

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**CNX Gas Company LLC on behalf of Hurt McGuire Land Trust and certain heirs, seven in number, of Thomas Stilwell Heirs in a **portion of Tract 2.****DOCKET NO.****98-1020-0695-03****RELIEF
SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
 Action: Amending Prior Orders Affecting Drilling **CBM T-35**,
A portion of Tract 2
 (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 **T-35** 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 Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

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 March 16, 2010 at the Russell County Government, Conference Center, and 139 Highland Drive in Lebanon, 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 October 20, 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 January 14, 1999, Deed Book 486, and Pages 637 to 653, Instrument Number 990000138. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk of the Circuit Court of Buchanan County on June 11, 1999, Deed Book 493, Pages 131 to 138 Instrument Number 990001597.
- (b) On January 20, 2004, the Board heard a Pooling (re-pooling) of Interest in the Subject Drilling Unit (T-35) VGOB 98-1020-0695-01 correcting tract identifications and pooling of Tract 3 (0.02 acres), absorbed into Tract 1 (now 69.74 acres). The Pooling (re-pooling) Order was filed with the Clerk of the Circuit Court of Buchanan County on April 2, 2004; Deed Book 0589 pages 0622 to 0640; Instrument 040001005. The Supplement Order for VGOB 98-1020-0695-01 was filed *sua sponte* with the Clerk of the Circuit Court of Buchanan County on September 26, 2006; Instrument 060003157.
- (c) On May 16, 2006 the Board heard and executed a Disbursement Order VGOB 98-1020-0695-02, a disbursement of funds for a portion of Tract 2 in VGOB T-35 following a split agreement between Hurt McGuire Land Trust and certain heirs (twenty four in number) of Thomas Stilwell. The Disbursement was filed with the Clerk of the Circuit Court of Buchanan County on September 26, 2006; Instrument 060003144.
- 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 heirs of the Thomas Stilwell in a portion of 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 a portion of Tract 2, 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 2 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding this tract 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 March 16, 2010 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 2 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 2 relative to 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 (seven in number) of the Thomas Stilwell heirship property in a portion of Tract 2; are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 2 of the Subject Drilling Unit T-35;

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

VGOB Approved Disbursement
VGOB-98-1020-0695-03
T-35

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1						
Disbursement Table						
Tract	Totals				2.8500	
	Hurt McGuire Land Trust	10.26	2.1375	50.0%	1.069	37.5000%
2	Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605					
	Thomas Stilwell Heirs - Oil & Gas	10.26				
2	TRANSFER THIS 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	1.2825	50.0%	0.641	22.5000%
2	Linda S. Shelton / PO Box 521 / Pounding Mill, VA 24637	1/72	0.1425	50.0%	0.071	2.5000%
2	Jerline Davis / 118 Coronado Road / North Tazewell, VA 24630	1/72	0.1425	50.0%	0.071	2.5000%
2	Daniel J. Osborne / 100 Third Street, SW No D77 / Mandan, ND 58554	1/72	0.1425	50.0%	0.071	2.5000%
2	Lois Casey / PO Box 521 / Pounding Mill, VA 24637	1/72	0.1425	W9 not yet received, do not disburse		
2	Theodore Stilwell / HC66 Box 112A / Whitewood VA 24657	1/72	0.1425	50.0%	0.071	2.5000%
2	Quentin A. Stilwell / PO Box 154 / Rhame, ND 58651	1/72	0.1425	50.0%	0.071	2.5000%

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 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 10 day of May, 2010 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman

DONE AND PERFORMED this 10 day of May, 2010 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 WASHINGTON**

Acknowledged on this Russell 10th day of May, 2010, 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 / 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0421-0695-03

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

HEARING DATE: March 16, 2010

DRILLING UNIT: T-35

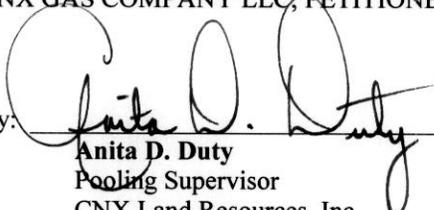
BUCHANAN COUNTY, VIRGINIA

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) 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 Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey, Theodore Stilwell, 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 Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey, Theodore Stilwell, 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 Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

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

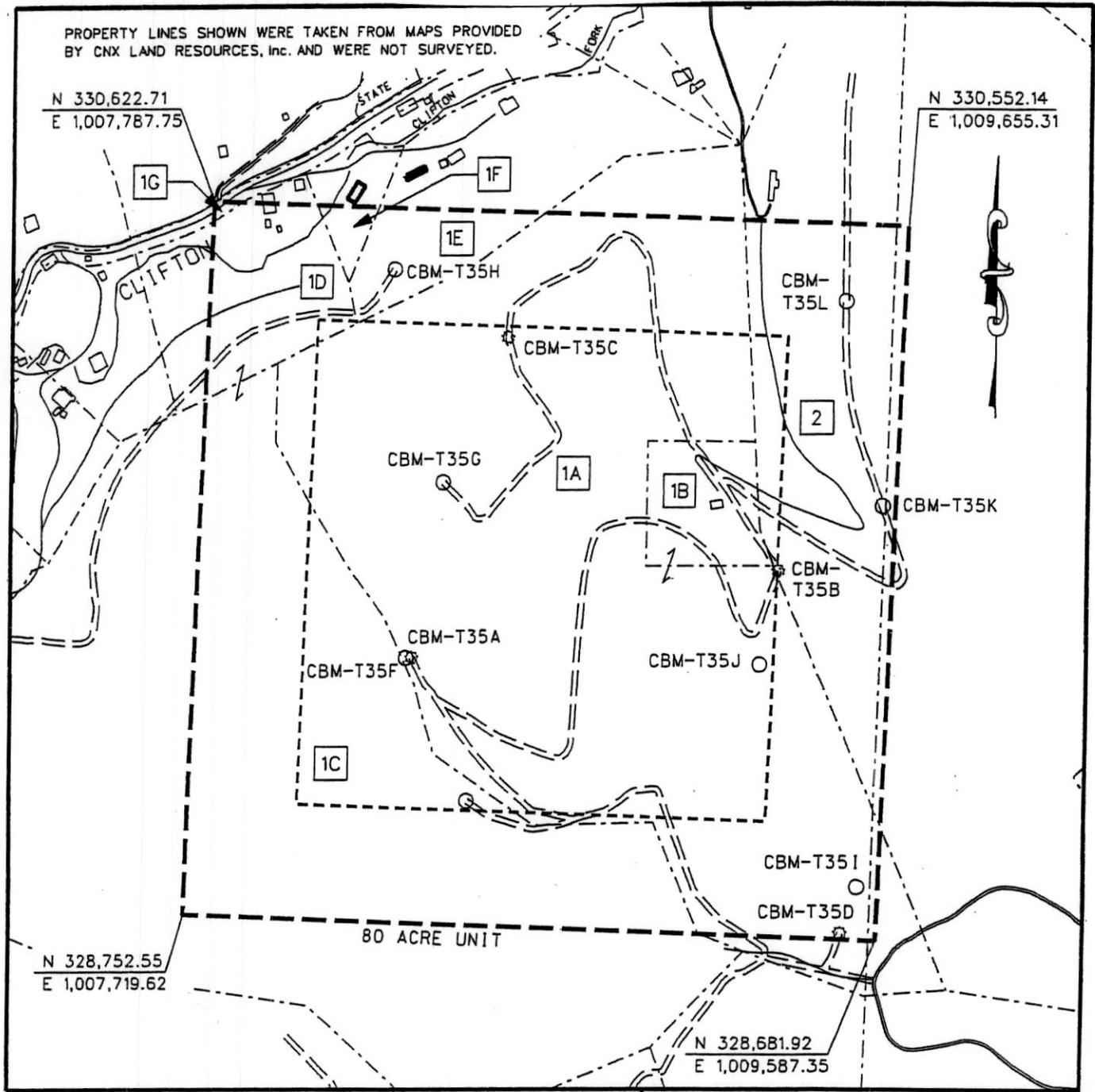


EXHIBIT A
 OAKWOOD FIELD
 UNIT T-35
 FORCE POOLING
 VGOB-98-1020-0695-01

Company CNX Gas Company LLC Well Name and Number UNIT T35
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale: 1" = 400' Date 11/11/05
 This plot is a new plot X ; an updated plot _____ ; or a final plot _____

Form DGO-GO-7
 Rev. 9/91

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

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CNX Gas Company LLC

UNIT T-35

Tract Identification

1. H. S. T. Group, L. C. - 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
69.74 acres 87.1750%

- 1A. Consolidation Coal Company - Surface
- 1B. Consolidation Coal Company - Surface
- 1C. Consolidation Coal Company - Surface
- 1D. Consolidation Coal Company - Surface
- 1E. Naomi Clifton, et al - Surface
- 1F. Consolidation Coal Company - Surface
- 1G. Commonwealth of Virginia - Surface

2. 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 Stillwell Heirs - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (71/72)
10.26 acres 12.8250% *

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Exhibit E
Unit T-35
Docket # VGOB-98-1020-0695-03
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 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 OWNERSHIP</u>				
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	10.26 acres	12.825000%	2.012682%	1.326724%
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(g) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns				
(a) Cora Arnold Heirs, Devisees, Successors or Assigns				
(a.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.4275 acres 1/24 of 10.26 acres	0.534375%	0.083862%	0.055280%
(g) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%

Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
Tract #2, 10.26 acres					
COAL OWNERSHIP					
(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%	
OIL & GAS OWNERSHIP					
Thomas Stilwell Heirs, Devisees, Successors or Assigns	10.26 acres	12.825000%	2.012682%	1.326724%	
(1) Beulah V. Osborne c/o Vivian Osborne, POA Box 500 Oakwood, VA 24631	1.2825 acres 1/8 of 10.26 acres	1.603125%	0.251585%	0.165841%	n/a
(2) Raleigh Stilwell Heirs, Devisees, Successors or Assigns					
(a) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.603125%	0.251585%	0.165841%	n/a
(3) Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a) Virginia N. Stilwell, widow 1106 Dial Road Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.603125%	0.251585%	0.165841%	n/a
(4) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.603125%	0.251585%	0.165841%	22.5000%
(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	0.1069 acres 1/96 of 10.26 acres	0.133594%	0.020965%	0.013820%	n/a
(a.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.1069 acres 1/96 of 10.26 acres	0.133594%	0.020965%	0.013820%	n/a
(a.2) Maxie Boyd Box 972 Raven, VA 24639	0.2138 acres 1/48 of 10.26 acres	0.267188%	0.041931%	0.027640%	n/a
(a.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.2138 acres 1/48 of 10.26 acres	0.267188%	0.041931%	0.027640%	n/a
(a.4) Judy Blankenship Box 221 Doran, VA 24612	0.2138 acres 1/48 of 10.26 acres	0.267188%	0.041931%	0.027640%	n/a
(a.5) John Osborne Box 6 Shortt Gap, VA 24647	0.2138 acres 1/48 of 10.26 acres	0.267188%	0.041931%	0.027640%	n/a

Revised

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Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(a.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.2138 acres 1/48 of 10.26 acres	0.267188%	0.041931%	0.027640%	n/a
(6) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(a) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(b) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%
(c) Jerline Davis 118 Coronado Rd. North Tazewell, VA 24630	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%
(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	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(f) Daniel J. Osborne 1068 Harvest Moon Road Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%
(h) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(i) Lois Casey 5-112 Sunny Hills Dr. Cedar Bluff, VA 24609	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%
(7) Sylvester Stilwell Osborne Heirs, Devisees, Successors or Assigns					
(b) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(c) Jay C. Stilwell Heirs, Devisees, Successors or Assigns					
(c.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(d) Wanda Hagy Box 1738 Richlands, VA 24641	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(e) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(f) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%

Exhibit EE
Unit T-35
Docket # VGOB-98-1020-0695-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

W9 still needed

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
(8) Charlie Stilwell Osborne Heirs, Deviseses, Successors or Assigns					
(a) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.4275 acres 1/24 of 10.26 acres	0.534375%	0.083862%	0.055280%	n/a
(b) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(c) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(d) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(e) Quentin A. Stilwell P. O. Box 154 Rhame, ND 58651	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	2.5000%
(f) Daniel J. Stilwell D77 El Rancho Trailer Ct. Mandan, ND 58554	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.1425 acres 1/72 of 10.26 acres	0.178125%	0.027954%	0.018427%	n/a

))

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 12/31/09

Unit T35
 VGOB 98-0421-0695-03
 Acres Escrowed: 2.850000

Owners	Tract #	Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$39,962.71
Hurt McGuire Land Trust - Coal	2	2.85000		37.5000%	\$14,986.02
Thomas Stilwell Heirs - O&G		10.2600			
Arthur M. Stilwell			1/8	22.5000%	\$8,991.61
Linda S. Shelton			1/72	2.5000%	\$999.07
Jerline Davis			1/72	2.5000%	\$999.07
Daniel J. Osborne			1/72	2.5000%	\$999.07
Lois Casey			1/72	2.5000%	\$999.07 (1)
Theodore Stilwell			1/72	2.5000%	\$999.07
Quentin A. Stilwell			1/72	2.5000%	\$999.07

Wells contributing to the escrow account:

T35A, T35B, T35C, T35D

(1) W9 Tax Form not received. Do not disburse.

INSTRUMENT #100001388
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY ON
 MAY 26, 2010 AT 12:24PM

BEVERLY S. TILLER, CLERK
 RECORDED BY: SLB