

VIRGINIA: BEFORE THE GAS AND OIL BOARD

APPLICANTS:

CNX Gas Company LLC on behalf of Hurt McGuire Land Trust and four members of the Linkous Horn Heirs plus six members of the Thomas Stilwell Heirs.

Docket No.

98-0325-0626-05

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending prior orders Affecting Drilling **S-36, a portion of Tracts 3 and 4**
(Referenced herein as "The Subject Drilling Unit")

Location: Buchanan County, Virginia

This recording supercedes the prior recording found at Instrument # 090002347 recorded 8-04-09.

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

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DOCKET NO.

98-0325-0626-05

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling S-36,
a portion of Tracts 3 and 4
(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 S-36 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

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 April 21, 2009 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared 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 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. (a) On March 24, 1998 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 May 14, 1998, Instrument Number 980001158. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on June 15, 1998, Instrument Number 980002431.

4.1.1 The Board executed its Supplemental Order -01 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on May 3, 2000, Instrument Number 000001322.

4.1.2 The Board executed its Supplemental Order -02 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on January 31, 2000, Instrument Number 000000242. The Board executed a Supplemental Order Regarding Elections to the pooling modifications in September, filed with the Clerk on May 3, 2000, Instrument Number 000001325. (Hereafter all orders are collectively referred to as the "Pooling Orders").

4.1.3 On January 20, 2004, the Board executed its order pooling (re-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 April 2, 2004, Instrument Number 040001009 (hereafter all orders are collectively referred to as the "Pooling Orders").

4.1.4 On May 16, 2006, the Board executed its disbursement order VGOB 98-0324-0625-04 in the Subject Drilling Unit for certain parties of the Thomas Stilwell Heirs and the Albert Ball Heirs under a split agreement with Hurt McGuire Land Trust. The Disbursement Order and exhibits were filed with the Clerk of the Circuit Court of Buchanan County on September 26, 2006, Instrument Number 060003145.

4.1.5 BECAUSE OF AN OVERPAYMENT TO Authur M. Stilwell from Unit T-36 VGOB -98-0324-0625-05 in 2007, a portion of the T-36 overpayment will be recovered and a transfer of funds will occur from this Unit and disbursement to Unit T-36. ✓

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 Hurt McGuire Land Trust ; and the gas ownership interests of certain of the Thomas Stilwell heirship in tract 2A and Joe Nipper in tract 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 tract 3 and tract 4 a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tract 3 and Tract 4 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.

4.4 The Unit Operator gave notice to Hurt McGuire Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on April 21, 2009 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 a portion of tract 3 and tract 4 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tracts 3 and 4 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.

4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

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) Hurt McGuire Land Trust and certain individuals of the Linkous Horn heirship property in tract 3; Hurt McGuire Land Trust and certain individuals of the Thomas Stilwell Heirs in Tract 4, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 3 and VGOB Tract 4 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-98-0325-0626-05
UNIT S-36

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds	
Table 1							
A portion of Tracts 3 & 4							
Disbursement Table							
Totals					40.45		
Hurt McGuire Land Trust - Coal			3.2013	50.0%	1.601	3.96%	
3	Hurt McGuire Land Trust, C/o Charles Tgreen; PO Box 1067; Bluefield, VA 24605						
Linkous Horn Heirs - Oil & Gas			27.44				
3	Nellie A. Maynard; PO Box 296; Raven, VA 24639		1/180	0.1524	50.0%	0.076	0.19%
3	Danny W. Elder; PO Box 296; Raven VA 24639		1/180	0.1524	50.0%	0.076	0.19%
3	Robert G. Elder; PO Box 65; Raven VA 24639		1/180	0.1524	50.0%	0.076	0.19%
3	Joseph P. Horne; 492 Gray Barnch Road; Cedar Bluff, VA 24639		1/10	2.7440	50.0%	1.372	3.39%
Hurt McGuire Land Trust - Coal			1.4719	50.0%	0.736	1.82%	
4	Hurt McGuire Land Trust, C/o Charles Green; PO Box 1067; Bluefield, VA 24605						
Thomas Stilwell Heirs - Oil & Gas			7.57				
4	TRANSFER AMOUNT TO ESCROW UNIT T-36 VGOB 98-0324-0625 AS RECOVERY FOR OVERPAYMENT IN 2007 TO: Authur M. Stilwell / PO Box 314 / Raven, VA 24639		1/8	0.9463	50.0%	0.473	1.17%
4	Linda S. Shelton / PO Box 521 / Pounding Mill, VA 24637		1/72	0.1051	50.0%	0.053	0.13%
4	Jeline Davis / 118 Coronado Rd. / North Tazewell, VA 24630		1/72	0.1051	50.0%	0.053	0.13%
4	Daniel J. Osborne / 100 Third Street, SW No. D77 / Mandan, ND 58554		1/72	0.1051	50.0%	0.053	0.13%
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4	Quentin A. Stilwell / PO Box 154 / Rhame, ND 58651		1/72	0.1051	50.0%	0.053	0.13%

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 no other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to close 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 14 day of Sept, 2009 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 14th day of Sept, 2009 by an Order of this Board.

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

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL

Acknowledged on this 14th day of September, 2009, 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
Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2009 ²⁰¹³



090002347

Instrument prepared by

VIRGINIA GAS AND OIL BOARD

Order recorded under

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REPORT OF THE BOARD

FINDINGS AND ORDER

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2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
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- 4.1.3 On January 20, 2004, the Board executed its order pooling (re-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 April 2, 2004, Instrument Number 040001009 (hereafter all orders are collectively referred to as the "Pooling Orders").
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- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of tract 3 and tract 4 a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tract 3 and Tract 4 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
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- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

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) Hurt McGuire Land Trust and certain individuals of the Linkous Horn heirship property in tract 3; Hurt McGuire Land Trust and certain individuals of the Thomas Stilwell Heirs in Tract 4, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 3 and VGOB Tract 4 of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-98-0325-0626-05
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4	Quentin A. Stilwell / PO Box 154 / Rhame, ND 58651	1/72	0.1051	50.0%	0.053	0.13%

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.

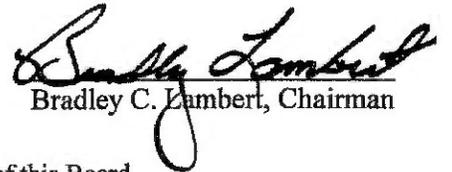
Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are no other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to close the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

8. **Appeals:**

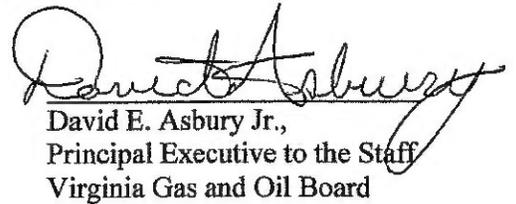
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated 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 10 day of July, 2009 by a majority of the Virginia Gas and Oil Board.

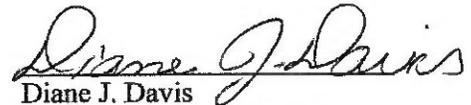

Bradley C. Lambert, Chairman

DONE AND PERFORMED this 10 day of July, 2009 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 WASHINGTON

Acknowledged on this 10th day of July, 2009, 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 / 2009



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0325-0626-05

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING a portion of TRACT(S) 3 & 4
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 21, 2009

DRILLING UNIT: S-36

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) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 3 & 4 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and Nellie A. Maynard, Danny W. Elder, Robert G. Elder, Joseph P. Horne; and Hurt McGuire Land Trust and Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey, and Quentin A. Stilwell.

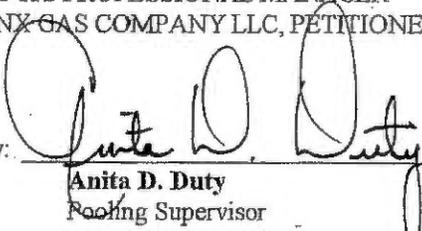
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

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

5. **Factual basis for relief requested** Hurt McGuire Land Trust and Nellie A. Maynard, Danny W. Elder, Robert G. Elder, Joseph P. Horne; and Hurt McGuire Land Trust and Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey, and Quentin A. Stilwell 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
Pooling Supervisor
CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, West Virginia 24701

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/09

Unit S-36
VGOB 98-0324-0626-05
Acres Escrowed: 37.7128

Owners	Tract #	Acres	Total Tract Percent of Escrow	Fractional Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$406,354.34
Hurt McGuire Land Trust - Coal	3	27.44	72.7604%		36.3802%	\$147,832.61
Linkous Horn Heirs - O&G					36.3802%	\$147,832.61
Nellie Maynard		0.1524		1/180	0.2021%	\$821.29
Danny Elder		0.1524		1/180	0.2021%	\$821.29
Robert Elder		0.1524		1/180	0.2021%	\$821.29
Joseph P. Horne		2.7440		1/10	3.6380%	\$14,783.26
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Hurt McGuire Land Trust - Coal	4	2.1028	5.5758%		2.7879%	\$11,328.80
Thomas Stilwell Heirs - O&G					2.7879%	\$11,328.80
Arthur M. Stilwell		0.9463		1/8	1.2545%	\$5,097.91
Linda S. Shelton		0.1051		1/72	0.1394%	\$566.43
Jerline Davis		0.1051		1/72	0.1394%	\$566.43
Daniel J. Osborne		0.1051		1/72	0.1394%	\$566.43
Lois Casey		0.1051		1/72	0.1394%	\$566.43
Quentin A. Stilwell		0.1051		1/72	0.1394%	\$566.43

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

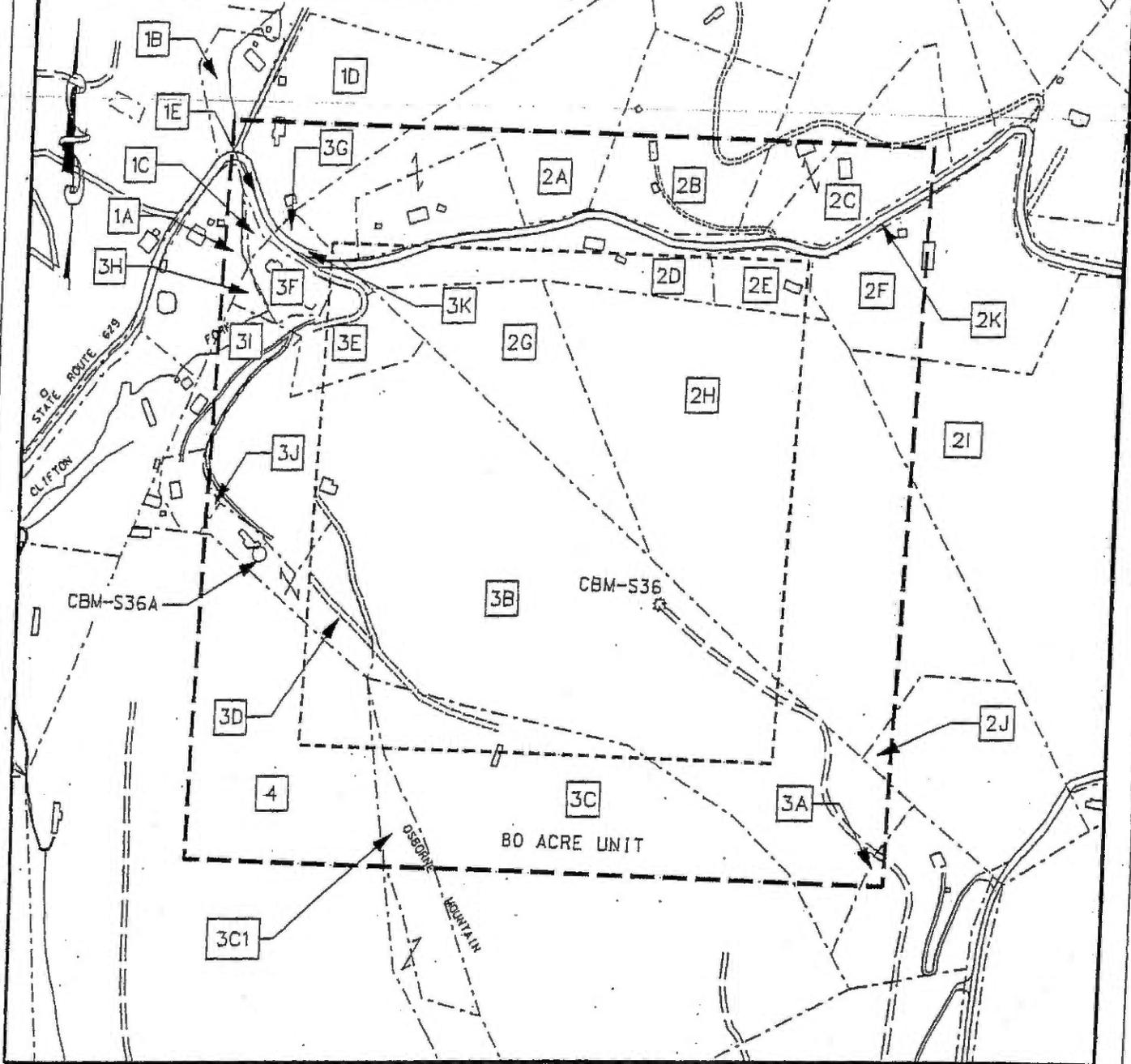


EXHIBIT A
 OAKWOOD FIELD UNIT S-36
 FORCE POOLING
 VGOB-98-0324-0626-03

Company CNX Gas Company, LLC. Well Name and Number UNIT S36
 Tract No. _____ Elevation _____ Quadrangle CLIFFTON
 County Buchanan District Garden Scale: 1" = 400' Date 11/11/05
 This plot is a new plat X ; an updated plat _____ ; or a final plat _____
 Form DGO-GO-7 Charles D. May 10958 (Affix Seal)
 Engineer or Licensed Land Surveyor

CNX Gas Company LLC

UNIT S-36

Tract Identification

1. H. S. T. Group, L.C. (1168.71 Acre Tract) – All Minerals
Island Creek Coal Company/Consolidation Coal Company – Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
2.25 acres 2.8125%

- 1A. Betty Ferrell - Surface
- 1B. Kenneth Byrd - Surface
- 1C. Crobbie Smith - Surface
- 1D. John Osborne - Surface

2. G.W. Gillespie Estate, Inc., et al – All Minerals
Reserve Coal Properties Company – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
34.57 acres 43.2125%

- 2A. John Horn Jr. – Surface
- 2B. Jessie Matney – Surface
- 2C. Bobby J. Matney, et ux – Surface
- 2D. Goldie Horn – Surface
- 2E. Helen Compton – Surface
- 2F. Melissa Vandyke – Surface
- 2G. Dexter Mounts – Surface
- 2H. Jimmy Lee Horn – Surface
- 2I. Ethel Burke – Surface
- 2J. Roby Horn – Surface
- 2K. Commonwealth of Virginia - Surface

3. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs – All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)
27.44 acres 34.3000%

- 3A. Willard Osborne – Surface
- 3B. Arlen Osborne – Surface
- 3C. Danny McClanahan – Surface
- 3D. Robert Trent – Surface
- 3E. Clifford Osborne – Surface
- 3F. Robbie Smith – Surface
- 3G. John Osborne – Surface
- 3H. Betty Ferrell – Surface
- 3I. Noah Keen, et al – Surface
- 3J. Noah Keen – Surface
- 3K. Commonwealth of Virginia - Surface

CNX Gas Company LLC

UNIT S-36

Tract Identification

- 3C. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs – All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)
Danny McClanahan – Surface (Oil and Gas Claimant)
7.61 acres 9.51250%
- 3C1. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs/Thomas Stilwell Heirs – All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%) If owned by Linkous Horn Heirs
CNX Gas Company LLC – Oil, Gas and CBM Leased (71/72) If owned by Thomas Stilwell Heirs
Danny McClanahan – Surface (Oil and Gas Claimant)
0.56 acres 0.7000%
4. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Thomas Stilwell Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (71/72)
7.57 acres 9.4625%

Exhibit E
 Unit S-36
 Docket # VGOB 98-0325-0626-0 07
 List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
<u>Tract #3, 27.44 acres</u>				
<u>COAL FEE OWNERSHIP</u>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	5.38285%	3.54828%
<u>OIL & GAS FEE OWNERSHIP</u>				
Linkous Horn Heirs, Devisees Successors or Assigns	27.44 acres	34.3000%	5.38285%	3.54828%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sydney Smith 1911 McVetty Road Salem, VA 24153	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(c) Martha Williams 1911 McVetty Road Salem, VA 24153	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns				
(a) Noah & Mary Jane Keen Rt. 1, Box 154 Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(b) Shirley Keen Rt.1 Box 159R Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(c) Patsy & Clyde Moore Rt. 1, Box 138 Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(d) Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				

Exhibit E
Unit S-36
Docket # VGOB 98-0325-0626-0
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(f.1) Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(g) Ronnie & Sherry Osborne P. O. Box 12 Oakwood, VA 24631	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(i) Richard & Debbie Osborne P. O. Box 541 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen			<i>(Deed of Gift to Joyce Lineberry 3/16/03)</i>	
(j.1.1) Joyce Lineberry Mae PO Box 172 Cooleemee, NC 27014	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
(k.1) Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.0131%	0.00205%	0.00135%
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(c) Ivory Horn Heirs, Devisees, Successors or Assigns				
(c.1) Patricia D. Horton P.O. Box 65 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.02990%	0.01971%
(c.3) Tammy D. Boyd 195 Taylor Circle Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.02990%	0.01971%
(c.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.02990%	0.01971%

Exhibit E
Unit S-36
Docket # VGOB 98-0325-0626-0
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(6) Nancy Ann Horn Stilwell Rt. 4, Box 722 North Tazewell, VA 24630	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn 305 Bane Bottom Avenue Cedar Bluff, VA 24609	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(9) Sarah Horn Day P. O. Box 208 Peterstown, WV 24963	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor RR1 Box 1445 Pounding Mill, VA 24637	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%

Tract #4, 7.57 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805	7.57 acres	9.4625%	1.48499%	0.97888%
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OIL & GAS FEE OWNERSHIP

(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	7.57 acres	9.4625%	1.48499%	0.97888%
(l) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.02062%	0.01360%
(o) Cora Arnold Heirs, Devisees, Successors or Assigns				
(o.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.3154 acres 1/24 of 7.57 acres	0.3943%	0.06187%	0.04079%

Exhibit E
Unit S-36
Docket # VGOB 98-0325-0626-0⁵
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.89343%	6-Right 10.34483%
(s) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.02062%	0.01360%
(t) Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.02062%	0.01360%

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Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
37.7128					
<u>Tract #3, 27.44 acres</u>					
<u>COAL FEE OWNERSHIP</u>					
(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	1.97127%	5.60798%	
<u>OIL & GAS FEE OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns	27.44 acres	34.3000%	1.97127%	5.60798%	
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.2) Nellie Maynard P.O. Box 296 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	0.2021%
(c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	0.2021%
(c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	0.2021%
(5) Joseph P. Home 492 Gray Branch Road Cedar Bluff, VA 24639	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	3.6380%
<u>Tract #4, 7.57 acres</u>					
<u>COAL FEE OWNERSHIP</u>					
(1) Hurt McGuire c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	0.54382%	1.54710%	
<u>OIL & GAS FEE OWNERSHIP</u>					
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	7.57 acres	9.4625%	0.54382%	1.54710%	
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(b) Martha J. Stilwell P.O. Box 54 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a

Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(d) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	1.2545%
(e) Exie Osborne Heirs, Devisees, Successors or Assigns					
(e.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(e.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e.4) Judy Blankenship Box 221 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Linda S. Shelton P.O. Box 521 Pounding Mill, VA 24637	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	0.1394%
(h) Jerline Davis 118 Coronado Rd North Tazewell, VA 24630	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	0.1394%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(k) Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	0.1394%

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Exhibit EE
Unit S-36
Docket #VGOB 98-0324-0626-04
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 6.74713%	7-Right 16.34981%	
(m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(n) Lois Casey P.O. Box 521 Pounding Mill, VA 24637	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	0.1394%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.3154 acres 1/24 of 7.57 acres	0.3943%	0.02266%	0.06446%	n/a
(v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(y) Quentin A. Stilwell P.O. Box 154 Rhame, ND 58651	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	0.1394%
(z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

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