

100003363

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA  
§ 45.1-361.26**

**VIRGINIA:**

**BEFORE THE GAS AND OIL BOARD**

**APPLICANTS:**

CNX Gas Company on behalf of Harrison-Wyatt LLC and D.W. Price Heirs including Ronald Newberry, Roger Miller, Teresa McGlothlin and Sherrie Boyd; Harrison Wyatt LLC and W.A. Arms Heirs including Alice Mae Elliott, John E Jackson, and Wanda Arms.

**DOCKET NO.**

**91-0430-0116-06**

**RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds  
Action: Amending Prior Orders Affecting Drilling Unit AA-9, Tracts 2A and 2C (a portion thereof) (Referenced herein as "the Subject Drilling Unit")  
Location: Buchanan County, Virginia

**Action Details:**

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AA-9 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

**REPORT OF THE BOARD**

**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on October 19, 2010, at the Russell County Government Conference Center, 139 Highland Drive, Lebanon, Virginia.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices 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.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret

agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 On April 30, 1991, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 6, 1991, Deed Book 375, page 758. The Supplemental Order was executed on October 20, 1993, and recorded in with the Clerk of the Court, Buchanan County on October 29, 1993, Deed Book 415, page 284.
- (b) On November 16, 2004, the Board executed an order, Docket number 91-0430-0116-01, and disbursing escrowed funds from Tracts 2B and 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 13, 2002, Instrument 060000780.
- (c) On June 19, 2007, the Board executed an order, Docket number 91-0430-0116-02, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on January 23, 2008, Instrument No. 08-0000442.
- (d) On March 17, 2009, the Board executed an order, Docket number 91-0430-0116-03 & 04, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on March 24, 2009, Instrument No. 09-0000848.
- (e) On December 15, 2009, the Board executed an order, Docket number 91-0430-0116-05, and disbursing escrowed funds from Tract 2C in the Subject Unit. The Order was filed with the Clerk of the Circuit Court of Buchanan County on February 17, 2010, Instrument No. 100000308.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Harrison-Wyatt LLC, and the gas and oil ownership interests of D.W. Price Heirs including Ronald Newberry, Roger Miller, Teresa McGlothlin, and Sherrie Boyd; Harrison-Wyatt LLC and W. A. Arms Heirs including Alice Mae Elliott, John E. Jackson, and Wanda Arms; in a portion of Tracts 2A and 2C in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tracts 2A and 2C, a copy of which is attached to and made a part hereof, states under oath that Harrison-Wyatt LLC and the Applicants have entered into an agreement with regards to Tracts 2A and 2C, and that by the terms of the agreements, Harrison-Wyatt LLC has entered into a split agreement regarding these Tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required.
- 4.4 The Unit Operator gave notice to Harrison-Wyatt LLC and the applicants that the Board would consider its disbursement authorization at its hearing on October 19, 2010, and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tracts 2A and 2C, as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tracts 2A and 2C, the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) **continue the escrow account** under this docket number because parties other than those seeking disbursement under this order are subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting (Exhibit A) for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

VGOB Approved Disbursement  
VGOB 91-0430-0116-06

		Acres Owned	Acreage Interest in Unit	Split Agreement %	Equivalent Disbursement Acres	Owners % of Remaining Escrowed Funds	
<b>Table 1</b>							
<b>Tracts 2A and a portion of 2C</b>							
Item	Tract	<b>Disbursement Table</b>					
					47.749125		
		Harrison-Wyatt, LLC - Coal	36.0700				
1	2A	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543	18.0350	50.0%	9.018	18.8852%	
2	2A	D. W. Price Heirs					
3	2A	Ronald Newberry	1/6	6.0117	50.0%	3.006	6.2951%
4	2A	Roger Miller	1/6	6.0117	50.0%	3.006	6.2951%
5	2A	Teresa McGlothlin	1/12	3.0058	50.0%	1.503	3.1475%
6	2A	Sherrie Boyd	1/12	3.0058	50.0%	1.503	3.1475%
		Harrison-Wyatt, LLC - Coal	24.0600				
1	2C	Harrison-Wyatt, LLC Tr-39; c/o Wyatt Buick Pontiac; PO Box 11000 Danville VA 24543	2.4060	50.0%	1.203	2.5194%	
2	2C	W. A. Arms Heirs					
3	2C	Alice Mae Elliot	1/24	1.0025	50.0%	0.501	1.0498%
4	2C	John E. Jackson	1/24	1.0025	50.0%	0.501	1.0498%
5	2C	Wanda Arms	1/60	0.4010	50.0%	0.201	0.4199%

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

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

5.2 Applicant has certified and represented to the Board that:

- (1) Harrison-Wyatt LLC and D.W. Price Heirs including Ronald Newberry, Roger Miller, Teresa McGlothlin and Sherrie Boyd; Harrison-Wyatt LLC and W.A. Arms Heirs including Alice Mae Elliott, John E Jackson, and Wanda Arms respectively, are the owners of the coal estate, gas and oil acreage estate underlying a portion of VGOB Tracts 2A and 2C of the Subject Drilling Unit.
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are other owners subject to

Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

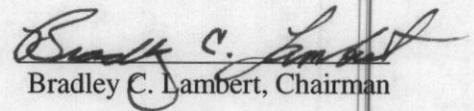
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

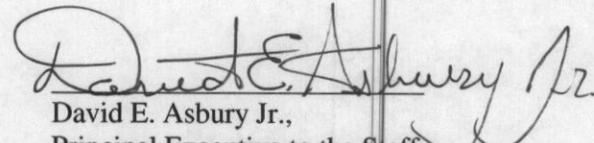
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

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

DONE AND EXECUTED this 17 day of Dec, 2010, by a majority of the Virginia Gas and Oil Board.

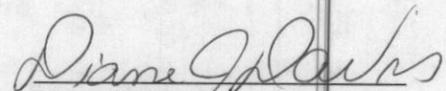
  
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 17 day of Dec, 2010, by an Order of this Board.

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

COMMONWEALTH OF VIRGINIA )  
COUNTY OF RUSSELL )

Acknowledged on this 17<sup>th</sup> day of December, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public #174394

My commission expires: 09/30/2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 91-0430-0116-06

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

HEARING DATE: October 19, 2010

DRILLING UNIT: AA-9

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

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

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 2A & 2C as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC. and D.W. Price Heirs including Ronald Newberry, Roger Miller, Teresa McGlothlin, and Sherrie Boyd; Harrison-Wyatt, LLC and W.A. Arms Heirs including Alice Mae Elliott, John E. Jackson, and Wanda Arms

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

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

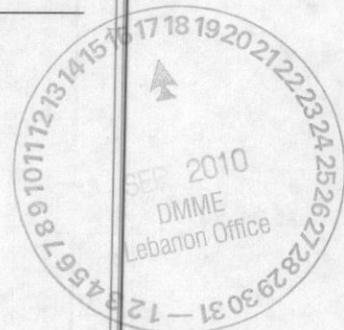
5. **Factual basis for relief requested:** Harrison-Wyatt, LLC. and D.W. Price Heirs including Ronald Newberry, Roger Miller, Teresa McGlothlin, and Sherrie Boyd; Harrison-Wyatt, LLC and W.A. Arms Heirs including Alice Mae Elliott, John E. Jackson, and Wanda Arms have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.

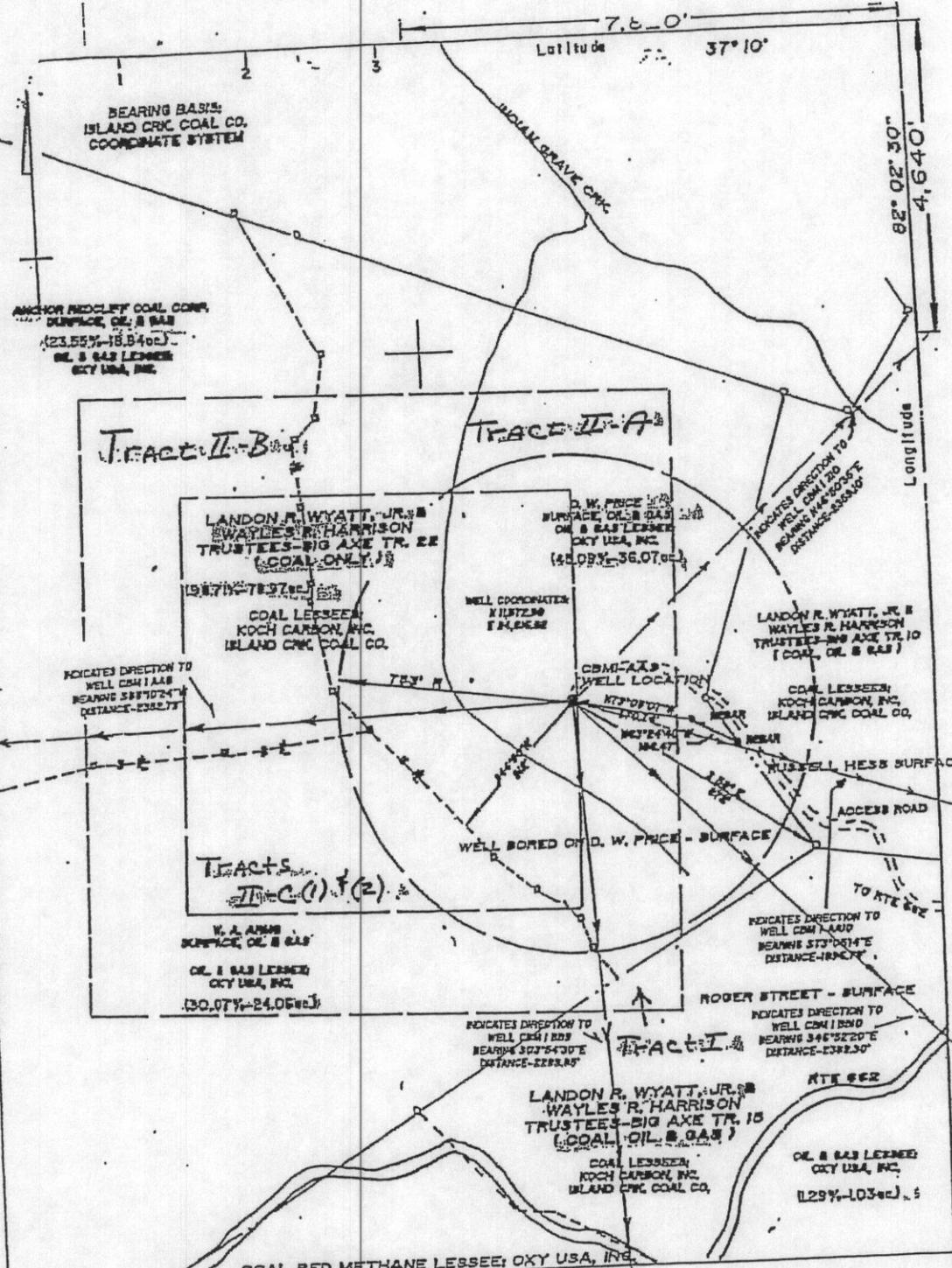
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER

By: \_\_\_\_\_

*Anita D. Duty*  
Anita D. Duty  
Pooling Supervisor  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701





COMPANY OXY USA, INC.  
 ADDRESS DRAWER C, RICHLANDS, VA 24641  
 WELL NAME CBMI-AA9  
 FARM TRACT BIG AXE 22  
 LEASE NO. ELEVATION 2255.88'  
 ACRES 400 QUADRANGLE VANSANT  
 COUNTY BUCHANAN DISTRICT SOUTH BRUNDY  
 REG. ENGINEER VA REG. NO. 2287  
 CERT. LAND SURVEYOR          CERT. NO.           
 FILE NO.          DRAWING NO.           
 DATE 10-12-70 SCALE 1" = 400'

This plot is  new  updated  
 This plot  is  is not based on a mine  
 coordinate system established for the area of  
 of the well location.

**EXHIBIT A**

**WELL LOCATION MAP**  
**WELL NO. CBMI-AA9**

Denotes location of well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

**CERTIFICATION OF WELL PLAT**

I, the undersigned, hereby certify that this plat is correct to the best of my knowledge and belief, and I have all the information required by law and the regulations of the Well Review Board of the State of Virginia.

[Signature]  
 Registered Professional Engineer No. 195. Certified Land Surveyor in Charge 2687  
 STATE OF VIRGINIA  
 1968

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**CNX Gas Company LLC**  
**UNIT AA-9**  
Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) – All Minerals  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Leased  
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Roger Street – Surface  
1.03 acres                      1.2875%
- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
D. W. Price Heirs – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
36.07 acres                      45.0875%
- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Robert A. Rash – Surface and All Minerals except Coal  
CNX Gas Company LLC- Oil, Gas and CBM Leased  
18.84 acres                      23.5500%
- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal  
Island Creek Coal Company/Consolidation Coal Company - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
W. A. Arms Heirs, Successors or Assigns – Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (52.47%)  
24.06 acres                      30.0750%

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**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 36.07 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 39 P.O. Box 11000 Danville, VA 24543	36.07 acres	45.0875%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) D.W. Price Heirs, Devisees, Successors or Assigns	36.07 acres	45.0875%
(b) Carlos Price Heirs, Devisees, Successors or Assigns		
(b.1) David Price PO Box 871 Honaker, VA 24260	3.0058 acres 1/12 of 36.07 acres	3.7573%
(b.2) Michael W. Price, Sr. Rt.1 Box 402 Midland, VA 22728	3.0058 acres 1/12 of 36.07 acres	3.7573%
(b.3) Junior Price PO Box 1052 Honaker, VA 24260	3.0058 acres 1/12 of 36.07 acres	3.7573%
(b.4) Russell Price 13 Crater Lane Stafford, VA 22556	3.0058 acres 1/12 of 36.07 acres	3.7573%
(b.5) Mary Elizabeth Shortt P.O. Box 793 Honaker, VA 24260	3.0058 acres 1/12 of 36.07 acres	3.7573%
(b.6) Dorothy Musick Heirs, Devisees, Successors or Assigns		
(b.6.1) Gail Faw 13264 Ritchie Rd. Meadowview, VA 24361	1.0019 acres 1/36 of 36.07 acres	1.2524%
(b.6.2) Tina Dingos 377 Clairmont Circle Castewood, VA 24224	1.0019 acres 1/36 of 36.07 acres	1.2524%
(b.6.3) Rex Musick 3329 Carney Farm Lane Portsmouth, VA 23701	1.0019 acres 1/36 of 36.07 acres	1.2524%

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**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
<b><u>Tract #2C - 24.06 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 39 P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns		
(b) Elmer Coleman Heirs, Devisees, Successors or Assigns		
(b.1) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.1337 acres 1/180 of 24.06 acres	0.1671%
(b.2) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.1337 acres 1/180 of 24.06 acres	0.1671%
(a.3) Adam F. Coleman Rt 1 Box 393 Castlewood, VA 24224	0.1337 acres 1/180 of 24.06 acres	0.1671%
(c) Thurman Coleman Heirs, Devisees, Successors or Assigns		
(c.1) Ruth Nuckles Coleman Address Unknown	<i>Life Estate Only</i>	
(c.2) Michael Coleman Address Unknown	0.2005 acres 1/120 of 24.06 acres	0.2506%
(c.3) Mildred Coleman Address Unknown	0.2005 acres 1/120 of 24.06 acres	0.2506%
(d) Onie Coleman Jackson Heirs, Devisees, Successors or Assigns		
(d.1) Betty Johnson McClanahan 4123 Zullard The Plains, VA 20198	0.0573 acres 1/420 of 24.06 acres	0.0716%
(d.2) Helen Johnson Faulkner 12309 Oak Forest Ln. Bayonet Pt., FL 34667	0.0573 acres 1/420 of 24.06 acres	0.0716%
(d.3) Blanche Johnson Dale 5503 Waters Edge Dr. Mineral, VA 23117	0.0573 acres 1/420 of 24.06 acres	0.0716%

**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(d.4) Agnes Johnson Bartee 107 Steeplechase Ln Winchester, VA 22602	0.0573 acres 1/420 of 24.06 acres	0.0716%
(d.5) Douglas W. Johnson 11317 Rosewood Ln Marshall, VA 20115	0.0573 acres 1/420 of 24.06 acres	0.0716%
(d.6) Phyllis Johnson Durland PO Box 7833 Lancaster, PA 17604	0.0573 acres 1/420 of 24.06 acres	0.0716%
(d.7) Kathryn Johnson Webb 17687 Mooresville Road Mooresville, NC 28115	0.0573 acres 1/420 of 24.06 acres	0.0716%
(e) Lorene Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.4010 acres 1/60 of 24.06 acres	0.5013%
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns		
(a) Ed Coleman Price Heirs, Devisees, Successors or Assigns		
(a.1) Hurley Street Heirs, Devisees, Successors or Assigns		
(a.1.1) Bonnie Street Address Unknown	1.0025 acres 1/24 of 24.06 acres	1.2531%
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns		
(h) Alva C. Coleman Heirs, Devisees, Successors or Assigns		
(h.1) Alva Lee Coleman P.O. Box 252 Grundy, VA 24614	0.1253 acres 1/192 of 24.06 acres	0.1566%
(h.2) Angelina Coleman Mullins 620 Mountain Brook Circle Stone Mountain, GA 30087	0.1253 acres 1/192 of 24.06 acres	0.1566%
(4) James (Jim) Arms Heirs, Devisees, Successors or Assigns		
(a) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.6683 acres 1/36 of 24.06 acres	0.8354%
(b) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.6683 acres 1/36 of 24.06 acres	0.8354%

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**Exhibit E**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(c) Mae Catherine Arms Heirs, Devisees, Successors or Assigns		
(c.1) Peter Jacobsen 2812 David Ave. Norfolk, VA 23518	0.6683 acres 1/36 of 24.06 acres	0.8354%
(6) John Arms Heirs, Devisees, Successors or Assigns		
(a) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.6683 acres 1/36 of 24.06 acres	0.8354%
(b) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.6683 acres 1/36 of 24.06 acres	0.8354%
(c) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.6683 acres 1/36 of 24.06 acres	0.8354%
(8) Vince Arms Heirs, Devisees, Successors or Assigns		
(c) Juanita I. Arms Deel Heirs, Devisees, Successors or Assigns		
(c.1) John Deel Address Unknown		<i>(Life Estate Only)</i>
(c.2) Martha Irene Deel Address Unknown	0.2005 acres 1/120 of 24.06 acres	0.2506%
(c.3) William V. Deel Box 14 Maxie, VA 24628	0.2005 acres 1/120 of 24.06 acres	0.2506%
(9) Slemp Arms Heirs, Devisees, Successors or Assigns		
(a) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.6683 acres 1/36 of 24.06 acres	0.8354%
(b) Donald Arms 7679 Dr. Ralph Stanley Hwy Coeburn, VA 24230	0.6683 acres 1/36 of 24.06 acres	0.8354%
(c) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.6683 acres 1/36 of 24.06 acres	0.8354%
(10) Dock Armes Heirs, Devisees, Successors or Assigns		
(e) Dessie Arms 5791 Deskins Rd. Vasant, VA 24656	0.6683 acres 1/36 of 24.06 acres	0.8354%

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Exhibit EE  
Unit AA-9  
Docket #VGOB 91-0430-0116-06  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2A - 36.07 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 39 P.O. Box 11000 Danville, VA 24543	36.07 acres	45.0875%	
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) D.W. Price Heirs, Devisees, Successors or Assigns	36.07 acres	45.0875%	
(a) Elizabeth Newberry Heirs, Devisees, Successors or Assigns			
(a.1) Ronald Newberry PO Box 100 Doran, VA 24641	6.0117 acres 1/6 of 36.07 acres	7.5146%	6.2082%
(a.2) Roger Miller 3258 Mill Creek Rd. Raven, VA 24639	6.0117 acres 1/6 of 36.07 acres	7.5146%	6.2082%
(a.3) Teresa McGlothlin 757 Barnette St. Richlands, VA 24641	3.0058 acres 1/12 of 36.07 acres	3.7573%	3.1041%
(a.4) Sherrie Boyd PO Box 266 Cedar Bluff, VA 24609	3.0058 acres 1/12 of 36.07 acres	3.7573%	3.1041%
<b><u>Tract #2B - 18.84 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 39 P.O. Box 11000 Danville, VA 24543	18.84 acres	23.5500%	na
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Robert A. Rash 117 Richardson Dr. Tazewell, VA 24651	18.84 acres	23.5500%	na

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Exhibit EE  
Unit AA-9  
Docket #VGOB 91-0430-0116-06  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2C - 24.06 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 39 P.O. Box 11000 Danville, VA 24543	24.06 acres	30.0750%	na
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
W. A. Arms Heirs, Devisees, Successors or Assigns	24.06 acres	30.0750%	na
(1) Florence Arms Coleman Heirs, Devisees, Successors or Assigns			
(a) Edmond M. (Bud) Coleman Heirs, Devisees, Successors or Assigns			
(a.1) Sue Edwards 101 St. Andrews Drive Bristol, VA 24202	0.2005 acres 1/120 of 24.06 acres	0.2506%	na
(a.2) Judy Fuller 17391 Cleveland Road Abingdon, VA 24211	0.2005 acres 1/120 of 24.06 acres	0.2506%	na
(2) Gertie Arms Coleman Heirs, Devisees, Successors or Assigns			
(b) Edna Coleman Price Heirs, Devisees, Successors or Assigns			
(b.1) James C. Price 208 Country Meadows Circle Bristol, TN 37620	0.5013 acres 1/48 of 24.06 acres	0.6266%	na
(c) Edgar Allen Price, Sr. Heirs, Devisees, Successors or Assigns			
(c.1) Edgar Allen Price, Jr. 1034 Moore Fork Road Duck, WV 25063	0.2506 acres 1/96 of 24.06 acres	0.3133%	na
(c.2) Katherine Price Sears	<i>Deed to CNX</i>		
(c.2.1) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.2506 acres 1/96 of 24.06 acres	0.3133%	na
(3) Gusta Arms Coleman Heirs, Devisees, Successors or Assigns			

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**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(a) Gladys Coleman Blankenship Heirs, Devisees, Successors or Assigns			
(a.1) Elmer James Jackson P.O. Box 415 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.2) Ettie Mae Hill Heirs, Devisees, Successors or Assigns			
(a.2.1) Billie Ray Hill, Jr. PO Bx 582 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.3) Paul Jackson Box 117 Davenport, VA 24239	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.4) Agnes Hurley Rt.1 Box 392 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.5) Linda Ruth Gilbert Rt.1 Box 408 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.6) Lois Kate Boyd P.O. Box 685 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.7) Ira Roger Jackson Box 1097 Vansant, VA 24656	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.8) Rhonda Renee Gilbert P.O. Box 243 Davenport, VA 24239	0.0278 acres 1/864 of 24.06 acres	0.0348%	<i>na</i>
(a.9) Marshall Odell Jackson Heirs, Devisees, Successors or Assigns			
(a.9.1) Richard Jackson McHenry 8545 Maineville Road Orrville, OH 44667	0.0139 acres 1/1728 of 24.06 acres	0.0174%	<i>na</i>
(a.9.2) Sally A. Hartzler 7296 Apple Creek Road Sterling, OH 44276	0.0139 acres 1/1728 of 24.06 acres	0.0174%	<i>na</i>
(b) Howard Coleman Heirs, Devisees, Successors or Assigns			
(b.1) Opal Coleman 18988 I-18 Rt. 2 Continental, OH 45831	0.2506 acres 1/96 of 24.06 acres	0.3133%	<i>na</i>

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**Exhibit EE  
Unit AA-9  
Docket #VGOB 91-0430-0116-06  
List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(c) Beatrice Coleman Owens Heirs, Devisees, Successors or Assigns			
(c.1) Burton Eugene Owens P.O. Box 1933 Grundy, VA 24614	0.1253 acres 1/192 of 24.06 acres	0.1566%	<i>na</i>
(c.2) Darlene Owens Mullins 138 Rosedale Hgts. Lane Rosedale, VA 24280	0.1253 acres 1/192 of 24.06 acres	0.1566%	<i>na</i>
(d) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.2506 acres 1/96 of 24.06 acres	0.3133%	<i>na</i>
(e) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.2506 acres 1/96 of 24.06 acres	0.3133%	<i>na</i>
(f) Mae Coleman Shortridge 53 Twin Oak Circle Lebanon, VA 24266	0.2506 acres 1/96 of 24.06 acres	0.3133%	<i>na</i>
(g) Lucy Coleman Looney 18540 Westinghouse Rd. Abingdon, VA 24210-7936	0.2506 acres 1/96 of 24.06 acres	0.3133%	<i>na</i>
(5) Lula Arms Street Heirs, Devisees, Successors or Assigns			
(a) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	2.0050 acres 1/12 of 24.06 acres	2.5063%	<i>na</i>
(7) Alice Arms Jackson Heirs, Devisees, Successors or Assigns			
(a) Alice Mae Elliott 14200 Douglas Lane Road Centerburg, OH 43011	1.0025 acres 1/24 of 24.06 acres	1.2531%	1.0353%
(b) John E. Jackson 4138 Johnstown Road Centerburg, OH 43011	1.0025 acres 1/24 of 24.06 acres	1.2531%	1.0353%
(8) Vince Arms Heirs, Devisees, Successors or Assigns			
(a) Tivis A. Arms 1209 W. Madison St., Apt. 27C Mayodan, NC 27027	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>
(b) Kelsie Arms Eastridge PO Box 654 Millers Creek, VA 28651	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>

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**Exhibit EE**  
**Unit AA-9**  
**Docket #VGOB 91-0430-0116-06**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Percent of Escrow
(d) Josh Vince Arms Rt.3 Box 316 Grundy, VA 24614	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>
(e) William (Billy) P. Arms Heirs, Devisees, Successors or Assigns			
(e.1) Wanda Arms, widow 15334 Whites Mill Rd. Abingdon, VA 24210	0.4010 acres 1/60 of 24.06 acres	0.5013%	<b>0.4141%</b>
(10) Dock Armes Heirs, Devisees, Successors or Assigns			
(a) William Ersel Armes 301 Ridgewood Drive Lebanon, VA 24266	0.3342 acres 1/72 of 24.06 acres	0.4177%	<i>na</i>
(b) Jean Cook (Phyllis) 23274 Golden View Drive Abingdon, VA 24211	0.3342 acres 1/72 of 24.06 acres	0.4177%	<i>na</i>
(c) Brenda Sue Fletcher P.O. Box 870 Vansant, VA 24656	0.3342 acres 1/72 of 24.06 acres	0.4177%	<i>na</i>
(d) Rita Coleman 1085 Coleman Curve Rd. Vansant, VA 24656	0.3342 acres 1/72 of 24.06 acres	0.4177%	<i>na</i>
(11) Howell Arms Heirs, Devisees, Successors or Assigns			
(a) Mary June Shortridge Arms 24404 Green Springs Road Abingdon, VA 24211	2.0050 acres 1/12 of 24.06 acres	2.5063%	<i>na</i>
(12) Virgie Arms Osborne Heirs, Devisees, Successors or Assigns			
(a) James Osborne 26413 Mansfield Road Devince, OH 43512	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>
(b) Ron Osborne 26200 Yearsley Road Raymond, OH 43067-8009	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>
(c) Bill Osborne 1280 Three Springs Rd. Russellville, TN 37860	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>
(d) Delmar Osborne P.O. Box 2625 Grundy, VA 24614	0.4010 acres 1/60 of 24.06 acres	0.5013%	<i>na</i>

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Exhibit EE  
Unit AA-9  
Docket #VGOB 91-0430-0116-06  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Percent of Escrow
(e) Geraldine O'Quinn 1405 Crooked Branch Rd. Vansant, VA 24656	0.4010 acres 1/60 of 24.06 acres	0.5013%	na

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**Tract-by-Tract Escrow Calculation**  
**Account Balances as of 7/31/10**

Unit AA-9  
 VGOB 91-0430-0116-06  
 Acres Escrowed: 48.417458

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$108,178.70
Harrison-Wyatt, LLC - Coal	2A	36.070000			18.6245%	\$20,147.72
D.W. Price Heirs - O&G		36.07				
Ronald Newberry			6.0117	1/6	6.2082%	\$6,715.91
Roger Miller			6.0117	1/6	6.2082%	\$6,715.91
Teresa McGlothlin			3.0058	1/12	3.1041%	\$3,357.95
Sherrie Boyd			3.0058	1/12	3.1041%	\$3,357.95
Harrison-Wyatt, LLC - Coal	2C	12.347458			2.4846%	\$2,687.85
W.A. Arms Heirs - O&G		24.06				
Alice Mae Elliot			1.0025	1/24	1.0353%	\$1,119.94
John E. Jackson			1.0025	1/24	1.0353%	\$1,119.94
Wanda Arms			0.4010	1/60	0.4141%	\$447.98

**Wells contributing to the escrow account:**

AA9

INSTRUMENT #100003363  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 DECEMBER 21, 2010 AT 12:14PM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: NKE

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## Hagy, Sharon (DMME)

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**From:** VITASHARE System [vitashare@vita.virginia.gov]  
**Sent:** Tuesday, December 21, 2010 2:49 PM  
**To:** Hagy, Sharon (DMME)  
**Subject:** New Transaction WCJ4YSXTJJJ8Y8VM

Transaction details for Sharon Hagy(user shagy\_1)

Job Id: WCJ4YSXTJJJ8Y8VM

Date: Tue, Dec 21, at 14:48

### Transaction Details:

Acknowledge Security Policy: I understand that this system is not intended for sensitive data.

Recipient's Email example- user1@virginia.gov, user2@virginia.gov:

AnitaDuty@consolenergy.com, dldavis@firstbank.com, gloria.clark@dmme.virginia.gov, hila reymullins@consolenergy.com, jwilliams@firstbank.com

Message - Describe file attachment: Please see the recorded disbursement of escrow funds for the following dockets: 0116-06 0185-03 0503-02 0923-01 Please let me know if you are unable to open these files. Thank you and Merry Christmas, Sharon Hagy 276/415-9700

Notify me when the file is downloaded?: Yes

Pin: 58741

### Files:

0116-06\_Disbursement.tif  
0185-03\_Disbursement.tif  
0503-02\_Disbursement.tif  
0923-01\_Disbursement.tif

View details here <<http://vitashare.vita.virginia.gov/fcweb/viewJobLink.do?JOBIDX=WCJ4YSXTJJJ8Y8VM>>

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