



3. **Jurisdiction and Notice:** Pursuant to Va. Code § 45.1-361.1 *et seq.*, the Board finds that it has jurisdiction over the establishment and maintenance of the escrow account established by the Board for the Subject Drilling Unit pursuant to the terms of the Pooling Order, the Supplemental Order and the Amended Supplemental Order (herein "Escrow Account") into which the Unit Operator is required to deposit those funds specified in the escrow requirements of the Virginia Gas and Oil Act (herein "Act") found at 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. (herein "Escrowed Funds"). Further, the Board finds: (1) that it does not have jurisdiction to resolve conflicting claims of ownership to the Coalbed Methane Gas being produced by the Unit Operator from wells located on Subject Drilling Unit, (2) that it does not have jurisdiction to interpret voluntary agreements between the Gas owners/claimants and the Unit Operator or to abridge or contravene the provisions of such agreements, and (3) that pursuant to Va. Code § 45.1-361.22.A.5, it does have jurisdiction and authority to disburse funds from the Escrow Account provided there has first been either a legal determination of Applicants' entitlement with respect to the liquidated amount of the funds on deposit in the Escrow Account attributable or allocable to Applicants' interest therein or there is an agreement by all of the owners/claimants within the drilling unit as to the amount of their respective Entitlement to the Escrowed Funds. The Applicants have represented to the Board that they have given notice to all 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 this application, i.e., those persons set forth in Exhibit E hereto (persons identified by the Operator in the Escrow Accounting as being owners/claimants whose interests in Subject Drilling Unit are subject to the escrow requirements of the Act and the Pooling Order (persons whose Entitlements have purportedly been placed by the Unit Operator into the Escrow Account and who, according to the Operator, are the claimants to the Escrowed Funds). 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 state due process.

4. **Prior Proceedings:**

4.1 At the Board's hearing on April 21, 1992 in Docket No. VGOB 92-04/21-0217, the Board granted the relief sought by Pocahontas Gas Partnership (herein "Operator") and pooled the interests in the Subject Formations in the Subject Drilling Unit underlying the Subject Lands for the production of coalbed methane gas (herein collectively referred to as "Coalbed Methane Gas" or "Gas") from active gob areas of the pool defined as those strata correlative to the coal seams and the coal seams below the Tiller Seam, including the Lower Castle, Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, C, War Creek, Pocahontas No. 10, Lower Horsepen, Pocahontas No. 9, Pocahontas No. 8, Pocahontas No. 7 Pocahontas, No. 6 Pocahontas No. 5, Pocahontas, No. 4, Pocahontas No. 3, Pocahontas No. 2 and various unnamed coal seams or pools, and all zones in communication therewith and all productive extensions thereof (herein "Subject Formations") pursuant to Va. Code §§ 45.1-361.21 and 45.1-361.22, and the terms of the Pooling Order, and the Board named the PGP as the Operator. The Supplemental Order and the Amended Supplemental Order, each of which incorporated the Operator's Affidavit of Election, were entered by the Board *sua sponte* to comply with the requirements of the Board's Regulation 4 VAC 26-160.70.C. by supplementing the Pooling Order to complete the record regarding elections and to identify to the Board those claimants whose interests were subject to the escrow requirements of Act and the Pooling Order.

4.2 In their application to the Board to withdraw those funds in the Escrow Account which Applicants claim are uniquely attributable to their mutually conflicting Gas interests within Subject Drilling Unit, the Applicants warranted and represented to the Board that:

- a. Torch and PGP are the sole claimants to the following interests within Subject Drilling Unit:

<u>Tract</u>	<u>Aggregate Undivided Interest In Tract</u>	<u>Aggregate Interest in Unit</u>
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5	PGP – 100% of Oil and Gas Torch – 100% of Coal	0.17%
17	PGP – 100% of Oil and Gas Torch – 100% of Coal	4.98115%
	Total	5.15115%

- b. By Assignment and Bill of Sale dated as of December 29, 1997 (herein "Assignment"), effective September 4, 1991 Trust assigned to Torch (1) the Gas Lease Royalty insofar as it relates to the production of Methane from the Conflict Property and the Non-Conflict Property and any gas royalty rights with respect to Methane that arise by operation of law or otherwise in all properties and lands pooled, unitized, communitized or consolidated with such properties (the "Royalty Interest") and (2) the royalties which have been held in escrow by Premier Bank as Escrow Agent and the royalty held by PGP pending the resolution of the conflicting claims to the Gas Lease Royalty, other than royalties that have been released or will be released pursuant to the term of the Garden Realty Settlement Agreement (the "Escrowed Funds").
- c. That by the Assignment Trust assigned to Torch the Escrowed Funds attributable to the tracts identified in paragraph 4.2.a. above.
- d. Trust, Torch and PGP by agreement dated December 30, 1997 (herein "Settlement Agreement") agreed that the portion of the Escrowed Funds uniquely attributable to their conflicting interests in Subject Drilling Unit, once determined, were to be paid as follows: a sum equal to fifty percent (50%) to PGP and a sum equal to fifty percent (50%) to Torch.

4.3 Through the application filed herein, the Applicants seek a partial disbursement of funds from the Escrow Account. A review of the Pooling Order, Supplemental Order, and Amended Supplemental Order reveals that the Applicants have purportedly entered into voluntary agreements with the Operator with respect to their interests in Subject Drilling Unit and:

- a. The Operator's Affidavit of Election of March 18, 1996 which was attached to and made a part of the Supplemental Order indicates that the only interests within Subject Drilling Unit that was subject to the escrow requirements of the Act and the Pooling Order were those of the persons identified in Exhibit B-3 as "Unleased Owners/Claimants". Said Exhibit B-3 to said Affidavit does not identify the tract number within Subject Drilling Unit in which said parties' interests lie, nor did it appear to include the interests that were the subject of voluntary leases with the Operator, including the Applicants.
- b. Since the Application filed herein and testimony presented to the Board was inconsistent with the information set forth in the Operator's March 18, 1996 Affidavit of Election, the Board instructed the Operator to file an amended Affidavit of Election to support an Amended Supplemental Order to properly reflect those interests in Subject Drilling Unit for which funds were actually being deposited by the Operator into the Escrow Account.
- c. The Operator's Affidavit of Election of May 27, 1998 (attached to and made part of the Amended Supplemental Order) had attached an Exhibit E entitled "Conflicting Owners/Claimants that Require Escrow" and reflects that those tract(s) in which Trust and PGP both held an interest (Trust as the coal owner and PGP as the gas and oil owner) were:

<u>Tract</u>	<u>Aggregate Undivided Interest In Tract</u>	<u>Aggregate Interest in Unit</u>
Tract #75C	0.639 Acres	0.35008%
Tract 79B	1.565 Acres	0.85740%

Total

1.20748%

5. **Relief Requested:** Applicants requested that the Board (1) calculate the amount(s), in the aggregate, attributable to Tracts 17 and 5 pursuant to the terms of Applicants' voluntary agreements with the Operator, (2) provide for an accounting of said sums by the Operator and by the Escrow Agent to the Applicants, (3) disburse all sums due the Applicants by virtue of their voluntary agreements and/or the Pooling Order, including applicable earnings, whether held by the Operator and/or the Escrow Agent, in the manner set forth in the Settlement Agreement, and (4) effective May 25, 1998, direct the Operator to discontinue the payment of Applicants' Entitlements attributable to their conflicting claims within Tract 17 and 5 into the Escrow Account, but rather to disburse such funds, including any applicable earnings, together with an accounting thereof, to Applicants in accordance with the Settlement Agreement.
6. **Special Findings:**
  - 6.1. The Operator's affidavit filed in support of the Amended Supplemental Order indicates that the Operator is depositing funds into the Escrow Account for the tracts identified in Paragraph 4.3.c. above and on Exhibit E hereto. The Board is unable to determine from the evidence presented when the Operator commenced depositing funds attributable to Applicants' interest in Subject Drilling Unit into the Escrow Account, or the period of time during which said funds have been on deposit in the Escrow Account.
  - 6.2. There is a discrepancy between the application filed herein and Exhibit E hereto as can be seen by a comparison of Paragraph 4.2.a. above to Paragraph 4.3.c. above.
  - 6.3. The Pooling Order, the Supplemental Order, the Amended Supplemental Order, and the Board's contract with the Escrow Agent directed and authorized the Escrow Agent to set up one escrow account for the Subject Drilling Unit and to receive from the Operator for deposit into that account proceeds subject to the Escrow Requirements of the Act and the Pooling Order. Funds within the SLW9 Drilling Unit Escrow Account are not segregated by tract within the drilling unit, nor is interest accrued or fees assessed on a tract-by-tract basis.
  - 6.4. Va. Code § 45.1-361.22.A.5. provides that "*The Board shall order payment of principal and accrued interest from the escrow account to all persons legally entitled thereto pursuant to the provisions of § 45.1-361.21 and the order of the Board. Such order shall be issued within thirty days of receipt of notification of the final legal determination of entitlement thereto or upon agreement of all claimants.*" Neither the Act or the regulations promulgated pursuant thereto define the term "entitlement"; therefore, the Board in applying its common meaning as set forth in Black's Law Dictionary (right or benefits, income or property, which may not be abridged without due process), the Board defines the term "entitlement" as used in Va. Code § 45.1-361.22.A.5. to mean "*the liquidated dollar amount of that portion of the Escrowed Funds which is uniquely attributable to each Gas Owner's interest in Subject Drilling Unit to be comprised of the Principal deposited by the Operator into the Escrow Account, plus interest accruing on the Principal for the period of time said Principal was on deposit in the Escrow Account (herein "Interest"), less the fees charged by the Escrow Agent to the Escrow Account allocable to Applicants' interests in Subject Drilling Unit (herein "Fees") (herein Principal, plus Interests less Fees is collectively referred to as "Entitlement").*"
  - 6.5. In determining whether or not Applicants have established their Entitlement in the Escrowed Funds, the Board finds that: (1) with respect to the application herein, there has been no final legal determination of Applicants' entitlement to the Escrowed Funds, (2) all of the persons identified by the Operator as having or claiming Gas interests within Subject Drilling Unit for which funds are being deposited by the Operator into the Escrow Account have not resolved their conflicting claims or agreed to their respective Entitlement and (3) there are discrepancies

between what the Applicants claim to be their aggregate interest in the Escrowed Funds and what the Operator represents Applicants' aggregate interest in the Escrowed Funds to be.

7. **Relief Granted:** Therefore:

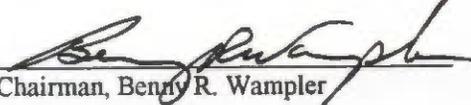
7.1 Applicants' request for an accounting is granted and the Operator is directed to determine and file with the Board, broken down on a tract-by-tract basis, an historical, chronological and itemized summary of each and every deposit Operator has made into the Escrow Account.

7.2 For the reasons set forth in Paragraph 6 above, Applicants' request for disbursement of funds from the Escrow Account is continued to allow for the presentation to the Board of the information required by Paragraph 7.1 and to allow Applicants an opportunity to explain to the Board the differences between the representation and warranties contained in their application and the representations of the Operator as set forth in Exhibit E hereto; and for the Board to proceed as it may deem appropriate based upon the evidence presented.

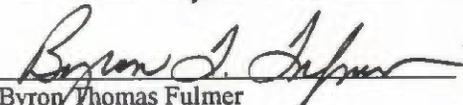
8. **Conclusion:** Therefore, the relief granted is just and reasonable, is supported by substantial evidence, and the Board is entering this Order granting the relief requested as more particularly set forth in Paragraph 7 above and IT IS SO ORDERED.

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

DONE AND EXECUTED this 10<sup>th</sup> day of November, 1998, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 17<sup>th</sup> day of November, 1998, by Order of this Board.

  
Byron Thomas Fulmer  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WISE )

Acknowledged on this 10<sup>th</sup> day of November, 1998, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary Public

My commission expires July 31, 2002

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 17<sup>th</sup> day of November, 1998, personally before me a notary public in and for the Commonwealth of Virginia, appeared Byron Thomas Fulmer, 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

My commission expires September 30, 2001

UNIT SLW9  
Docket # VGOB-92-0421-0217-01  
Exhibit E

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<b><u>Tract #68 - 24.4502 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 14 P. O. Box 675 Tazewell, VA 24651	24.45 acres	13.39531%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Ernest Keen Heirs	24.45 acres	13.39531%
(a) Paul Keen Rt. 1, Box 52 Raven, VA 24639	4.08 acres 1/6 of 24.4502 acres	2.23255%
(b) Ralph Keen Rt. 1, Box 52 Raven, VA 24639	4.08 acres 1/6 of 24.4502 acres	2.23255%
(c) Arnold Keen Rt. 2, Box 91 Cedar Bluff, VA 24609	4.08 acres 1/6 of 24.4502 acres	2.23255%
(d) Ruby Hale Box 731 Cedar Bluff, VA 24609	4.08 acres 1/6 of 24.4502 acres	2.23255%
(e) Anna R. Lambert Rt. 4, Box 597 North Tazewell, VA 24630	4.08 acres 1/6 of 24.4502 acres	2.23255%
(f) Ann McGowan Rt. 1, Box 52 Raven, VA 24639	4.08 acres 1/6 of 24.4502 acres	2.23255%
<b><u>Tract #68A - 1.134 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 14 P. O. Box 675 Tazewell, VA 24651	1.13 acres	0.62127%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Roy McCowan Rt. 2, Box 52 Raven, VA 24539	1.13 acres	0.62127%
<b><u>Tract #68B - 0.230 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 14 P. O. Box 675 Tazewell, VA 24651	0.23 acres	0.12601%

UNIT SLW9  
Docket # VGOB-92-0421-0217-01  
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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Ralph Keen Rt. 1, Box 52 Raven, VA 24539	0.23 acres	0.12601%
<b><u>Tract #68C - 0.547 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 14 P. O. Box 675 Tazewell, VA 24651	0.55 acres	0.29968%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Anna R. Lambert Rt. 4, Box 597 North Tazewell, VA 24630	0.55 acres	0.29968%
<b><u>Tract #69 - 3.489 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 5 P. O. Box 29 Tazewell, VA 24651	3.49 acres	1.91149%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Thurman Wade P. O. Box 225 Oawood, VA 24631	3.49 acres	1.91149%
<b><u>Tract #70 - 0.312 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 5 P. O. Box 29 Tazewell, VA 24651	0.31 acres	0.17093%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Consolidation Coal Company P. O. Box 947 Bluefield, VA 24605	0.31 acres	0.17093%
<b><u>Tract #72 - 1.271 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 5 P. O. Box 29 Tazewell, VA 24651	1.27 acres	0.69633%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Winfred L. Wade Rt. 1, Box 57 Raven, VA 24639	1.27 acres	0.69633%

UNIT SLW9  
Docket # VGOB-92-0421-0217-01  
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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<b><u>Tract #73 - 1.337 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 5 P. O. Box 29 Tazewell, VA 24651	1.34 acres	0.73249%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Agnes Deskins Rt. 1, Box 59 Raven, VA 24639	1.34 acres	0.73249%
<b><u>Tract #74A - 7.866 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	7.87 acres	4.30948%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Earl Marshall Heirs, Devisees, Successors or Assigns	7.87 acres	4.30948%
(a) Charles L. Ritchie Rt. 1, Box 258-A St. Paul, VA 24283	4.92 acres 5/8 of 7.866 acres	2.69342%
(b) Lowery L. Jackson 5001 Parker Avenue West Palm Beach, FL 33405	0.98 acres 1/8 of 7.866 acres	0.53868%
(c) Corbit Jackson Rt. 1, Box 80 Raven, VA 24639	0.98 acres 1/8 of 7.866 acres	0.53868%
(d) Herbert L. Jackson P. O. Box 426 Grundy, VA 24614	0.98 acres 1/8 of 7.866 acres	0.53868%
<b><u>Tract #75 - 6.467 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	6.47 acres	3.54302%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Julius Rowe P. O. Box 454 Grundy, VA 24614	6.47 acres	3.54302%

UNIT SLW9  
Docket # VGOB-92-0421-0217-01  
Exhibit E  
List of Conflicting Owners/Claimants that require escrow

	Net Acres In Unit	Interest In Unit
<b><u>Tract #77C - 11.333 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	11.33 acres	6.20891%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Bobby Steele Rt. 1, Box 66 Raven, VA 24641	11.33 acres	6.20891%
<b><u>Tract #77D - 4.915 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	4.92 acres	2.69274%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Glenn Rose 114 First Avenue Richlands, VA 24641	4.92 acres	2.69274%
<b><u>Tract #77E - 0.772 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	0.77 acres	0.42295%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Grady Horn Rt. 1, Box 65 Raven, VA 24639	0.77 acres	0.42295%
<b><u>Tract #77F - 1.889 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	1.89 acres	1.03491%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Ruth Steele Rt. 1, Box 66 Raven, VA 24641	1.89 acres	1.03491%
<b><u>Tract #78 - 0.126 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 17 P. O. Box 675 Tazewell, VA 24651	0.13 acres	0.06903%

UNIT SLW9  
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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Yukon Pocahontas Coal Co. P. O. Box 187 Tazewell, VA 24651	0.13 acres	0.06903%
<b><u>Tract #79 - 9.19 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company Tr 19 P. O. Box 675 Tazewell, VA 24651	9.19 acres	5.03484%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Garden Realty Corporation c/o Betty Boyd King 2370 Lyndhurst Avenue Winston-Salem NC 27103	9.19 acres	5.03484%
<b><u>Tract #79B - 1.565 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	1.57 acres	0.85740%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Pocahontas Gas Partnership P. O. Box 947 Bluefield, VA 24605	1.57 acres	0.85740%
<b><u>Tract #79C - 0.187 Acre Tract</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust Tr 17 P. O. Box 29 Tazewell, VA 24651	0.19 acres	0.10245%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Ernest Keen Heirs, Devisees, Successors or Assigns	0.19 acres	0.10245%
(a) Paul Keen Rt. 1, Box 52 Raven, VA 24639	0.03 acres 1/6 of 0.187 acres	0.01708%
(b) Ralph Keen Rt. 1, Box 52 Raven, VA 24639	0.03 acres 1/6 of 0.187 acres	0.01708%
(c) Arnold Keen P. O. Box 386 Oakwood, VA 24631	0.03 acres 1/6 of 0.187 acres	0.01708%
(d) Ruby Hale Cedar Bluff, VA 24609	0.03 acres 1/6 of 0.187 acres	0.01708%

UNIT SLW9  
Docket # VGOB-92-0421-0217-01  
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List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(e) Anna R. Lambert Rt. 1, Box 52 Raven, VA 24639	0.03 acres 1/6 of 0.187 acres	0.01708%
(f) Ann McGowan Rt. 1, Box 52 Raven, VA 24639	0.03 acres 1/6 of 0.187 acres	0.01708%

**Tract #79E - 4.28 Acre Tract**

**COAL FEE OWNERSHIP**

(1) Coal Mountain Mining Company Tr 24 P. O. Box 675 Tazewell, VA 24651	4.28 acres	2.34485%
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**OIL & GAS FEE OWNERSHIP**

(1) Garden Realty Corporation c/o Betty Boyd King 2370 Lyndhurst Avenue Winston-Salem NC 27103	4.28 acres	2.34485%
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