests. Conflicting Gas Owners/Claimants in Subject Drilling Unit are listed on **Exhibit E**. Further, the Board has caused notice of this hearing to be published as required by Va. Code § 45.1-361.19.B. Whereupon, the Board hereby finds that the notices given herein satisfy all statutory requirements, Board rule requirements and the minimum standards of due process.

4. Amendments: **None**

5. Dismissals: **None**

6. Relief Requested: Applicant requests (1) that pursuant to Va. Code § 45.1-361.22, including the applicable portions of Va. Code § 45.1-361.21, the Board pool all the rights, interests and estates in and to the Gas in Subject Drilling Unit, including the pooling of the interests of the Applicant and of the known and unknown persons named in Exhibit B-3 hereto and that of their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, for the drilling and operation, including production, of Coalbed Methane Gas, produced from or allocated to the Subject Drilling Unit established for the Subject Formation underlying and comprised of the Subject Lands, (hereafter sometimes collectively identified and referred to as "Well Development and/or Operation in the Subject Drilling Unit"), and (2) that the Board designate **CNX Gas Company LLC** as Unit Operator.

7. Relief Granted: The Applicant's requested relief in this cause be and hereby is granted: (1) Pursuant to Va. Code § 45.1-361.21.C.3, **CNX Gas Company LLC** (hereafter "Unit Operator") is designated as the Unit Operator authorized to drill and operate the Coalbed Methane Gas well in the Subject Drilling Unit at the location depicted on the plat attached hereto as **Exhibit A**, subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; to the Middle Ridge I Coalbed Methane Gas Field Order VGOB 00-1017-0835, effective October 17, 2000; to §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; and to §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations, all as amended from time to time, and (2) all the interests and estates in and to the Gas in Subject Drilling Unit,

including that of the Applicant and of the known and unknown persons listed on **Exhibit B-3**, attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, be and hereby are pooled in the Subject Formation in the Subject Drilling Unit underlying and comprised of the Subject Lands.

Pursuant to the Middle Ridge I Field Rules, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for the production of Coalbed Methane Gas.

For Frac Well Gas. - Gas shall be produced from and allocated to only the **58.74**-acre drilling unit in which the well is located according to the undivided interests of each Owner/Claimant within the unit, which undivided interest shall be the ratio (expressed as a percentage) that the amount of mineral acreage within each separate tract that is within the Subject Drilling Unit, when platted on the surface, bears to the total mineral acreage, when platted on the surface, contained within the entire **58.74**-acre drilling unit in the manner set forth in the Middle Ridge I Field Rules.

8. Election and Election Period: In the event any Owner or Claimant named in **Exhibit B-3** hereto does not reach a voluntary agreement to share in the operation of the well located in the Subject Drilling Unit, at a rate of payment mutually agreed to by said Gas Owner or Claimant and the Unit Operator, then such person named may elect one of the options set forth in Paragraph 9 below and must give written notice of his election of the option selected under Paragraph 9 to the designated Unit Operator at the address shown below within thirty (30) days from the date of receipt of a copy of this Order. A timely election shall be deemed to have been made if, on or before the last day of said 30-day period, such electing person has delivered his written election to the designated Unit Operator at the address shown below or has duly postmarked and placed its written election in first class United States mail, postage prepaid, addressed to the Unit Operator at the address shown below.

9. Election Options:

9.1 Option 1 - To Participate In The Well Development and Operation of the Drilling Unit: Any Gas Owner or Claimant named in Exhibit B-3 who does not reach a voluntary agreement with the Unit Operator may elect to participate in the Well Development and Operation in the Subject Drilling Unit (hereafter "Participating Operator") by agreeing to pay the estimate of such Participating Operator's proportionate part of the actual and reasonable costs of the Well Development contemplated by this Order for Gas produced pursuant to the Middle Ridge I Field Rules, including a reasonable supervision fee, as more particularly set forth in Virginia Gas and Oil Board Regulation 4 VAC 25-160-100 (herein "Completed-for-Production Costs"). Further, a Participating Operator agrees to pay the estimate of such Participating Operator's proportionate part of the Completed-for-Production Cost as set forth below to the Unit Operator within forty-five (45) days

from the later of the date of mailing or the date of recording of this Order. The Completed-for-Production Cost for the Subject Drilling Unit is as follows:

Completed-for-Production Cost: **\$286,205.83**

A Participating Operator's proportionate cost hereunder shall be the result obtained by multiplying the Participating Operators' "Interest in Unit" times the Completed-for-Production Cost set forth above. Provided, however, that in the event a Participating Operator elects to participate and fails or refuses to pay the estimate of his proportionate part of the Completed-for-Production Cost as set forth above, all within the time set forth herein and in the manner prescribed in Paragraph 8 of this Order, then such Participating Operator shall be deemed to have elected not to participate and to have elected compensation in lieu of participation pursuant to Paragraph 9.2 herein.

9.2 Option 2 - To Receive A Cash Bonus Consideration: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above, any Gas Owner or Claimant named in Exhibit B-3 hereto who does not reach a voluntary agreement with the Unit Operator may elect to accept a cash bonus consideration of **\$1.00** per net mineral acre owned by such person, commencing upon entry of this Order and continuing annually until commencement of production from Subject Drilling Unit, and thereafter a royalty of 1/8th of 8/8ths [twelve and one-half percent (12.5%)] of the net proceeds received by the Unit Operator for the sale of the Coalbed Methane Gas produced from any Well Development and Operation covered by this Order multiplied by that person's Interest in Unit or proportional share of said production [for purposes of this Order, net proceeds shall be actual proceeds received less post-production costs incurred downstream of the wellhead, including, but not limited to, gathering, compression, treating, transportation and marketing costs, whether performed by Unit Operator or a third person] as fair, reasonable and equitable compensation to be paid to said Gas Owner or Claimant. The initial cash bonus shall become due and owing when so elected and shall be tendered, paid or escrowed within one hundred twenty (120) days of recording of this Order. Thereafter, annual cash bonuses, if any, shall become due and owing on each anniversary of the date of recording of this order in the event production from Subject Drilling Unit has not theretofore commenced, and once due, shall be tendered, paid or escrowed within sixty (60) days of said anniversary date. Once the initial cash bonus and the annual cash bonuses, if any, are so paid or escrowed, subject to a final legal determination of ownership, said payment(s) shall be satisfaction in full for the right, interests, and claims of such electing person in and to the Gas produced from Subject Formation in the Subject Lands, except, however, for the 1/8th royalties due hereunder.

Subject to a final legal determination of ownership, the

election made under this Paragraph 9.2, when so made, shall be satisfaction in full for the right, interests, and claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to and hereby does lease and assign, its right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant.

- 9.3. Option 3 - To Share In The Well Development And Operation As A Non-Participating Person On A Carried Basis And To Receive Consideration In Lieu Of Cash: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above and in lieu of receiving a Cash Bonus Consideration under Paragraph 9.2 above, any Gas Owner or Claimant named in **Exhibit B-3** hereto who does not reach a voluntary agreement with the Unit Operator may elect to share in the Well Development and Operation of Subject Drilling Unit on a carried basis (as a "Carried Well Operator"] so that the proportionate part of the Completed-for-Production Cost hereby allocable to such Carried Well Operator's interest is charged against such Carried Well Operator's share of production from Subject Drilling Unit. Such Carried Well Operator's rights, interests, and claims in and to the Gas in Subject Drilling Unit shall be deemed and hereby are assigned to the Applicant until the proceeds from the sale of such Carried Well Operator's share of production from Subject Drilling Unit (exclusive of any royalty, excess or overriding royalty, or other non-operating or non cost-bearing burden reserved in any lease, assignment thereof or agreement relating thereto covering such interest) equals three hundred percent (300%) for a leased interest or two hundred percent (200%) for an unleased interest (whichever is applicable) of such Carried Well Operator's share of the Completed-for-Production Cost allocable to the interest of such Carried Well Operator. When the Applicant recoups and recovers from such Carried Well Operator's assigned interest the amounts provided for above, then, the assigned interest of such Carried Well Operator shall automatically revert back to such Carried Well Operator, and from and after such reversion, such Carried Well Operator shall be treated as if it had participated initially under Paragraph 9.1 above; and thereafter, such participating person shall be charged with and shall pay his proportionate part of all further costs of such Well Development and Operation.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.3, when so made, shall be satisfaction in full for the rights, interests, and claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to have and hereby does assign its rights, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant for the period of time during which its interest is carried as above provided prior to its reversion back to

such electing person.

10. Failure to Properly Elect: In the event a person named in **Exhibit B-3** hereto does not reach a voluntary agreement with the Unit Operator and fails to elect within the time, in the manner and in accordance with the terms of this Order, one of the alternatives set forth in Paragraph 9 above for which his interest qualifies, then such person shall be deemed to have elected not to participate in the proposed Well Development and Operation in Subject Drilling Unit and shall be deemed, subject to a final legal determination of ownership, to have elected to accept as satisfaction in full for such person's right, interests, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which its interest qualifies and shall be deemed to have leased and/or assigned his right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant. Persons who fail to properly elect shall be deemed, subject to a final legal determination of ownership, to have accepted the compensation and terms set forth herein at Paragraph 9.2 in satisfaction in full for the right, interests, and claims of such person in and to the Gas produced from the Subject Formation underlying Subject Lands.

11. Default By Participating Person: In the event a person named in **Exhibit B-3** elects to participate under Paragraph 9.1, but fails or refuses to pay, to secure the payment or to make an arrangement with the Unit Operator for the payment of such person's proportionate part of the Completed-for-Production Cost as set forth herein, all within the time and in the manner as prescribed in this Order, then such person shall be deemed to have withdrawn his election to participate and shall be deemed to have elected to accept as satisfaction in full for such person's right, interest, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which his interest qualifies depending on the excess burdens attached to such interest. Whereupon, any cash bonus consideration due as a result of such deemed election shall be tendered, paid or escrowed by Unit Operator within one hundred twenty (120) days after the last day on which such defaulting person under this Order should have paid his proportionate part of such cost or should have made satisfactory arrangements for the payment thereof. When such cash bonus consideration is paid or escrowed, it shall be satisfaction in full for the right, interests, and claims of such person in and to the Gas underlying Subject Drilling Unit in the Subject Lands covered hereby, except, however, for any royalties which would become due pursuant to Paragraph 9.2 hereof.

12. Assignment of Interest: In the event a person named in **Exhibit B-3** is unable to reach a voluntary agreement to share in the Well Development and Operation contemplated by this Order at a rate of payment agreed to mutually by said Owner or Claimant and the Unit Operator, or fails to make an election under Paragraph 9.1 above, then subject to a final legal determination of ownership, such person shall be deemed to have and shall have assigned unto Applicant such person's right, interests, and claims in and to said well, and other share in production to which such person may be entitled by reason of any election or deemed election hereunder in accordance with the provisions of this Order governing said election.

13. Unit Operator (or Operator): **CNX Gas Company LLC** shall be and hereby is designated as Unit Operator authorized to drill and operate the Coalbed Methane Well in Subject Formation in Subject Drilling Unit, all subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations; the Middle Ridge I Coalbed Gas Field Order VGOB 00-1017-0835, all as amended from time to time, and all elections required by this Order shall be communicated to Unit Operator in writing at the address shown below:

**CNX Gas Company LLC  
P.O. Box 947  
Bluefield, VA 24605  
Attn: Leslie K. Arrington**

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of the well(s) within the Subject Drilling Unit and/or the well(s) outside the Subject Drilling Unit but from which production is allocated to the Subject Drilling Unit within Seven Hundred and Thirty (730) days from the date of the Order and shall prosecute same with due diligence. If Unit Operator shall not have so commenced and/or prosecuted, then this Order shall terminate, except for any cash sums then payable hereunder; otherwise, unless sooner terminated by Order of the Board, this Order shall expire at 12:00 P.M. on the date on which all wells covered by the Order and/or all wells from which production is allocated to the Subject Drilling Unit are permanently abandoned and plugged. However, in the event an appeal is taken from this Order, then the time between the filing of the petition for appeal and the final Order of the Circuit Court shall be excluded in calculating the two-year period referred to herein.

15. Operator's Lien: Unit Operator, in addition to the other rights afforded hereunder, shall have a lien and a right of set off on the Gas estates, rights, and interests owned by any person subject hereto who elects to participate under Paragraph 9.1 in the Subject Drilling Unit to the extent that costs incurred in the drilling or operation on the Subject Drilling Unit are chargeable against such person's interest. Such liens and right of set off shall be separable as to each separate person and shall remain liens until the Unit Operator drilling or operating any well covered hereby has been paid the full amounts due under the terms of this Order.

16. Escrow Provisions:

The Applicant represented to the Board that there **are** unknown or unlocatable claimants in **Tract(s) 5** of the Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.1 and the Unit Operator has represented to the Board that there **are** conflicting claimants in **Tract(s) 5** of the Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.2 hereof. Therefore, by this Order, the Escrow Agent named herein or any successor named by the Board, **is** required to establish an interest-bearing escrow account for **Tract(s) 5** of the Subject Drilling Unit (herein "Escrow Account"), and to receive funds and account to the Board pursuant to its agreement for the escrowed funds hereafter

described in Paragraphs 16.1 and 16.2:

Wachovia Bank, N. A.  
VA7518  
P. O. Box 14061  
Roanoke, VA 24038

16.1. Escrow Provisions For Unknown or Unlocatable Persons: If any payment of bonus, royalty payment or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be located or is unknown, then such cash bonus, royalty payment, or other payment shall not be commingled with any funds of the Unit Operator and, pursuant to Va. Code § 45.1-361.21.D, said sums shall be deposited by the Unit Operator into the Escrow Account, commencing within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made, by use of a report format approved by the Inspector, by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are being deposited. Such funds shall be held for the exclusive use of, and sole benefit of the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board in accordance with Va. Code § 45.1-361.21.D.

16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be made certain due to conflicting claims of ownership and/or a defect or cloud on the title, then such cash bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment, together with Participating Operator's Proportionate Costs paid to Unit Operator pursuant to Paragraph 9.1 hereof, if any, (1) shall not be commingled with any funds of the Unit Operator; and (2) shall, pursuant to Va. Code §§ 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4, be deposited by the Operator into the Escrow Account within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are subject to deposit. Such funds shall be held for the exclusive use of, and sole benefit of, the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board.

17. Special Findings: The Board specifically and specially finds:
- 17.1. **CNX Gas Company LLC**, a Virginia limited liability company is duly authorized and qualified to transact business in the Commonwealth of Virginia;
- 17.2. **CNX Gas Company LLC** has the authority to explore, develop and maintain the properties and assets, now owned or hereafter acquired, consented to serve as Coalbed Methane Gas Unit Operator for Subject Drilling Unit and to faithfully discharge the duties imposed upon it as Unit Operator by statute and regulations;
- 17.3. **CNX Gas Company LLC** is an operator in the Commonwealth of Virginia, and has satisfied the Board's requirements for operations in Virginia;
- 17.4. **CNX Gas Company LLC** claims ownership of gas leases, Coalbed Methane Gas leases, and/or coal leases representing **99.8194** percent of the oil and gas interest/claims in and to Coalbed Methane Gas and **99.8194** percent of the coal interest/claims in and to Coalbed Methane Gas in Subject Drilling Unit; and, Applicant claims the right to explore for, develop and produce Coalbed Methane Gas from Subject Formations in Subject Drilling Unit in **Russell** County, Virginia, which Subject Lands are more particularly described in **Exhibit A**;
- 17.5. The estimated total production from Subject Drilling Unit is **125 MMCF to 550 MMCF**. The estimated amount of reserves from the Subject Drilling Unit is **125 MMCF to 550 MMCF**;
- 17.6. Set forth in **Exhibit B-3**, is the name and last known address of each Owner or Claimant identified by the Applicant as having or claiming an interest in the Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying and comprised of Subject Lands, who has not, in writing, leased to the Applicant or the Unit Operator or agreed to voluntarily pool his interests in Subject Drilling Unit for its development. The interests of the Respondents listed in **Exhibit B-3** comprise **0.1806** percent of the oil and gas interests/claims in and to Coalbed Methane Gas and **0.1806** percent of the coal interests/claims in and to Coalbed Methane Gas in Subject Drilling Unit;
- 17.7. Applicant's evidence established that the fair, reasonable and equitable compensation to be paid to any person in lieu of the right to participate in the Wells are those options provided in Paragraph 9 above;
- 17.8. The relief requested and granted is just and reasonable, is supported by substantial evidence and will afford each person listed and named in **Exhibit B-3** hereto the opportunity to recover or receive, without unnecessary expense, such person's just and fair share of the production from Subject Drilling Unit. The granting of the Application and relief requested

therein will ensure to the extent possible the greatest ultimate recovery of Coalbed Methane Gas, prevent or assist in preventing the various types of waste prohibited by statute and protect or assist in protecting the correlative rights of all persons in the subject common sources of supply in the Subject Lands. Therefore, the Board is entering an Order granting the relief herein set forth.

18. Mailing Of Order And Filing Of Affidavit: Applicant or its Attorney shall file an affidavit with the Secretary of the Board within sixty (60) days after the date of recording of this Order stating that a true and correct copy of said Order was mailed within seven (7) days from the date of its receipt by Unit Operator to each Respondent named in Exhibit B-3 pooled by this Order and whose address is known.

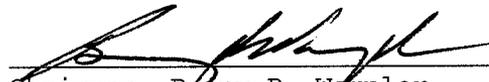
19. Availability of Unit Records: The Director shall provide all persons not subject to a lease with reasonable access to all records for Subject Drilling Unit which are submitted by the Unit Operator to said Director and/or his Inspector(s).

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

21. Appeals: Appeals of this Order are governed by the provisions of Va. Code Ann. § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court.

22. Effective Date: This Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

DONE AND EXECUTED this 15<sup>th</sup> day of November, 2006, by a majority of the Virginia Gas and Oil Board.

  
 \_\_\_\_\_  
 Chairman, Benny R. Wampler

DONE AND PERFORMED this 15<sup>th</sup> day of November, 2006, by Order of this Board.

  
 \_\_\_\_\_  
 B. R. Wilson  
 Principal Executive To The Staff  
 Virginia Gas and Oil Board

STATE OF VIRGINIA            )  
COUNTY OF WASHINGTON        )

Acknowledged on this 15th day of November, 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, and B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.

  
Daine J. Davis  
Notary Public

My commission expires: 9/30/09

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

BOOK 663 PAGE 472

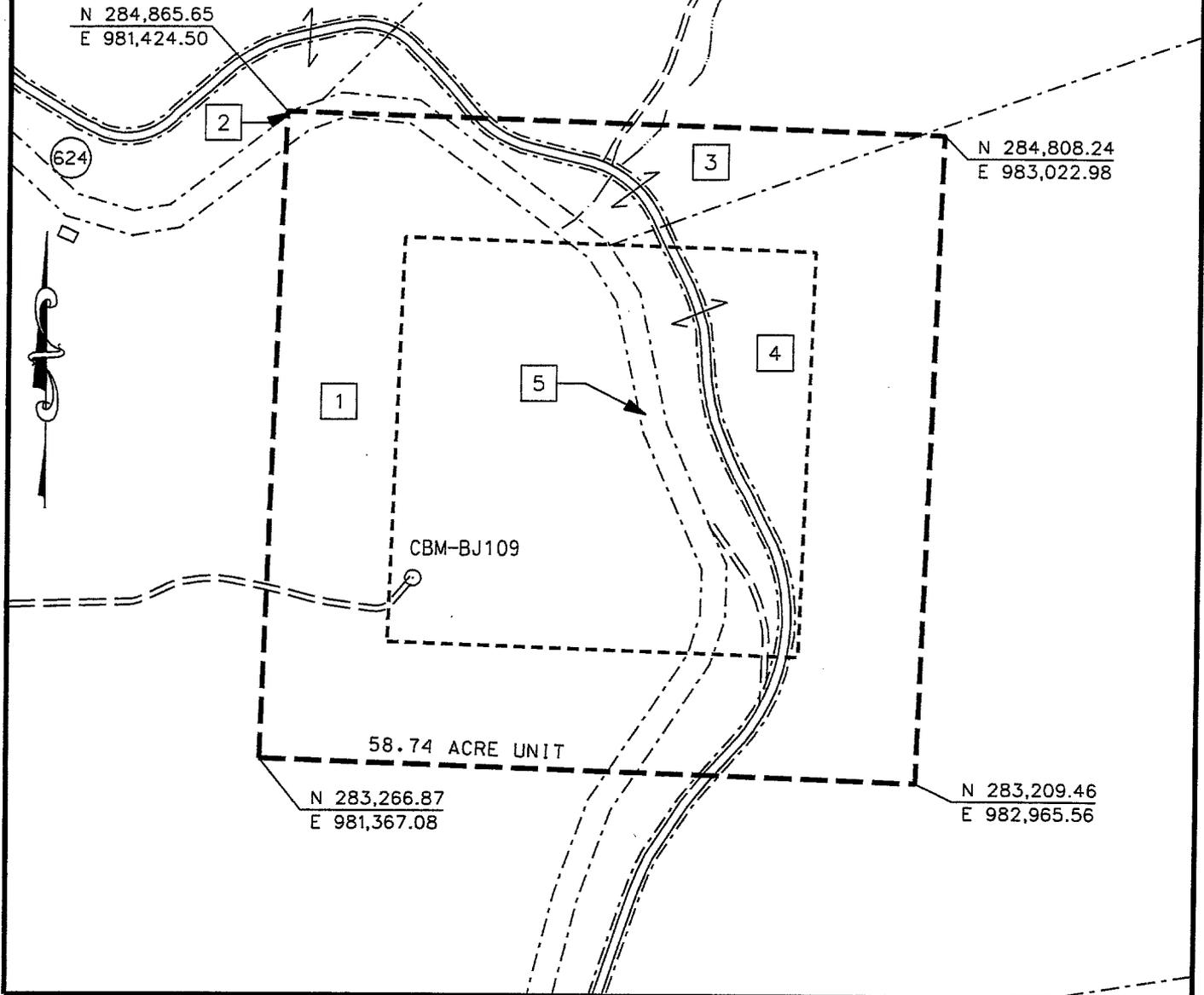


EXHIBIT A  
 MIDDLE RIDGE 1 FIELD  
 UNIT BJ-109  
 FORCE POOLING  
 VGOB-06-0718-1672

Company CNX Gas Company LLC Well Name and Number UNIT BJ-109

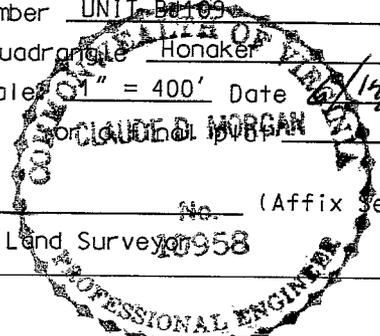
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker

County Russell District New Garden Scale 1" = 400' Date 6/14/06

This plat is a new plat X ; an updated plat \_\_\_\_\_ ; for CLAUDE D. MORGAN

Form DGO-GO-7  
 Rev. 9/91

Claude D. Morgan  
 Licensed Professional Engineer or Licensed Land Surveyor  
 No. 10958 (Affix Seal)



**CNX Gas Company LLC  
UNIT BJ109  
Tract Identification  
(58.74 Acre Unit)**

1. **Gent Royalty Partners, L.L.C. (360.48 Acre Tract) – Coal & Surface  
Gent Royalty Partners, L.L.C., et al – Oil, Gas & CBM  
CNX Gas Company LLC – Oil, Gas and CBM Leased (94.44%)  
Harold Keen Coal Co. Inc. – Coal Leased (Big Fork & Kennedy Seams)  
30.91 acres 52.6217%**
  
2. **Gent Royalty Partners, L.L.C., (152 Acre Tract) – Coal & Surface  
Gent Royalty Partners, L.L.C., et al – Oil, Gas & CBM  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
Four H Coal Company – Coal Leased (Big Fork Seam)  
Harold Keen Coal Co. Inc. – Coal Leased (Big Fork & Kennedy Seams)  
0.01 acres 0.0170 %**
  
3. **Gent Royalty Partners, L.L.C. (147 Acre Tract) – Coal & Surface  
Gent Royalty Partners, L.L.C. et al – Oil, Gas & CBM  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
Four H. Coal Company – Coal Leased (Big Fork Seam)  
Harold Keen Coal Co. Inc. – Coal Leased (Big For & Kennedy Seams)  
4.01 acres 6.8266%**
  
4. **Gent Royalty Partners, L.L.C. (147 Acre Tract) – Coal & Surface  
Gent Royalty Partners, L.L.C. et al – Oil, Gas & CBM  
CNX Gas Company LLC – Oil, Gas & CBM Leased  
Four H. Coal Company – Coal Leased (Big Fork Seam)  
Harold Keen Coal Co. Inc. – Coal Leased (Big For & Kennedy Seams)  
20.94 acres 35.6486 %**
  
5. **Gent Royalty Partners, L.L.C. et al (6.82 Acre Tract) – 53/54-Fee  
CNX Gas Company LLC – Oil, Gas & CBM Leased as to the 53/54  
Harold Keen Coal Co. Inc. – Coal Leased (Big Fork & Kennedy Seams) (23.36% of  
53/54 = 23.36%)  
  
Gent Royalty Partners, L.L.C. et al (6.82 Acre Tract) – 1/54- Fee  
CNX Gas Company LLC – Oil, Gas & CBM Leased as to the 1/54  
Harold Keen Coal Co. Inc. – Coal Leased (Big Fork & Kennedy Seams) (0.45% of  
1/54 = 0.45%)  
  
- OR -  
Bailey Thompson Heirs, et al – (6.82 Acre Tract) – (1/54) Fee  
  
2.87 acres 4.8859**

Exhibit B-3  
 Unit BJ-109  
 Docket #VGOB 06-0718-1672  
 List of Unleased Owners/Claimants  
 (58.74 Acre Unit)

	Acres in Unit	Percent of Unit
<b>I. COAL FEE OWNERSHIP</b>		
<b><u>Tract #5, 2.87 acres</u></b>		
(1) Gent Royalty Partners, LLC, et al. (6.82 Acre Tract)	2.87 acres	4.88593803%
<i>(Conflicting Title Issue for 1/54 Interest)</i>		
<i>Note: Some of the individual interest amounts are so small, no value can be calculated.</i>		
Bailey Thompson Heirs, Devisees, Successors or Assigns, et al.	0.0531 acres 1/54 of 2.87 acres	0.09048033%
(1) Bailey Thompson Heirs, Devisees, Successors or Assigns	0.00013421 acres 1/396 of 0.0531 acres	0.000228485692%
(1) Nora Edith Wilson Heirs, Devisees, Successors or Assigns		
(a) Sylvia Sue Rasnake Heirs, Devisees, Successors or Assigns		
(a.1) Willis Rasnake 854 Edgar Drive Lebanon, VA 24266	0.0000024402 acres 1/21780 of 0.0531 acres	0.000004154285%
(c) Bailey Franklin Wilson Heirs, Devisees, Successors or Assigns		
(c.1) Virginia Katherine Sullivan 1460 Mary John Drive Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(c.2) Linda Sue Barrett 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(c.3) Gary Wilson 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(e) Charles Wilson Heirs, Devisees, Successors or Assigns		
(e.1) Cindy Ann Gill 251 Coraan Drive Aylett, VA 23009	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(e.2) Ronald Wayne Wilson 7092 Cold Harbor Road Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(e.3) Lloyd Timothy Wilson 7193 Janet Lane Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(f) Clarence & Kathleen Wilson Heirs, Devisees, Successors or Assigns		
(f.2) Barbara Nease 2123 Baptist Valley Road Cedar Bluff, VA 24609	0.0000000000 acres 1/43560 of 0.0531 acres	0.000000000000%

Exhibit B-3  
Unit BJ-109  
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(58.74 Acre Unit)

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	Acres in Unit	Percent of Unit
(g) Dorothy Miller Heirs, Devisees, Successors or Assigns		
(g.1) Bruce Miller Address Unknown	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(g.2) Wanda Caylor 3305 W. Sylvester Street Pasco, WA 99301	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(g.3) Jeff Miller Heirs / Address Unknown	0.0000000000 acres 1/65340 of 0.0531 acres	0.000000000000%
(j) Walter Wilson Heirs, Devisees, Successors or Assigns		
(j.1) Frances Wilson Address Unknown	0.0000024402 acres 1/21780 of 0.0531 acres	0.000004154285%
(2) Bert Claude Thompson Heirs, Devisees, Successors or Assigns		
(b) Barbara Wallace "Polly" Ryan Heirs, Devisees, Successors or Assigns		
(b.1) Kathleen Ryan Garboczi 17613 Parkridge Drive Gaithersburg, MD 20878	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.2) Rebecca Ryan-Jones ADCS/UCSD 681 1/2 64th Ave. S. St. Petersburg, FL 33705	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.3) Peter Shawn Ryan 9811 Buteshire Court Richmond, VA 23236	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.4) Helen Jane Ryan Joiner 3008 Chattahoochee Trace Gainesville, GA 30506	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.5) Joseph Edward Ryan 21079 Hawthorne Court Sterling, VA 20164	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.6) Teresa Ryan McCartney 612 Porter Street Blacksburg, VA 24060	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.7) Christine Louise Ryan 5055 S. Chesterfield Road, Apt.201 Arlington, VA 22206	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.8) Heidi Ryan Davis 19376 Diamond Court Leesburg, VA 20175	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(b.9) James Patrick Ryan 13 Tansy Avenue Stratham, NH 03885	0.0000000000 acres 1/53460 of 0.0531 acres	0.000000000000%
(3) Gladys Elizabeth Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0000268425 acres 1/1980 of 0.0531 acres	0.000045697138%

Exhibit B-3  
Unit BJ-109  
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(58.74 Acre Unit)

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	Acres in Unit	Percent of Unit
'(4) Omar Clyde Thompson Heirs, Devisees, Successors or Assigns		
(a) Ona Lee Thompson Pates Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(b) Gladys Jeanette Thompson Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(c) Omar Clyde Thompson, Jr. Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(d) Isaac E. Thompson Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(e) Michael A. Thompson Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(f) Peggy E. Thompson Plaster Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
(g) Barbara Lucille T. McGlothlin Goode Address Unknown	0.0000038346 acres 1/13860 of 0.0531 acres	0.000006528163%
'(5) Daniel Woodrow Thompson Heirs, Devisees, Successors or Assigns		
(a) Gary Thompson Address Unknown	0.0000134212 acres 1/3960 of 0.0531 acres	0.000022848569%
(b) Danny Joe Thompson Heirs, Devisees, Successors or Assigns		
(b.1) Ginny Echo Thompson Address Unknown	0.0000067106 acres 1/7920 of 0.0531 acres	0.000011424285%
(b.2) Misty Shanai Thompson Address Unknown	0.0000067106 acres 1/7920 of 0.0531 acres	0.000011424285%
(2) Pierce Thompson Heirs, Devisees, Successors or Assigns	0.05301 acres 395/396 of 2.87 acres	0.090251848234%
(1) Ernest Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.05301 acres	0.022562962059%
(2) Estel Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.05301 acres	0.022562962059%
(3) Ethel Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.05301 acres	0.022562962059%
(4) Roy Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.05301 acres	0.022562962059%

**II. OIL & GAS FEE OWNERSHIP**

**Tract #5, 2.87 acres**

(1) Gent Royalty Partners, LLC, et al. (6.82 Acre Tract)	2.87 acres	4.8859%
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Exhibit B-3  
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	Acres in Unit	Percent of Unit
<i>(Conflicting Title Issue for 1/54 Interest)</i>		
<i>Note: Some of the individual interest amounts are so small, no value can be calculated.</i>		
Bailey Thompson Heirs, Devisees, Successors or Assigns, et al.	0.053 acres 1/54 of 2.87 acres	0.09048033%
(1) Bailey Thompson Heirs, Devisees, Successors or Assigns	0.00013421 acres 1/396 of 0.053 acres	0.000228485692%
(1) Nora Edith Wilson Heirs, Devisees, Successors or Assigns		
(a) Sylvia Sue Rasnake Heirs, Devisees, Successors or Assigns		
(a.1) Willis Rasnake 854 Edgar Drive Lebanon, VA 24266	0.0000024402 acres 1/21780 of 0.053 acres	0.000004154285%
(c) Bailey Franklin Wilson Heirs, Devisees, Successors or Assigns		
(c.1) Virginia Katherine Sullivan 1460 Mary John Drive Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(c.2) Linda Sue Barrett 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(c.3) Gary Wilson 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(e) Charles Wilson Heirs, Devisees, Successors or Assigns		
(e.1) Cindy Ann Gill 251 Coraan Drive Aylett, VA 23009	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(e.2) Ronald Wayne Wilson 7092 Cold Harbor Road Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(e.3) Lloyd Timothy Wilson 7193 Janet Lane Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(f) Clarence & Kathleen Wilson Heirs, Devisees, Successors or Assigns		
(f.2) Barbara Nease 2123 Baptist Valley Road Cedar Bluff, VA 24609	0.0000000000 acres 1/43560 of 0.053 acres	0.000000000000%
(g) Dorothy Miller Heirs, Devisees, Successors or Assigns		
(g.1) Bruce Miller Address Unknown	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%

Exhibit B-3  
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	Acres in Unit	Percent of Unit
(g.2) Wanda Caylor 3305 W. Sylvester Street Pasco, WA 99301	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(g.3) Jeff Miller <i>Heirs / Address Unknown</i>	0.0000000000 acres 1/65340 of 0.053 acres	0.000000000000%
(j) Walter Wilson Heirs, Devisees, Successors or Assigns		
(j.1) Frances Wilson <i>Address Unknown</i>	0.0000024402 acres 1/21780 of 0.053 acres	0.000004154285%
'(2) Bert Claude Thompson Heirs, Devisees, Successors or Assigns		
(b) Barbara Wallace "Polly" Ryan Heirs, Devisees, Successors or Assigns		
(b.1) Kathleen Ryan Garboczi 17613 Parkridge Drive Gaithersburg, MD 20878	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.2) Rebecca Ryan-Jones ADCS/UCSD 681 1/2 64th Ave. S. St. Petersburg, FL 33705	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.3) Peter Shawn Ryan 9811 Buteshire Court Richmond, VA 23236	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.4) Helen Jane Ryan Joiner 3008 Chattahoochee Trace Gainesville, GA 30506	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.5) Joseph Edward Ryan 21079 Hawthorne Court Sterling, VA 20164	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.6) Teresa Ryan McCartney 612 Porter Street Blacksburg, VA 24060	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.7) Christine Louise Ryan 5055 S. Chesterfield Road, Apt.201 Arlington, VA 22206	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.8) Heidi Ryan Davis 19376 Diamond Court Leesburg, VA 20175	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
(b.9) James Patrick Ryan 13 Tansy Avenue Stratham, NH 03885	0.0000000000 acres 1/53460 of 0.053 acres	0.000000000000%
'(3) Gladys Elizabeth Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0000268425 acres 1/1980 of 0.053 acres	0.000045697138%
'(4) Omar Clyde Thompson Heirs, Devisees, Successors or Assigns		
(a) Ona Lee Thompson Pates <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%

Exhibit B-3  
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	Acres in Unit	Percent of Unit
(b) Gladys Jeanette Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(c) Omar Clyde Thompson, Jr. <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(d) Isaac E. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(e) Michael A. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(f) Peggy E. Thompson Plaster <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(g) Barbara Lucille T. McGlothlin Goode <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.053 acres	0.000006528163%
(5) Daniel Woodrow Thompson Heirs, Devisees, Successors or Assigns		
(a) Gary Thompson <i>Address Unknown</i>	0.0000134212 acres 1/3960 of 0.053 acres	0.000022848569%
(b) Danny Joe Thompson Heirs, Devisees, Successors or Assigns		
(b.1) Ginny Echo Thompson <i>Address Unknown</i>	0.0000067106 acres 1/7920 of 0.053 acres	0.000011424285%
(b.2) Misty Shanai Thompson <i>Address Unknown</i>	0.0000067106 acres 1/7920 of 0.053 acres	0.000011424285%
(2) Pierce Thompson Heirs, Devisees, Successors or Assigns	0.0530 acres 395/396 of 2.87 acres	0.090251848234%
(1) Ernest Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0530 acres	0.022562962059%
(2) Estel Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0530 acres	0.022562962059%
(3) Ethel Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0530 acres	0.022562962059%
(4) Roy Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0530 acres	0.022562962059%

Exhibit E  
Unit BJ-109  
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List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)

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	Acres in Unit	Percent of Unit
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**Tract #5, 2.87 acres**

*Note: Only 1/54 interest is clouded. The remaining fee interest of 53/54 should be paid to Gent Royalty Partners, L.L.C., et al.*

**COAL FEE OWNERSHIP**

(1) Gent Royalty Partners, L.L.C. P.O. Box 330 Honaker, VA 24260 (6.82 Acre Tract)	2.87 acres	4.8859%
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~~Note: Fred Gent retained his 1/48 interest in the CBM. There is no conflict here, pay GRP 17/18 and Fred~~

- OR -

(Conflicting Title Issue for 1/54 Interest)

Bailey Thompson Heirs, Devisees, Successors or Assigns, et al.	0.05 acres 1/54 of 2.87 acres	0.09048033%
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(1) Bailey Thompson Heirs, Devisees, Successors or Assigns	0.00013421 acres 1/396 of 0.05 acres	0.000228485692%
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(1) Nora Edith Wilson Heirs, Devisees,  
Successors or Assigns

(a) Sylvia Sue Rasnake Heirs, Devisees,  
Successors or Assigns

(a.1) Willis Rasnake 854 Edgar Drive Lebanon, VA 24266	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
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(b) Alice White 405 South 10th Street Livingston, MT 59047	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
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(c) Bailey Franklin Wilson Heirs, Devisees,  
Successors or Assigns

(c.1) Virginia Katherine Sullivan 1460 Mary John Drive Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
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(c.2) Linda Sue Barrett 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
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(c.3) Gary Wilson 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
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(d) Betty Barnhart Heirs, Devisees,  
Successors or Assigns

(d.1) Daniel Barnhart 842 Harmony Drive Gahanna, OH 43230	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
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(e) Charles Wilson Heirs, Devisees,  
Successors or Assigns

(e.1) Cindy Ann Gill 251 Coraan Drive Aylett, VA 23009	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
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Exhibit E  
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List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)

	Acres in Unit	Percent of Unit
(e.2) Ronald Wayne Wilson 7092 Cold Harbor Road Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(e.3) Lloyd Timothy Wilson 7193 Janet Lane Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(f) Clarence & Kathleen Wilson, Heirs, Devisees, Successors or Assigns		
(f.1) Phyllis Cox 45 Elmer Hayes Road Mosheim, TN 37818	0.0000000000 acres 1/43560 of 0.05 acres	0.000000000000%
(f.2) Barbara Nease 2123 Baptist Valley Road Cedar Bluff, VA 24609	0.0000000000 acres 1/43560 of 0.05 acres	0.000000000000%
(g) Dorothy Miller Heirs, Devisees, Successors or Assigns		
(g.1) Bruce Miller <i>Address Unknown</i>	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(g.2) Wanda Caylor 3305 W. Sylvester Street Pasco, WA 99301	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(g.3) Jeff Miller <i>Heirs / Address Unknown</i>	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(h) Martha Fortner 1114 Woodlawn Avenue Bucyrus, OH 44820	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(i) Patty Ann Brown Heirs, Devisees, Successors or Assigns		
(i.1) C.M. Brown, Jr. 4616 Wichita Street Fort Worth, TX 76119	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(i.2) Mary Ruth Honaker 425 East Lucas Street Bucyrus, OH 44820	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(j) Walter Wilson Heirs, Devisees, Successors or Assigns		
(j.1) Frances Wilson <i>Address Unknown</i>	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(2) Bert Claude Thompson Heirs, Devisees, Successors or Assigns		
(a) Laura Thompson Lamphere Box 476 Sturgis, SD 57785	0.0000089475 acres 1/5940 of 0.05 acres	0.000015232379%
(b) Barbara Wallace "Polly" Ryan Heirs, Devisees, Successors or Assigns		

**Exhibit E  
Unit BJ-109  
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**List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Unit)**

	Acres in Unit	Percent of Unit
(b.1) Kathleen Ryan Garboczi 17613 Parkridge Drive Gaithersburg, MD 20878	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.2) Rebecca Ryan-Jones ADCS/UCSD 681 1/2 64th Ave. S. St. Petersburg, FL 33705	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.3) Peter Shawn Ryan 9811 Buteshire Court Richmond, VA 23236	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.4) Helen Jane Ryan Joiner 3008 Chattahoochee Trace Gainesville, GA 30506	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.5) Joseph Edward Ryan 21079 Hawthorne Court Sterling, VA 20164	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.6) Teresa Ryan McCartney 612 Porter Street Blacksburg, VA 24060	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.7) Christine Louise Ryan 5055 S. Chesterfield Road, Apt.201 Arlington, VA 22206	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.8) Heidi Ryan Davis 19376 Diamond Court Leesburg, VA 20175	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.9) James Patrick Ryan 13 Tansy Avenue Stratham, NH 03885	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
'(3) Gladys Elizabeth Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0000268425 acres 1/1980 of 0.05 acres	0.000045697138%
'(4) Omar Clyde Thompson Heirs, Devisees, Successors or Assigns		
(a) Ona Lee Thompson Pates <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(b) Gladys Jeanette Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(c) Omar Clyde Thompson, Jr. <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(d) Isaac E. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(e) Michael A. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(f) Peggy E. Thompson Plaster <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(g) Barbara Lucille T. McGlothlin Goode <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%

Exhibit E  
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(58.74 Acre Unit)

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	Acres in Unit	Percent of Unit
'(5) Daniel Woodrow Thompson Heirs, Devisees, Successors or Assigns		
(a) Gary Thompson Address Unknown	0.0000134212 acres 1/3960 of 0.05 acres	0.000022848569%
(b) Danny Joe Thompson Heirs, Devisees, Successors or Assigns		
(b.1) Ginny Echo Thompson Address Unknown	0.0000067106 acres 1/7920 of 0.05 acres	0.000011424285%
(b.2) Misty Shanai Thompson Address Unknown	0.0000067106 acres 1/7920 of 0.05 acres	0.000011424285%
'(6) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	0.0000089475 acres 1/5940 of 0.05 acres	0.000015232379%
(2) Pierce Thompson Heirs, Devisees, Successors or Assigns	0.0530 acres 395/396 of 0.05 acres	0.090251848234%
(1) Ernest Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(2) Estel Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(3) Ethel Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(4) Roy Thompson Heirs, Devisees, Successors or Assigns Heirs / Address Unknown	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Gent Royalty Partners, LLC, et al.	2.87 acres	4.8859%
(a) Gent Royalty Partners, L.L.C. P.O. Box 330 Honaker, VA 24260	2.71 acres 17/18 of 2.87 acres	4.6145%
(b) Fred B. Gent, II 18159 Lee Highway Abingdon, VA 24210-7961	0.16 acres 1/18 of 2.87 acres	0.2714%
- OR - (Conflicting Title Issue for 1/54 Interest)		
Bailey Thompson Heirs, Devisees, Successors or Assigns, et al.	0.05 acres 1/54 of 2.87 acres	0.09048033%
(1) Bailey Thompson Heirs, Devisees, Successors or Assigns	0.00013421 acres 1/396 of 0.05 acres	0.000228485692%
'(1) Nora Edith Wilson Heirs, Devisees, Successors or Assigns		
(a) Sylvia Sue Rasnake Heirs, Devisees, Successors or Assigns		

Exhibit E  
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(58.74 Acre Unit)

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	Acres in Unit	Percent of Unit
(a.1) Willis Rasnake 854 Edgar Drive Lebanon, VA 24266	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(b) Alice White 405 South 10th Street Livingston, MT 59047	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(c) Bailey Franklin Wilson Heirs, Devisees, Successors or Assigns		
(c.1) Virginia Katherine Sullivan 1460 Mary John Drive Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(c.2) Linda Sue Barrett 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(c.3) Gary Wilson 1002 Givens Road Chattanooga, TN 37421	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(d) Betty Barnhart Heirs, Devisees, Successors or Assigns		
(d.1) Daniel Barnhart 842 Harmony Drive Gahanna, OH 43230	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(e) Charles Wilson Heirs, Devisees, Successors or Assigns		
(e.1) Cindy Ann Gill 251 Coraan Drive Aylett, VA 23009	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(e.2) Ronald Wayne Wilson 7092 Cold Harbor Road Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(e.3) Lloyd Timothy Wilson 7193 Janet Lane Mechanicsville, VA 23111	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(f) Clarence & Kathleen Wilson Heirs, Devisees, Successors or Assigns		
(f.1) Phyllis Cox 45 Elmer Hayes Road Mosheim, TN 37818	0.0000000000 acres 1/43560 of 0.05 acres	0.000000000000%
(f.2) Barbara Nease 2123 Baptist Valley Road Cedar Bluff, VA 24609	0.0000000000 acres 1/43560 of 0.05 acres	0.000000000000%
(g) Dorothy Miller Heirs, Devisees, Successors or Assigns		
(g.1) Bruce Miller Address Unknown	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%

Exhibit E  
Unit BJ-109  
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	Acres in Unit	Percent of Unit
(g.2) Wanda Caylor 3305 W. Sylvester Street Pasco, WA 99301	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(g.3) Jeff Miller <i>Heirs / Address Unknown</i>	0.0000000000 acres 1/65340 of 0.05 acres	0.000000000000%
(h) Martha Fortner 1114 Woodlawn Avenue Bucyrus, OH 44820	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(i) Patty Ann Brown Heirs, Devisees, Successors or Assigns		
(i.1) C.M. Brown, Jr. 4616 Wichita Street Fort Worth, TX 76119	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(i.2) Mary Ruth Honaker 425 East Lucas Street Bucyrus, OH 44820	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(j) Walter Wilson Heirs, Devisees, Successors or Assigns		
(j.1) Frances Wilson <i>Address Unknown</i>	0.0000024402 acres 1/21780 of 0.05 acres	0.000004154285%
(2) Bert Claude Thompson Heirs, Devisees, Successors or Assigns		
(a) Laura Thompson Lamphere Box 476 Sturgis, SD 57785	0.0000089475 acres 1/5940 of 0.05 acres	0.000015232379%
(b) Barbara Wallace "Polly" Ryan Heirs, Devisees, Successors or Assigns		
(b.1) Kathleen Ryan Garboczi 17613 Parkridge Drive Gaithersburg, MD 20878	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.2) Rebecca Ryan-Jones ADCS/UCSD 681 1/2 64th Ave. S. St. Petersburg, FL 33705	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.3) Peter Shawn Ryan 9811 Buteshire Court Richmond, VA 23236	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.4) Helen Jane Ryan Joiner 3008 Chattahoochee Trace Gainesville, GA 30506	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.5) Joseph Edward Ryan 21079 Hawthorne Court Sterling, VA 20164	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.6) Teresa Ryan McCartney 612 Porter Street Blacksburg, VA 24060	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%

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

	Acres in Unit	Percent of Unit
(b.7) Christine Louise Ryan 5055 S. Chesterfield Road, Apt.201 Arlington, VA 22206	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.8) Heidi Ryan Davis 19376 Diamond Court Leesburg, VA 20175	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
(b.9) James Patrick Ryan 13 Tansy Avenue Stratham, NH 03885	0.0000000000 acres 1/53460 of 0.05 acres	0.000000000000%
'(3) Gladys Elizabeth Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0000268425 acres 1/1980 of 0.05 acres	0.000045697138%
'(4) Omar Clyde Thompson Heirs, Devisees, Successors or Assigns		
(a) Ona Lee Thompson Pates <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(b) Gladys Jeanette Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(c) Omar Clyde Thompson, Jr. <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(d) Isaac E. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(e) Michael A. Thompson <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(f) Peggy E. Thompson Plaster <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
(g) Barbara Lucille T. McGlothlin Goode <i>Address Unknown</i>	0.0000038346 acres 1/13860 of 0.05 acres	0.000006528163%
'(5) Daniel Woodrow Thompson Heirs, Devisees, Successors or Assigns		
(a) Gary Thompson <i>Address Unknown</i>	0.0000134212 acres 1/3960 of 0.05 acres	0.000022848569%
(b) Danny Joe Thompson Heirs, Devisees, Successors or Assigns		
(b.1) Ginny Echo Thompson <i>Address Unknown</i>	0.0000067106 acres 1/7920 of 0.05 acres	0.000011424285%
(b.2) Misty Shanai Thompson <i>Address Unknown</i>	0.0000067106 acres 1/7920 of 0.05 acres	0.000011424285%
'(6) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	0.0000089475 acres 1/5940 of 0.05 acres	0.000015232379%
(2) Pierce Thompson Heirs, Devisees, Successors or Assigns	0.0530 acres 395/396 of 0.05 acres	0.090251848234%

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**(58.74 Acre Unit)**

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	Acres in Unit	Percent of Unit
(1) Ernest Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(2) Estel Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(3) Ethel Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%
(4) Roy Thompson Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0132534839 acres 1/4 of 0.0246 acres	0.022562962059%

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 11:30, 2006. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:11 o'clock AM, after payment of \$        tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: DOLLIE M. GOMPTON, CLERK  
 BY: Kerrel Ratliff D. CLERK

**0603819**