

060003144

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS: Hurt McGuire Land Trust, and)
 Thomas Stilwell Heirs, being Beulah V.)
 Osborne, Martha J. Stilwell, Virginia N.)
 Stilwell, Nancy Jackson, Darlene Ward,)
 Maxie Boyd, Ruth Osborne Smith, Judy)
 Blankenship, John Osborne, Ida Proffitt)
 Hubbard Osborne, Arlin W. Osborne, Jackie)
 D. Osborne, Marvin J. Osborne, Leonard C.)
 Stilwell, Connie Stilwell, Wanda Hagy,)
 Bessie Lowe, Bernadine R. Lisburg, Gladys)
 E. Pollert, David W. Stilwell, Thomas H.)
 Stilwell, Daniel J. Stilwell, Burnice R.)
 Lamb (Herein, "Thomas Stilwell Heirs)
 Subject to Split Agreement"))

DOCKET NO.
98-1020-0695-02

RELIEF SOUGHT: Issuance of an Amended Supplemental)
 Order Amending Prior Orders Affecting)
 Drilling Unit T-35 Located in the Garden)
 Districe, Buchanan County, VA)
 (herein "Subject Drilling Unit") to Provide:)
 (1) Calculation of Funds Unit Operator)
 Deposited into the Escrow Account for)
 Subject Drilling Unit by Tract Subaccounts;)
 (2) to Applicants a Royalty Accounting; and)
 (3) Disbursement to Applicants in)
 accordance with their ownership interests)
 Those Funds Deposited by the Unit Operator)
 into Subject Drilling Unit's Escrow)
 Subaccount for VGOB Tract 2.)

REPORT OF THE BOARD
FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on May 16, 2006 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. 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 subaccounts, 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 tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On January 4, 1999, 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 §§ 45.1-361.21 and 45.1-361.22. The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on January 14, 1999 in Deed Book 486 at Page 637. On June 4, 1999, the Board executed its Supplemental Order Regarding Elections which was filed with the Clerk on June 11, 1999 in Deed Book 493 at page 131. On January 20, 2004, the Board approved re-pooling of the unit, the order for which was filed with the Clerk on April 2, 2004 in Book 589 at Page 622. (hereafter all orders are collectively referred to as the "Pooling Orders"). On June 17, 2003, The Board executed an order without docket number amending all prior pooling orders that named Buchanan Production Company, Pocahontas Gas Partnership, Island Creek Coal Company or Consol Energy, Inc. as unit operator, and designated CNX Gas Company, LLC as operator. In Buchanan County, the amendment order was recorded with the Buchanan County Clerk in Deed Book 585, Page 65.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code § 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 Order (herein "Escrow Account"). According to the Pooling Orders the coalbed methane claims of oil and gas fee owners Thomas Stilwell Heirs Subject to Split Agreement and coal fee owner Hurt McGuire Land Trust in a 10.26-acre tract known as VGOB Tract 2 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 VGOB Tract 2, a copy of which is attached to and made a part hereof, and testimony states under oath that Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust have entered into a royalty split agreement; and that by the terms of that agreement escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony before the Board on April 18, 2006 and May 16, 2006, the Unit Operator testified that VGOB Tract 2 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust are subject to the split agreement.
- 4.4 Applicants gave notice to Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust that the Board would take the petition referred to in Paragraph 4.3 above under consideration and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 2 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust, (2) delete the requirement that the Unit Operator place future royalties attributable to Tract 2 and the interests of Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to 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 tract 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) Thomas Stilwell Heirs Subject to Split Agreement are fee owners of a portion of the oil and gas rights in Tract 2, and Hurt McGuire Land Trust is fee owner of coal rights in Tract 2 of the Subject Unit.
- (2) Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust have entered into a royalty split agreement specifying that escrowed funds are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (3) Net interests attributable and to be disbursed to Applicants are shown in Table 1, Below.

TABLE 1			
Owners	Tract #	Net Acres	% interest in 98-1020-0695 sub-account
Hurt McGuire Land Trust (50%) C/O Charles Green, P. O. Box 1067, Bluefield, VA 24605	2	10.26	36.1111%
Thomas Stilwell Heirs Subject to Split Agreement (50%) (Individually)	2	10.26	
Beulah Osborne HC 62 Box 109, Raven, VA 24639			6.2500%
Martha J. Stilwell HC 62 Box 95, Raven, VA 24639			6.2500%
Virginia N. Stilwell HC 62 Box 97, Raven, VA 24639			6.2500%
Nancy Jackson P. O. Box 448, Doran, VA 24612			0.5208%
Darlene Ward 117 Franklin Ave., Richlands, VA 24641			0.5208%
Maxie Boyd P. O. Box 972, Raven, VA 24639			1.0417%
Ruth Osborne Smith P. O. Box 672, Doran, VA 24612			1.0417%
Judy Blankenship Box 221, Doran, VA 24612			1.0417%
John Osborne Box 6, Shortt Gap, VA 24647			1.0417%
Ida Proffitt Box 6, Shortt Gap, VA 24647			1.0417%

Hubbard Osborne HC 62 Box 89, Raven, VA 24639	0.6944%
Arlin W. Osborne P. O. Box 446, Raven, VA 24639	0.6944%
Jackie D. Osborne Rt. 1 Box 209, Raven, VA 24639	0.6944%
Marvin J. Osborne P. O. Box 537, Richlands, VA 24641	0.6944%
Leonard C. Stilwell P. O. Box 932, Raven, VA 24639	0.6944%
Connie Stilwell P. O. Box 1035, Raven, VA 24639	0.6944%
Wanda Hagy P. O. Box 1738, Richlands, VA 24641	0.6944%
Bessie Lowe P. O. Box 47, Shortt Gap, VA 24647	0.6944%
Bernadine R. Lisburg 1418 First Avenue South, Fargo, ND 58103	2.0833%
Gladys E. Pollert 1121 29 th Street NW, Fargo, ND 58102	0.6944%
David W. Stilwell 244 Texas St. Apt. #214, Rapid City, SD 57701	0.6944%
Thomas H. Stilwell 27 Horseshoe Bend, Fargo, ND 58104	0.6944%
Daniel J. Stilwell 100 Third St. NW No. D77, Mandan, ND 58554	0.6944%
Bernice R. Lamb 2225 Second Ave. West, International Falls, MN 56649	0.6944%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order, disburse funds attributable to VGOB Tract 2 and the interests of Thomas Stilwell Heirs Subject to Split Agreement, individually, and Hurt McGuire Land Trust according to percentages shown in Table 1, above, and mail each recipients payment to the address shown in Table I, above.

Exhibit E to the Pooling Orders, showing owners subject to escrow, is deleted in toto 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 Thomas Stilwell Heirs Subject to Split Agreement and Hurt McGuire Land Trust in VGOB Tract 2 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

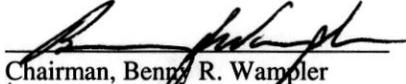
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

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

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

DONE AND EXECUTED this 19th day of September, 2006, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

DONE AND PERFORMED this 19th day of September, 2006, by an Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF ~~WISE~~)

Washington

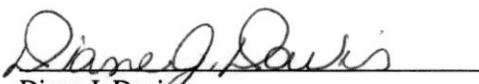
Acknowledged on this 19th day of September, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary Public

My Commission expires: 9/30/09

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 19th day of September, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9/30/09

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0421-0695-02

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

HEARING DATE: April 18, 2006

DRILLING UNIT: T-35

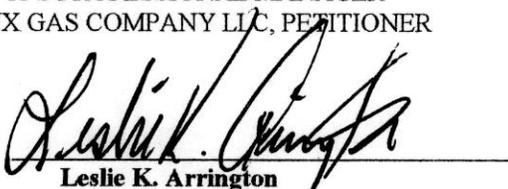
BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC**, P.O. Box 517, Abingdon, VA 24212.
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) 2 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 certain individuals of the Thomas Stilwell heirship property (see attached Exhibit A for details).
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 certain individuals of the Thomas Stilwell heirship property (see attached Exhibit A for details), have entered into a royalty split agreement. 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 IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By:



Leslie K. Arrington
Manager – Environmental / Permitting
CNX Gas Company LLC
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/06

Unit T-35
VGOB 98-0421-0695-02
Acres Escrowed: 10.26

Owners	Tract #	Acres	Total Tract Percent of Escrow	Fractional Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$107,945.76
Hurt McGuire Land Trust					50.0000%	\$53,972.88
Thomas Stilwell Heirs	2	10.26	100.0000%		50.0000%	\$53,972.88
Beulah V. Osborne				1/8	6.2500%	\$6,746.61
Martha J. Stilwell				1/8	6.2500%	\$6,746.61
Virginia N. Stilwell				1/8	6.2500%	\$6,746.61
Nancy Jackson				1/96	0.5208%	\$562.22
Darlene Ward				1/96	0.5208%	\$562.22
Maxie Boyd				1/48	1.0417%	\$1,124.44
Ruth Osborne Smith				1/48	1.0417%	\$1,124.44
Judy Blankenship				1/48	1.0417%	\$1,124.44
John Osborne				1/48	1.0417%	\$1,124.44
Ida Proffitt				1/48	1.0417%	\$1,124.44
Hubbard Osborne				1/72	0.6944%	\$749.62
Arlin W. Osborne				1/72	0.6944%	\$749.62
Jackie D. Osborne				1/72	0.6944%	\$749.62
Marvin J. Osborne				1/72	0.6944%	\$749.62
Leonard C. Stilwell				1/72	0.6944%	\$749.62
Connie Stilwell (Jay)				1/72	0.6944%	\$749.62
Wanda Hagy				1/72	0.6944%	\$749.62
Bessie Lowe				1/72	0.6944%	\$749.62
Bernadine R. Lisburg				1/24	2.0833%	\$2,248.87
Gladys E. Pollert				1/72	0.6944%	\$749.62
David W. Stilwell				1/72	0.6944%	\$749.62
Thomas H. Stilwell				1/72	0.6944%	\$749.62
Daniel J. Stilwell				1/72	0.6944%	\$749.62
Bernice R. Lamb				1/72	0.6944%	\$749.62

Information presented here is for reference use only, CNX is not responsible for determinations made using the data represented here.

This information is for estimation purposes only.

Exhibit E
Unit T-35
Docket # VGOB-98-1020-0695-02
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 #2, 10.26 acres</u>					
<u>COAL FEE OWNERSHIP</u>					
(1)	Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	10.26 acres	12.8250%	2.0127%	1.3267%
<u>OIL & GAS FEE OWNERSHIP</u>					
(1)	Thomas Stilwell Heirs, Devisees, Successors or Assigns	10.26 acres	12.8250%	2.0127%	1.3267%
(d)	Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.6031%	0.2516%	0.1658%
(g)	Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(h)	Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(k)	Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(l)	Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(n)	Lois Casey P. O. Box 521 Pounding Mill, VA 24637	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(o)	Cora Arnold Heirs, Devisees, Successors or Assigns				
(o.1)	James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.4275 acres 1/24 of 10.26 acres	0.5344%	0.0839%	0.0553%
(s)	Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(t)	Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(y)	Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%

Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
<u>Tract #2, 10.26 acres</u>				
<u>COAL FEE OWNERSHIP</u>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24805	10.26 acres	12.8250%	2.0127%	1.3267%
<u>OIL & GAS FEE OWNERSHIP</u>				
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	10.26 acres	12.8250%	2.0127%	1.3267%
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.6031%	0.2516%	0.1658%
(b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.6031%	0.2516%	0.1658%
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.6031%	0.2516%	0.1658%
(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	0.1069 acres 1/96 of 10.26 acres	0.1336%	0.0210%	0.0138%
(e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.1069 acres 1/96 of 10.26 acres	0.1336%	0.0210%	0.0138%
(e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639	0.2138 acres 1/48 of 10.26 acres	0.2672%	0.0419%	0.0276%
(e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612	0.2138 acres 1/48 of 10.26 acres	0.2672%	0.0419%	0.0276%
(e.4) Judy Blankenship Box 221 Doran, VA 24612	0.2138 acres 1/48 of 10.26 acres	0.2672%	0.0419%	0.0276%
(e.5) John Osborne Box 6 Shortt Gap, VA 24647	0.2138 acres 1/48 of 10.26 acres	0.2672%	0.0419%	0.0276%

Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.2138 acres 1/48 of 10.26 acres	0.2672%	0.0419%	0.0276%
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns				
(p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.4275 acres 1/24 of 10.26 acres	0.5344%	0.0839%	0.0553%
(v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%

**Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-02
List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%
(aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649	0.1425 acres 1/72 of 10.26 acres	0.1781%	0.0280%	0.0184%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 26th day of September, 2006 1:48P M. The tax imposed by §587.1-802 of the Code has been paid in the amount of \$.
 Deed Book No. and Page No. . TESTE: James M. Bevins, Jr., Clerk
 Returned to: DMME TESTE: Quincy S. Miller Deputy Clerk

FILED BY: AKL
 BEVINS, CLERK
 2006 SEPT 26 1:48 PM
 THE CLERK'S OFFICE OF
 BUCHANAN COUNTY, VA
 PHONE #804-600-2111