

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 James
McGuire Land Trust and Linda Meledge
Estridge

DOCKET NO.
93-0216-0330-05

Tax Map Identification Numbers for All Parcels Affected By This Order Are Shown On Exhibit A1

RELIEF SOUGHT: Issuance: An Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling Unit P-40
Tracts 2L, 2M, 2N, 2P
(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
- (2) To provide each applicant a Royalty Accounting
- (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 BOARDFINDINGS 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 August 16, 2011 at the Conference Center, Russell County Office Building, and Highland Drive, Lebanon, Virginia.
2. Appearances: Mark Swartz for the Unit Operator; 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 subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. Prior Proceedings:

- 4.1. A. The Board issued its original order dated December 30, 1993 and recorded in Buchanan County, Virginia on January 7, 1994 at Deed Book 417, Page 378.
B. The Board issued its supplemental order dated June 29, 1995 and recorded in Buchanan County, Virginia on July 7, 1995 at Deed Book 437, Page 549.
C. The Board issued its revised supplemental order dated February 9, 2001 and recorded in Buchanan County, Virginia at Deed Book 519 at Page 384.
D. The Board issued its Disbursement Order on October 3, 2001 and recorded in Buchanan County, Virginia at Deed Book 537, Page 726.
E. The Board issued its Disbursement Order on February 15, 2003 and recorded in Buchanan County, Virginia at Deed Book 563, Page 14.
F. The Board issued its Disbursement Order on August 17, 2005 and recorded in Buchanan County, Virginia at Instrument Number 050002469.
G. The Board on its own motion revisited prior docket 0330-04.
- 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 attached miscellaneous petition and testimony, the coal estate ownership interests of James McGuire Land Trust and the gas ownership interests of Linda Meledge Estridge in Tracts 2L, 2M, 2N and 2P in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.2 The Unit Operator's Miscellaneous Petition regarding Tracts 2L, 2M, 2N, and 2P, a copy of which is attached hereto and made a part hereof, states James M. McGuire Land Trust and Linda Meledge Estridge have entered into a royalty split agreement (50/50). That by the terms of the agreement and escrow regarding these individual conflicting claims detailed herein escrowing with the Virginia Gas and Oil Board is no longer required.
- 4.3 The Unit Operator gave notice to the applicants that the Board would consider its disbursement authorization at its hearing on August 16, 2011 to 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 2L, 2M, 2N, 2P as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to tracts mentioned herein and the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow (4) reimburse overpayment made by CNX into escrow for this unit \$5,066.99.

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 Special Findings

- (1) Based on testimony provided by CNX at the August 16, 2011 hearing, it was reported that an overpayment had been made into the account. That a portion of the monies had been recouped but in order to proceed with the disbursement CNX would like to have the remaining overpayment returned. The Board ordered

that CNX would provide a dollar value for reimbursement in November 2011 which would be paid prior to the parties identified in the petition. The dollar amount provided \$5,066.99 (see attached e-mail confirmation).

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1.

Unit P-40
 VGOB 93-0216-0330-05
 Acres Escrowed: 20.77
 Table 1

Account Balance as of 6/30/11

				Total Amount in Escrow \$152,576.32
CNX Gas Company	2481 John Nash Blvd., Bluefield WV 24701	Reimburse a total of \$5,066.99 due to overpayment	Make reimbursement prior to following disbursements	
Owners	Tract No.	Tract Acres	Interest	Owners Percent of Escrow
James M. McGuire Land Trust c/of Charles Green, P. O. Box 1067, Bluefield, VA 24605	2L	12.02	50	14.4680%
Linda Meledge Estridge, 969 Ridgedale Road, Saltville, VA 24370	2L	12.02	50	14.4680%
James M. McGuire Land Trust c/of Charles Green, P. O. Box 1067, Bluefield, VA 24605	2M	2.57	50	3.0934%
Linda Meledge Estridge, 969 Ridgedale Road, Saltville, VA 24370	2M	2.57	50	3.0934%
James M. McGuire Land Trust c/of Charles Green, P. O. Box 1067, Bluefield, VA 24605	2N	.93	50	1.1194%
Linda Meledge Estridge, 969 Ridgedale Road, Saltville, VA 24370	2N	.93	50	1.1194%
James M. McGuire Land Trust c/of Charles Green, P. O. Box 1067, Bluefield, VA 24605	2P	1.86	50	2.2388%
Linda Meledge Estridge, 969 Ridgedale Road, Saltville, VA 24370	2P	1.86	50	2.2388%

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 escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for the Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

6. **Conclusion:**

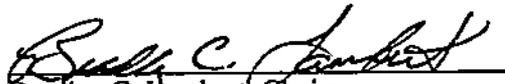
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

7. **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.

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

DONE AND EXECUTED this 19 day of Dec, 2011, by a majority of the Virginia Gas and Oil Board.

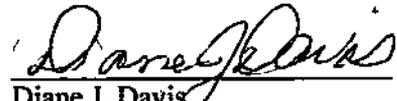

Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 19th day of Dec, 2011, by an Order of this Board.


Rick Cooper
Acting Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 19th day of December, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper., 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: 09/30/13



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 93-0216-0330-05

RELIEF SOUGHT: (1) REIMBURSE OVERPAYMENT TO THE OPERATOR PRIOR TO ANY ADDITIONAL DISBURSEMENTS FROM THE ACCOUNT; (2) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2L, 2M, 2N, & 2P (3) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: August 16, 2011

DRILLING UNIT: P40

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 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) Prior to disbursement of any additional funds, reimburse overpayment of funds deposited with the Board's Escrow Agent attributable to unit P40 to CNX Gas Company LLC as depicted upon the annexed Exhibit A-1 (2) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 2L, 2M, 2N, & 2P as depicted upon the annexed Exhibit A-1; and (3) authorization to begin paying royalties directly to the parties to the royalty split between James M McGuire Land Trust and Linda Meledge Estridge

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: James M McGuire Land Trust and Linda Meledge Estridge 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-1, further, specifies how said royalties are to be divided and paid.

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

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

By: _____

Anita D. Duty
Pooling Supervisor
Consol Energy Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701



ce

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

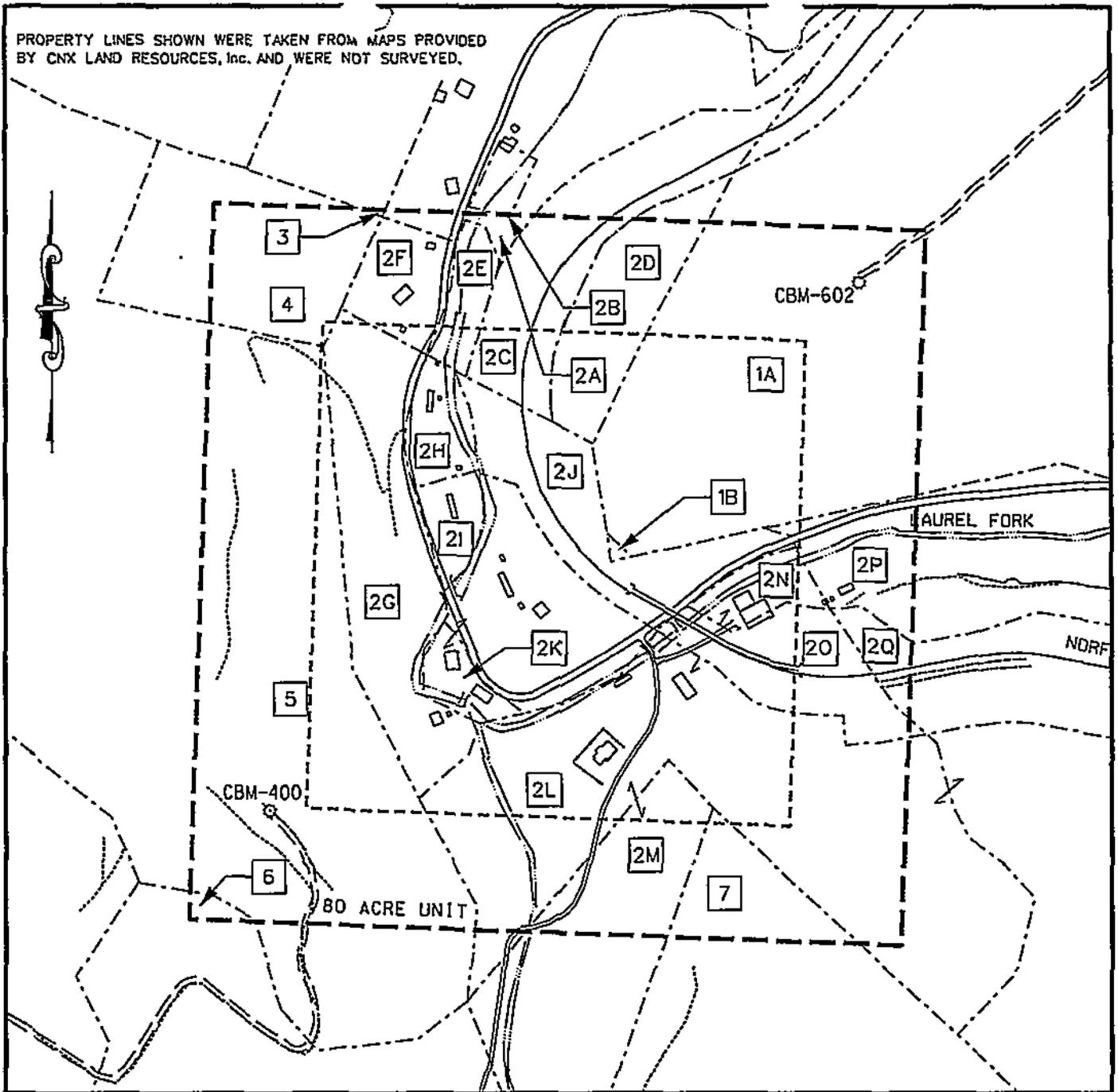


EXHIBIT A
 OAKWOOD FIELD
 UNIT P-40
 FORCE POOLING
 VGOB-93-0216-0330-04

Company CNX Gas Company LLC Well Name and Number UNIT P40
 Tract No. _____ Elevation _____ Quadrangle Jewell Ridge
 County Buchanan District Garden Scale: 1" = 400' Date 12/2/05
 This plot is a new plot : on an updated plot _____ or a 1000 plot _____

Form DGO-60-7
 Rev. 9/91

Charles O. May
 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

CNX Gas Company LLC
UNIT P - 40
Tract Identifications

1. P. J. Brown Heirs (889 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. Company - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased (99.46250%)
13.59 acres 16.9875%
- 1A. P. J. Brown Heirs – Surface
1B. Norfolk Southern Railway - Surface
- 2A. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – Surface and All Minerals except Coal
0.47 acres 0.5875%
- 2B. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Rhoda Kidd - Surface
0.01 acres 0.0125%
- 2C. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
2.47 acres 3.0875%
- 2D. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
2.67 acres 3.3375%
- 2E. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
0.91 acres 1.1375%



CNX Gas Company LLC
UNIT P - 40
Tract Identifications

- 2F. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
1.56 acres 1.9500%
- 2G. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Kyle P. Robinson – Surface and All Minerals except Coal
9.97 acres 12.4625%
- 2H. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
1.09 acres 1.3625%
- 2I. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – All Minerals except Coal
Reserve Coal Properties Company – Surface
0.81 acres 1.0125%
- 2J. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Reserve Coal Properties Company – All Minerals except Coal
Norfolk Southern Railway - Surface
3.72 acres 4.6500%
- 2K. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Kyle P. Robinson – Surface and All Minerals except Coal
0.75 acres 0.9375%

CNX Gas Company LLC

UNIT P - 40

Tract Identifications

- 2L. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
W. B. McDonald - Surface and All Minerals except Coal
12.02 acres 15.0250%
- 2M. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
W. B. McDonald - Surface and All Minerals except Coal
2.57 acres 3.2125%
- 2N. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
W. B. McDonald - Surface and All Minerals except Coal
0.93 acres 1.1625%
- 2O. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
Norfolk Southern Railway - Surface All Minerals except Coal
2.75 acres 3.4375%
- 2P. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
W. B. McDonald - Surface and All Minerals except Coal
1.86 acres 2.3250%
- 2Q. James M. McGuire Land Trust (Joseph Cantrell 460 57 Acre Tract) - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Coal Above Drainage Leased
CNX Gas Company LLC - CBM Leased
Norfolk Southern Railway - Surface All Minerals except Coal
0.63 acres 0.7875%
3. Joe Keith Smith - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Reserve Coal Properties Company - Surface and All Minerals except Coal
0.01 acres 0.0125%

CNX Gas Company LLC
UNIT P - 40
Tract Identifications

4. Consolidation Coal Company - Coal
CNX Gas Company LLC - All Minerals except Coal
Consolidation Coal Company - Surface
2.99 acres 3.7375%

5. Reserve Coal Properties Company - Coal In Jawbone and Below (1/2) (76.40 Acre Tract)
Bessie Franks Heirs, et al - All Minerals (1/2)
Ronald A. Clyborne - Coal Above Jawbone (1/2)
Ronald A. Clyborne - All Minerals except Coal (1/2)
CNX Gas Company LLC - Oil, Gas and CBM Leased
Bessie Franks Heirs, et al - Surface (1/2)
Reserve Coal Properties Company - Surface (1/2)
16.08 acres 20.1000%

6. Carl Metcalf Estate - All Minerals
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased except P-3 Seam
Consolidation Coal Company - P-3 Seam Leased
CNX Gas Company LLC - CBM Leased
Mildred Patrick, et vir -
0.18 acres 0.2250%

7. Coal Mountain Mining Company L.L.P. Tr. 26 - Fee
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
1.96 acres 2.4500%

Exhibit E
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants that require escrow

	Net Acres In Unit	Interest in Unit
<u>Tract #2L - 12.02 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	12.02 acres	15.0250%
<u>OIL & GAS OWNERSHIP</u>		
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	12.02 acres	15.0250%
(b) B. W. McDonald Testamentary Trust P. O. Box 999 Prestonsburg, KY 41653	6.010 acres 1/2 of 12.02 acres	7.5125%
<u>Tract #2M - 2.57 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.57 acres	3.2125%
<u>OIL & GAS OWNERSHIP</u>		
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	2.57 acres	3.2125%
(b) B. W. McDonald Testamentary Trust P. O. Box 999 Prestonsburg, KY 41653	1.285 acres 1/2 of 2.57 acres	1.6063%
<u>Tract #2N - 0.93 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.93 acres	1.1625%
<u>OIL & GAS OWNERSHIP</u>		
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	0.93 acres	1.1625%
(b) B. W. McDonald Testamentary Trust P. O. Box 999 Prestonsburg, KY 41653	0.465 acres 1/2 of 0.93 acres	0.5813%

Exhibit E
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>Tract #2O - 2.75 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.75 acres	3.4375%
<u>OIL & GAS OWNERSHIP</u>		
(1) Norfolk Southern Railway Company	2.75 acres	3.4375%
<i>Royalties paid to:</i> Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701		
<u>Tract #2P - 1.86 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.86 acres	2.3250%
<u>OIL & GAS OWNERSHIP</u>		
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	1.86 acres	2.3250%
(b) B. W. McDonald Testamentary Trust P. O. Box 999 Prestonsburg, KY 41653	0.930 acres 1/2 of 1.86 acres	1.1625%
<u>Tract #2Q - 0.63 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.63 acres	0.7875%
<u>OIL & GAS OWNERSHIP</u>		
(1) Norfolk Southern Railway Company	0.63 acres	0.7875%
<i>Royalties paid to:</i> Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701		

Exhibit E
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest In Unit
<u>Tract #3 - 0.01 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Joe Keith Smith P.O. Box 15 Whitewood, VA 24659	0.01 acres	0.0125%
<u>OIL & GAS OWNERSHIP</u>		
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.01 acres	0.0125%

Exhibit EE
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2A - 0.47 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.47 acres	0.5875%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.47 acres	0.5875%	n/a
<u>Tract #2B - 0.01 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.01 acres	0.0125%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.01 acres	0.0125%	n/a
<u>Tract #2C - 2.47 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.47 acres	3.0875%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	2.47 acres	3.0875%	n/a
<u>Tract #2D - 2.67 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.67 acres	3.3375%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	2.67 acres	3.3375%	n/a

Exhibit EE
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres In Unit	Interest in Unit	Percent of Escrow
<u>Tract #2E - 0.91 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.91 acres	1.1375%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.91 acres	1.1375%	n/a
<u>Tract #2F - 1.56 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.56 acres	1.9500%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	1.56 acres	1.9500%	n/a
<u>Tract #2H - 1.09 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.09 acres	1.3625%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	1.09 acres	1.3625%	n/a
<u>Tract #2I - 0.81 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.81 acres	1.0125%	n/a

Exhibit EE
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	0.81 acres	1.0125%	n/a
<u>Tract #2J - 3.72 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	3.72 acres	4.6500%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	3.72 acres	4.6500%	n/a
<u>Tract #2G - 9.97 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	9.97 acres	12.4625%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>(Previously Kyle Robinson)</i> <i>Entitled to 100% of the royalties</i>	9.97 acres	12.4625%	n/a
<u>Tract #2K - 0.75 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.75 acres	0.9375%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>(Previously Kyle Robinson)</i> <i>Entitled to 100% of the royalties</i>	0.75 acres	0.9375%	n/a

Exhibit EE
Unit P-40
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	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2L - 12.02 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	12.02 acres	15.0250%	14.4680%
<u>OIL & GAS OWNERSHIP</u>			
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	12.02 acres	15.0250%	
(a) Linda Meledge Estridge 969 Ridgedale Road Saltville, VA 24370	6.010 acres 1/2 of 12.02 acres	7.5125%	14.4680%
<u>Tract #2M - 2.57 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	2.57 acres	3.2125%	3.0934%
<u>OIL & GAS OWNERSHIP</u>			
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	2.57 acres	3.2125%	
(a) Linda Meledge Estridge 969 Ridgedale Road Saltville, VA 24370	1.285 acres 1/2 of 2.57 acres	1.6063%	3.0934%
<u>Tract #2N - 0.93 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.93 acres	1.1625%	1.1194%
<u>OIL & GAS OWNERSHIP</u>			
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	0.93 acres	1.1625%	
(a) Linda Meledge Estridge 969 Ridgedale Road Saltville, VA 24370	0.465 acres 1/2 of 0.93 acres	0.5813%	1.1194%

Exhibit EE
Unit P-40
Docket #VGOB-93-0216-0330-05
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2P - 1.86 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) James M. McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.86 acres	2.3250%	2.2388%
<u>OIL & GAS OWNERSHIP</u>			
(1) W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns	1.86 acres	2.3250%	
(a) Linda Meledge Estridge 969 Ridgedale Road Saltville, VA 24370	0.930 acres 1/2 of 1.86 acres	1.1625%	2.2388%

Note to file:

Disbursement approved at 8/16/11 hearing.

However: Testimony provided that an overpayment needed to be returned to CNX before disbursement. The Board ordered that royalty recoupment should stop with August royalty payment. This puts the last payment into escrow October 2011. The operator IS TO NOTIFY DGO OF HOW MUCH IS DUE BACK TO CNX AFTER OCTOBER PAYMENT.

At that time the disbursement will be prepared to include return of funds to CNX prior to disbursement to parties in the 05 petition.

Diane

Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 6/30/11

Unit P-40
 VGOB 93-0216-0330-05
 Acres Escrowed: 20.770000

5908

				Total Amount In Escrow	Overpayment
CNX Gas Company LLC				\$152,576.32	\$6,000.49
Reflects amount overpaid to the escrow account. Please disburse this amount before paying the below owners					

Owners	Tract #	Tract Acres	Interest	Owners' Percent of Escrow	Amount Due Owners \$146,575.83
James M. McGuire Land Trust - Coal	2L	12.02000	1/2	14.4680%	\$21,206.57
W.B. McDonald Heirs- O&G		12.02			
Linda Meledge Estridge					
James M. McGuire Land Trust - Coal	2M	2.57000	1/2	3.0934%	\$4,534.18
W.B. McDonald Heirs- O&G		2.57			
Linda Meledge Estridge					
James M. McGuire Land Trust - Coal	2N	0.93000	1/2	1.1194%	\$1,640.77
W.B. McDonald Heirs- O&G		0.93			
Linda Meledge Estridge					
James M. McGuire Land Trust - Coal	2P	1.86000	1/2	2.2388%	\$3,281.55
W.B. McDonald Heirs- O&G		1.86			
Linda Meledge Estridge					

Wells contributing to the escrow account:

Wells 400 & 602

August 31 stop re coop provide new stipend and title order can not be done until Nov 21

Davis, Diane (DMME)

From: Duty, Anita [AnitaDuty@consolenergy.com]
Sent: Thursday, November 17, 2011 2:07 PM
To: Davis, Diane (DMME); Cooper, Rick (DMME); Hagy, Sharon (DMME)
Cc: Cumbow, Melissa
Subject: FW: Re. docket 0330-05 (Unit P40)
Attachments: p40.xlsx

Importance: High

Diane,

Per your email request below...Unit P40 (0330-05), still has a recoupment balance of \$5,066.99.

Anita

From: Fields, Nicole
Sent: Thursday, November 17, 2011 10:06 AM
To: Duty, Anita
Cc: Cumbow, Melissa
Subject: RE: Re. docket 0330-05 (Unit P40)

Anita,
Please see the attached.
Including November 2011 processing P40 Escrow still has a balance of (5,066.99)

Let me know if you need anything else.
Thanks!

From: Duty, Anita
Sent: Friday, November 11, 2011 11:08 AM
To: Fields, Nicole
Cc: Cumbow, Melissa
Subject: FW: Re. docket 0330-05 (Unit P40)

Nicole,

After the royalties are processed for the month, can you tell me how much is remaining to be recouped from Unit P40? We need to report it to the Board so they can refund the difference, prior to the disbursement from escrow.

Thanks,
Anita

From: Davis, Diane (DMME) [mailto:Diane.Davis@dmme.virginia.gov]
Sent: Thursday, November 10, 2011 2:40 PM
To: Duty, Anita

BL
\$32

INSTRUMENT #120000049
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JANUARY 11, 2012 AT 02:33PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB