

120001873

Instrument prepared by:

**VIRGINIA GAS AND OIL BOARD**

Order recorded under:

**CODE OF VIRGINIA  
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

**RELIEF SOUGHT:** An Order for Disbursement of Escrowed Funds  
(and Authorization for Direct Payment of Royalties)

**JURISDICTION:** *Code of Virginia* § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

**UNIT/WELL NAME:** S-36  
**TRACT(S):** A portion of Tracts 3 and 3C  
**LOCATION:** Buchanan County, Virginia

**DOCKET NUMBER:** VGOB-98-0324-0626-09

**APPLICANTS:** CNX Production Company on behalf of Wesley Perkins, Tania Hess, and Hurt  
McGuire Land Trust.

**HEARING DATE AND LOCATION:** Russell County Government Center, Lebanon, Virginia  
March 13, 2012.

**APPEARANCES:** Mark Swartz on behalf of CNX

**PRIOR PROCEEDINGS:**

1. Original Pooling Order, Executed 05/11/98, Recorded 05/14/98, Deed Book 476.
2. Supplemental Order, Executed 06/26/98, Recorded 07/15/98, Deed Book 478.
3. Re-pooling Order -01, Executed 09/09/99, Recorded 09/19/99, Deed Book 496.
4. Supplemental Order -01, Executed 05/01/00, Recorded 05/03/00, Deed Book 506.
5. Re-pooling Order -02, Executed 01/14/00, Recorded 01/31/00, Deed Book 501.
6. Supplemental Order -02, Executed 05/01/00, Recorded 05/03/00, Deed Book 506.
7. Re-pooling Order -03, Executed 03/29/04, Recorded 04/02/04, Deed Book 589.
8. Supplemental Order -03, Executed 08/29/06, Recorded 09/26/06, Instrument No. 060003151.
9. Disbursement Order -04, Executed 05/16/06, Recorded 09/26/06, Instrument No. 060003145.
10. Disbursement Order -05, Executed 04/21/09, Recorded 09/04/09, Instrument No. 090002347.
11. Disbursement Order -06, Executed 03/12/10, Recorded 06/10/10, Instrument No. 100001525.
12. Disbursement Order -07, Executed 11/03/10, Recorded 11/17/10, Instrument No. 100003092.
13. Disbursement Order -08, Executed 11/29/11, Recorded 12/15/11, Instrument No. 110003073.

**NOTICE:**

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the March 13, 2012 hearing and consider whether to:

(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tracts 3 and 3C identified in the attached miscellaneous petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tracts 3 and 3C relative to the interests of the Applicants identified in the attached miscellaneous petition.

(3) Continue the escrow account under this docket number.

**FINDINGS:** Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

1. The owner of the coal estate for Tracts 3 and 3C is Hurt McGuire Land Trust for the subject drilling unit.
2. The owner of the gas estate for Tract 3 is Wesley Perkins and Tania Hess for the subject drilling unit.
3. The aforementioned owners have entered into a royalty split agreement consisting of (50/50) as referenced in the attached miscellaneous petition, as shown in Table 1.

**RELIEF GRANTED:**

VGOB Approved Disbursement  
Unit S-36  
VGOB-98-0324-0626-09

Table 1  
A portion of Tract 3 and 3C

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Fmnds Disbursed	
		Total acreage in escrow before disbursement				19.1598		
	3	Tract 3 (total acreage)	27.44					
	3	Linkous Horn Hess - O & G						
1	3	Wesley D. Perkins (Dorothy Horn Hess)	305 Bane Bottom Avenue, Cedar Bluff, VA 24609	1/20	1.3720	50.0%	0.6860	3.5804%
2	3	Tania Hess (Dorothy Horn Hess)	195 Anglewood Lane, Cedar Bluff, VA 24609	1/20	1.3720	50.0%	0.6860	3.5804%
3	3	Hurt McGuire Land Trust - Coal	c/o Charles Green, PO Box 1067, Bluefield, VA 24605	combined	2.7440	50.0%	1.3720	7.1608%
	3C	Tract 3C (total acreage)	7.61					
	3C	Linkous Horn Hess - O & G (Title Conflict Resolved)						
1	3C	Wesley D. Perkins (Dorothy Horn Hess)	305 Bane Bottom Avenue, Cedar Bluff, VA 24609	1/20	0.3805	50.0%	0.1903	0.9930%
2	3C	Tania Hess (Dorothy Horn Hess)	195 Anglewood Lane, Cedar Bluff, VA 24609	1/20	0.3805	50.0%	0.1903	0.9930%
3	3C	Hurt McGuire Land Trust - Coal	c/o Charles Green, PO Box 1067, Bluefield, VA 24605	combined	0.7610	50.0%	0.3805	1.9859%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

**CONCLUSION:**

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

**APPEALS:**

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 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.

DONE AND EXECUTED this 15 day of Aug, 2012 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 15<sup>th</sup> day of August, 2012 by Order of this Board.

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

STATE OF VIRGINIA        )  
COUNTY OF RUSSELL    )

Acknowledged on this 15<sup>th</sup> day of August, 2012, 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 Chairman of the Virginia Gas and Oil Board, and David Asbury, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

Diane Davis  
Diane Davis, Notary  
174394

My commission expires: September 30, 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 98-0324-0626-09

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING a portion of TRACT(S) 3 & 3C  
(Royalties currently being paid under  
Buchanan No.1 SGU2, VGOB 08-1118-2367)

HEARING DATE: March 13, 2012

DRILLING UNIT: S-36

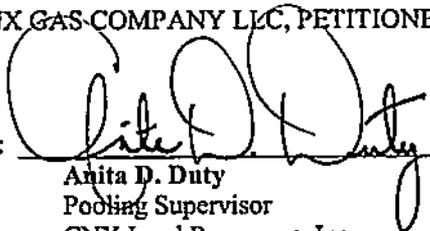
BUCHANAN COUNTY, VIRGINIA

Received  
FEB 2012  
DGO - Leburon

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 & 3C as depicted upon the annexed Exhibit A-1; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367)
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 Wesley Perkins and Tania Hess have entered into royalty split agreement(s). 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  
CNX Land Resources, Inc.  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

PROPERTY LINES SHOWN WERE TAKEN FROM ~~WIRE RECORDS~~  
 BY CNX LAND RESOURCES, INC. AND WERE NOT SURVEYED.

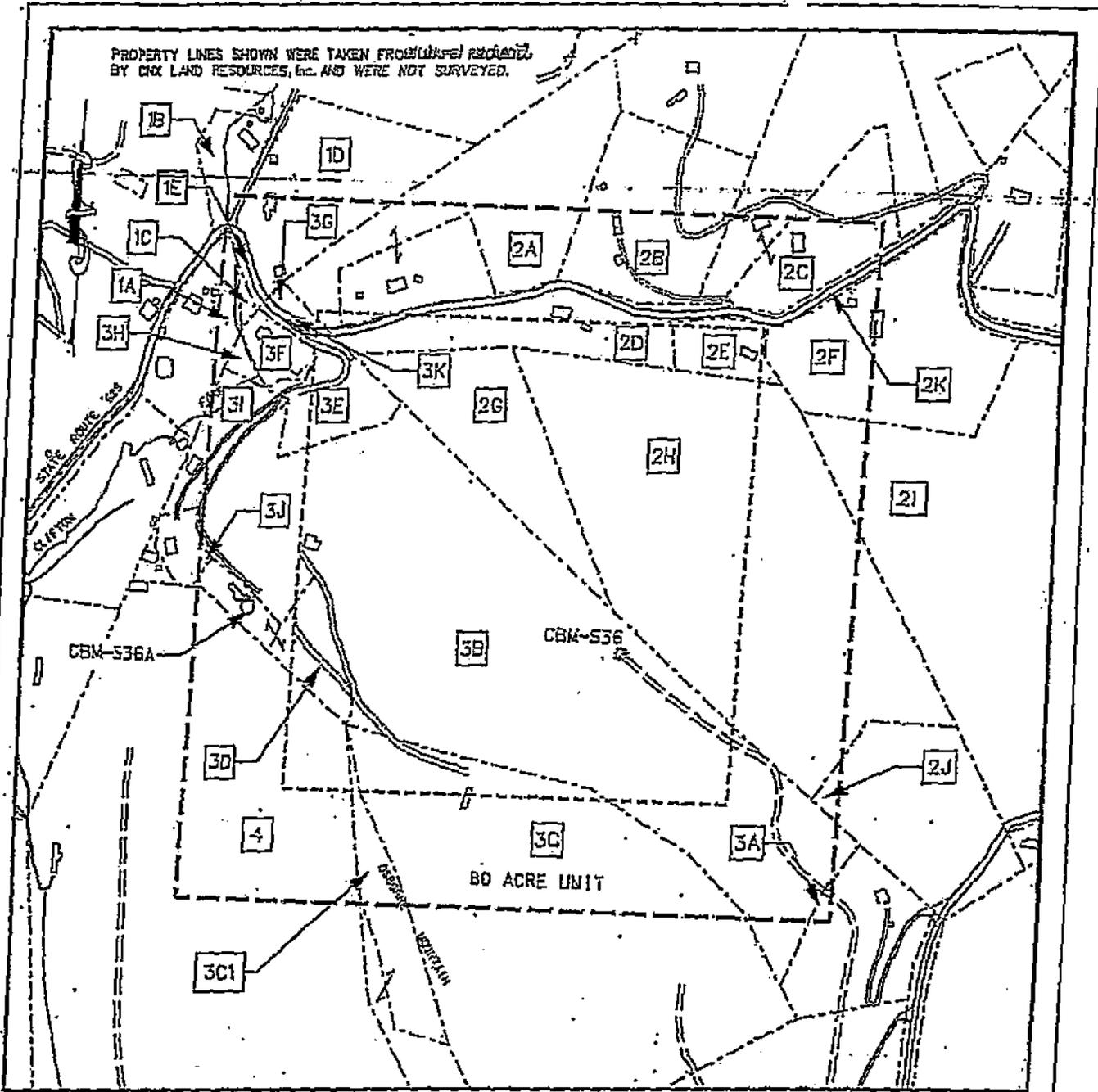


EXHIBIT A  
 OAKWOOD FIELD UNIT S-36  
 FORCE POOLING  
 VGDB-98-0324-0626-03

Company CNX Gas Company, LLC. Well Name and Number UNIT S36  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle K88000000000  
 County Buchanan District Garden Scale: 1" = 400' Date 11/11/03  
 This plot is a new plot X; an updated plot \_\_\_\_\_; or a final plot \_\_\_\_\_

Form DGO-60-7 Charles D. May 10958  
 Dev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

**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. Crobble 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 Hairs - All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)  
27.44 acres 34.3008%
- 3A. Willard Osborne - Surface  
3B. Arlen Osborne - Surface  
3C. Danny McClanahan - Surface  
3D. Robert Trent - Surface  
3E. Clifford Osborne - Surface  
3F. Robbia 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%)** \*Tract ID incorrectly indicated that the oil and gas was  
**Danny McClanahan - Surface (Oil and Gas Claimant) \***      being claimed by Danny McClanahan.  
**7.61 acres                      9.51250%**      The claim only applies to Tract 3C1 only
- 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 98-0324-0626-09  
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%
<b><u>Tract #3, 27.44 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(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%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
[REDACTED]	27.44 acres	34.3000%	5.38285%	3.54828%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sidney Smith 1911 McVitty 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 McVitty Road Salem, VA 24153	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
(c) [REDACTED] 6985 Horn Mountain Road Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d) [REDACTED] PO Box 522 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e) [REDACTED] P. O. Box 484 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
[REDACTED] 1109 Moore Rd. Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%

Exhibit E  
Unit S-36  
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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%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(g) [REDACTED] Box 12 Oakwood, VA 24631	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(h) [REDACTED] 216 Plantation Drive Richlands, VA 24641	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(i) [REDACTED] P. O. Box 585 Keen Mountain, VA 24624	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen				
				<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>
[REDACTED] c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
[REDACTED] 1055 Mapleleaf Hollow Raven, VA 24639	0.2495 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.5945 acres 13/600 of 27.44 acres	0.7432%	0.11663%	0.07688%
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns				
(a) Paul Junior Osborne P.O. Box 60 Richlands, VA 24641	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(b) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(c) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.9147 acres 1/30 of 27.44 acres	1.1433%	0.17943%	0.11828%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				

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	Acres in Unit	Percent of Unit	Division of Interest In	
			5-Right 15.69343%	6-Right 10.34483%
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.53828%	0.35483%

Tract #3C, 7.61 acres

*Incorrectly Identified as a Title Conflict / Surface Claimant issue. Escrow can be released to owners with a Royalty Agreement*

**COAL OWNERSHIP**

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	1.49284%	0.98405%
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**OIL & GAS OWNERSHIP**

[REDACTED]	7.61 acres	9.5125%	1.49284%	0.98405%
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(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
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(a) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
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(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
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(c) Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
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(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
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(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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(c) [REDACTED] 6985 Horn Mountain Road Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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*Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed*

(d) [REDACTED] PO Box 522 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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*Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed*

(e) [REDACTED] P. O. Box 484 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
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*Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed*

Exhibit E  
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Docket # VGOB 98-0324-0626-09  
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%
<b>(f) Clifford Osborne Heirs, Devises, Successors or Assigns</b>				
[REDACTED] 1109 Moore Rd. Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(g) [REDACTED]</b>				
Box 12 Oakwood, VA 24631	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(h) [REDACTED]</b>				
216 Plantation Drive Richlands, VA 24641	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(i) [REDACTED]</b>				
P. O. Box 585 Keen Mountain, VA 24624	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(j) William Osborne Heirs, Devises, Successors or Assigns</b>				
<b>(j.1) Ruth Keen</b> <span style="float: right;"><i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i></span>				
[REDACTED] c/o Rose Mae P.O. Box 172 Cooleeeme, NC 27014	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(k) John David Osborne Heirs, Devises, Successors or Assigns</b>				
[REDACTED] 1055 Mapleleaf Hollow Raven, VA 24639	0.0692 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrow</i>				
<b>(3) Henry Horn Heirs, Devises, Successors or Assigns</b>				
<b>(a) Perry W. Horn</b> P.O. Box 33 Raven, VA 24639	0.1649 acres 13/600 of 7.61 acres	0.2061%	0.03234%	0.02132%
<b>(4) Thelma H. Osborne Heirs, Devises, Successors or Assigns</b>				
<b>(a) Paul Junior Osborne</b> P.O. Box 60 Richlands, VA 24641	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
<b>(b) Curtis McCoy Osborne</b> P.O. Box 31 Raven, VA 24639	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%

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	Acres In Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(c) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.2537 acres 1/30 of 7.61 acres	0.3171%	0.04976%	0.03280%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.14928%	0.09841%
<b><u>Tract #3C1, 0.56 acres</u></b>				
<b>Escrow due to Title Conflict</b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.56 acres	0.7000%	0.10985%	0.07241%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
	0.56 acres	0.7000%	0.10985%	0.07241%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(c) Martha Williams 1911 McVitty Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
(c)  6985 Horn Mountain Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d)  PO Box 522 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%

*Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.*

Exhibit E  
Unit S-36  
Docket # VGOB 98-0324-0626-09  
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%
(e) [REDACTED] P. O. Box 484 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns  [REDACTED] 1109 Moore Rd. Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(g) [REDACTED] Box 12 Oakwood, VA 24631	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(h) [REDACTED] 216 Plantation Drive Richlands, VA 24641	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(i) [REDACTED] P. O. Box 585 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns  (j.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>			
[REDACTED] c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(k) John David Osborne Heirs, Devisees, Successors or Assigns  [REDACTED] 1055 Mapleleaf Hollow Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns  (a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0121 acres 13/600 of 0.56 acres	0.0152%	0.00238%	0.00157%
(b) Larry M. Horn & Ivory Horn Heirs, Devisees, Successors or Assigns				

Exhibit E  
Unit S-36  
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	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0115 acres 37/1800 of 0.56 acres	0.0144%	0.00226%	0.00149%
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0115 acres 37/1800 of 0.56 acres	0.0144%	0.00226%	0.00149%
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0115 acres 37/1800 of 0.56 acres	0.0144%	0.00226%	0.00149%
(b.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(b.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(b.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(4) Thelma H. Osborne Heirs, Devlees, Successors or Assigns				
(a) Paul Junior Osborne P.O. Box 60 Richlands, VA 24641	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(b) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(c) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00366%	0.00241%
(5) Joseph P. Home 492 Gray Branch Road Cedar Bluff, VA 24609	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(7) Earnest Horn Heirs, Devisees, Successors or Assigns				
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns				
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0280 acres 1/20 of 0.56 acres	0.0350%	0.00549%	0.00362%
Entitled to 1/2 of Royalties by Deed of Gift				
Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.0280 acres 1/20 of 0.56 acres	0.0350%	0.00549%	0.00362%

Exhibit E  
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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%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(9) Sarah K. Day 905 Valley View Drive Pearisburg, VA 24134	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.01099%	0.00724%
- OR -				
	0.56 acres	0.7000%	0.10985%	0.07241%
(1) Beulah V. Osborne Heirs, Devisees, Successors or Assigns				
(a) Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(b) Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(c) Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(d) Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(e) Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(f) Bobby Osborne Brown Mountain Road Whitewood, VA 24657	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(g) Danny Osborne PO Box 464 Keen Mountain, VA 24624	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(h) Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(i) Jerry Osborne Address Unknown	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(j) Melvin Osborne PO Box 1239 Raven, VA 24639	0.0070 acres 1/80 of 0.56 acres	0.0088%	0.00137%	0.00091%
(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns				

Exhibit E  
Unit S-36  
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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%
(a) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns				
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.0700 acres 1/8 of 0.56 acres	0.0875%	0.01373%	0.00905%
(5) Exie Osborne Heirs, Devisees, Successors or Assigns				
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns				
(a.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0058 acres 1/96 of 0.56 acres	0.0073%	0.00114%	0.00075%
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0058 acres 1/96 of 0.56 acres	0.0073%	0.00114%	0.00075%
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.0117 acres 1/48 of 0.56 acres	0.0146%	0.00229%	0.00151%
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%

Exhibit E  
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	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
<i>Transferred interest to d.1 per deed dated June 18, 2009</i>				
(d) Arlin W. Osborne				
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Jackie D. Osborne	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(f) Daniel J. Osborne	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Sylvia A. Shelton Byrd	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(h) Marvin J. Osborne	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(i) Lois Casey	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1) James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.0233 acres 1/24 of 0.56 acres	0.0292%	0.00458%	0.00302%
(b) Leonard C. Stilwell	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns				
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(d) Wanda Hagy	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Bessie Lowe	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(f) Theodore Stilwell	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Curtis Stilwell	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns				

Exhibit E  
Unit S-36  
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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%
(a) Bernadine R. Lisburg 1121 29th St. N Fargo, ND 58102-3158	0.0233 acres 1/24 of 0.56 acres	0.0292%	0.00458%	0.00302%
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(e) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(f) Daniel J. Stilwell 100 3rd St. SW #77 Mandan, ND 58554	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.0078 acres 1/72 of 0.56 acres	0.0097%	0.00153%	0.00101%
<b><u>OIL &amp; GAS CLAIMANT. (Surface Owner)</u></b>				
(3) Danny McClanahan P. O. Box 547 Oakwood, VA 24631	0.56 acres	0.7000%	0.10985%	0.07241%
<b><u>Tract #4, 7.57 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	1.48499%	0.97888%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	7.57 acres	9.4625%	1.48499%	0.97888%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1) James H. Arnold, widower PO Box 1035 Raven, VA 24639	0.31542 acres 1/24 of 7.57 acres	0.3943%	0.06187%	0.04079%

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-09  
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%	
<b><u>Tract #3, 27.44 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	1.97127%	5.60798%	7.1608%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
Linkous Horn Heirs, Devisees, Successors or Assigns	27.44 acres	34.3000%	1.97127%	5.60798%	
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns	<i>Interest goes to siblings</i>				
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	n/a
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	n/a
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0457 acres 1/600 of 27.44 acres	0.0572%	0.00329%	0.00935%	n/a
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
<i>Pay to Nellie A. Maynard *</i>	0.3659 acres 1/75 of 27.44 acres	0.4573%	0.02628%	0.07477%	n/a
<i>* Although Nellie A. Maynard owns a total of 17/900 interest, she was only paid out her share of a 1/180 interest. She is to be paid for the 1/75 interest inherited from Henry Horn.</i>					
(c.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.5183 acres 17/900 of 27.44 acres	0.6479%	0.03724%	0.10593%	n/a
(c.4) Margaret E. Dye 784 Blg Creek Road Richlands, VA 24641	0.5183 acres 17/900 of 27.44 acres	0.6479%	0.03724%	0.10593%	n/a
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(c.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.1524 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a

Exhibit EE  
Unit S-36  
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	Acres In Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(4) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(6) Nancy H. Stitwell 140 Rasnake Road North Tazewell, VA 24630	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(7) Earnest Horn Heirs, Deviseses, Successors or Assigns					
(a) Dorothy Horn Heirs, Deviseses, Successors or Assigns					
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	1.3720 acres 1/20 of 27.44 acres	1.7150%	0.09856%	0.28040%	3.5804%
Entitled to 1/2 of Royalties by Deed of Gift					
Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	1.3720 acres 1/20 of 27.44 acres	1.7150%	0.09856%	0.28040%	3.5804%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(9) Sarah K. Day 905 Valley View Dr. Pearisburg, VA 24134	2.7440 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a

Tract #3C, 7.61 acres

*Incorrectly Identified as a Title Conflict / Surface Claimant Issue. Escrow can be released to owners with a Royalty Agreement*

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	0.54670%	1.55528%	1.9859%
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OIL & GAS OWNERSHIP

	7.61 acres	9.5125%	0.54670%	1.55528%	
(3) Henry Horn Heirs, Deviseses, Successors or Assigns					
(b) Larry M. Horn & Ivory Horn Heirs, Deviseses, Successors or Assigns					
(b.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	n/a

Exhibit EE  
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	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(b.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	n/a
(b.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.1564 acres 37/1800 of 7.61 acres	0.1955%	0.01124%	0.03197%	n/a
(b.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	n/a
(b.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	n/a
(b.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0423 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	n/a
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	n/a
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	n/a
(7) Earnest Horn Heirs, Devisees, Successors or Asslgn					
(a) Dorothy Horn Heirs, Devisees, Successors or Asslgn					
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.3805 acres 1/20 of 7.61 acres	0.4756%	0.02733%	0.07776%	0.9930%
Entitled to 1/2 of Royalties by Deed of Gift					
Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.3805 acres 1/20 of 7.61 acres	0.4756%	0.02733%	0.07776%	0.9930%
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	n/a
(9) Sarah K. Day 905 Valley View Dr. Pearisburg, VA 24134	0.7610 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	n/a

Tract #4, 7.57 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	0.54382%	1.54710%	
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Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-09  
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%	
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
	7.57 acres	9.4625%	0.54382%	1.54710%	
<b>(1) Baulah V. Osborne Heirs, Devisees, Successors or Assigns</b>					
(a) Sterling Osborne 3639 Clifton Fork Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(b) Mae Miller 8010 Brown Mountain Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(c) Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(d) Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24341	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(e) Brenda Shortt P.O. Box 652 Keen Mountain, VA 24624	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(f) Bobby Osborne Brown Mountain Road Whitewood, VA 24657	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(g) Danny Osborne PO Box 464 Keen Mountain, VA 24624	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(h) Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24341	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(i) Jerry Osborne Address Unknown	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
(j) Melvin Osborne PO Box 1239 Raven, VA 24639	0.0946 acres 1/80 of 7.57 acres	0.1183%	0.00680%	0.01934%	n/a
<b>(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns</b>					
(a) Martha J. aka Juanita 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
<b>(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns</b>					
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
(4) 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%	n/a

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			6-Right 5.74713%	7-Right 16.34981%	
(5) Exie Osborne Heirs, Devisees, Successors or Assigns					
(a.1) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(a.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
(a.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
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(a.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
(a.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
(a.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
(6) Flossie Stillwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(b) 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%	n/a
(c) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Arlin W. Osborne	<i>Transferred interest to d.1 per deed dated June 18, 2009</i>				
(d.1) Waldon Darrell Clifton PO Box 169 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(f) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

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			6-Right 5.74713%	7-Right 16.34981%	
(g) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(i) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) 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
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) 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
(f) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(8) Charlie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg 1121 29th St. N Fargo, ND 58102-3158	0.3154 acres 1/24 of 7.57 acres	0.3943%	0.02266%	0.06446%	n/a
(b) 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
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

**Exhibit EE**  
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**Docket #VGOB 98-0324-0626-09**  
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			6-Right 5.74713%	7-Right 16.34981%	
(f) Daniel J. Stilwell 100 3rd St. SW #77 Mandan, ND 58554	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

**Exhibit A-1  
Tract-by-Tract Escrow Calculation  
Account Balances as of 12/31/11**

Unit S36  
VGOB 98-0324-0626-09  
Acres Escrowed: 19,159820

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners
Hurt McGuire Land Trust - Coal	3	14.3145			7.1608%	\$18,945.73
Linkous Horn Heirs - O&G		27.44				
Wesley D. Perkins (Dorothy Horn Heir)			1.3720	1/20	3.5804%	\$9,472.87
Tania Hass (Dorothy Horn Heir)			1.3720	1/20	3.5804%	\$9,472.87
Hurt McGuire Land Trust - Coal	3C	3.9699			1.9859%	\$5,254.26
Linkous Horn Heirs - O&G (Title Conflict Resolved)		7.61	39.7185%			
Wesley D. Perkins (Dorothy Horn Heir)			0.3805	1/20	0.9930%	\$2,627.13
Tania Hass (Dorothy Horn Heir)			0.3805	1/20	0.9930%	\$2,627.13

Wells contributing to the escrow account:

S36

INSTRUMENT #120001873  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
SEPTEMBER 6, 2012 AT 10:09AM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB