

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 Swords Creek Land Partnership and five (5) members of the Kyle Brown, et al in Tract 2A plus five (5) members of the Kyle Brown, et al in Tract 2G

DOCKET NO.**04-0615-1296-02****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
 Action: Amending Prior Orders Affecting Drilling AY120,
a portion of Tracts 2A and 2G
 (Referenced herein as "the Subject Drilling Unit")

Location: Russell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit AY120 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 in Subject Drilling

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 April 26, 2011 at the Russell County Government Complex, Conference Center at 139 Highland Drive, 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 June 15, 2004 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 Russell County on December 15, 2004, Deed Book 622, pages 361-381. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on April 2, 2005, Deed Book 688, 303-321.
- (b) On September 21, 2010 the Board approved and on November 3, 2010 executed a disbursement order for seven (7) members of the Kyle Brown heirs in Tracts 2A and 2G in the Subject Drilling Unit. The Disbursement Order was filed with the Clerk of the Circuit Court of Russell County on November 18, 2010, Deed Book 728, pages 0267 to 0283; Instrument 1002827.
- 4.1 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 ownership interests Swords Creek Land Partnership; and the gas ownership interests Beulah Brown, Roger Brown, Danny Brown, Angela B. Bain, and Sandra Gaile Miller Hess in Tracts 2A and 2G in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.2 The Unit Operator's Miscellaneous Petition regarding a portion of tracts 2A and 2G, a copy of which is attached to and made a part hereof, states under oath that Swords Creek Land Partnership and the Applicants have entered into a royalty split agreements (50% / 50%) and by the terms of the agreements regarding these tracts escrowing regarding these individual conflicting claims is no longer required for these parties.
- 4.3 The Unit Operator gave notice to Swords Creek Land Partnership and the applicants that the Board would consider its disbursement authorization at its hearing on April 26, 2011 and consider whether to: (1) amend the Pooling Order to provide for the disbursement of a portion of funds on deposit in the escrow account attributable to a portion of tract 2A and tract 2G identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tracts 2A and 2G 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.
- 4.4 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) Swords Creek Land Partnership and certain individuals of the Kyle Brown, et al including Swords Creek Land Partnership; Kyle Brown heirs et al including Beulah Brown, Roger Brown, Danny Brown, Angela B. Bain, and Sandra Gaile Miller Hess are the owners of the coal and gas acreage estate underlying a portion of Tract 2A and Tract 2G of the Subject Drilling Unit;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 04-0615-1296-02 Disbursement
Unit AY120

Item No	Tract	TABLE 1	Fractional Ownership in Tract	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
						19.25424	
	2A	Swords Creek Land Partnership	23.070000				
1	2A	Swords Creek Land Partnership / P.O. Box 29 / Tazewell, VA 24651		2.4468	50.0%	1.223	6.3540%
2	2A	Beulah Brown / 4723 Lynn Springs Road / Swords Creek, VA 24649	1/33	0.6991	50.0%	0.350	1.8154%
3	2A	Roger Brown / 4719 Lynn Springs Road / Swords Creek, VA 24649	2/99	0.4661	50.0%	0.233	1.2103%
4	2A	Danny Brown / P.O. Box 65 / Swords Creek, VA 24649	2/99	0.4661	50.0%	0.233	1.2103%
5	2A	Angela B. Bain / 550 Chrisman Street / Christiansburg, VA 24073	2/99	0.4661	50.0%	0.233	1.2103%
6	2A	Sandra Gaile Miller Hess / 423 Yates Estates Circle / Cedar Bluff, VA 24609	1/66	0.3495	50.0%	0.175	0.9077%
	2G	Swords Creek Land Partnership	0.5900				
7	2G	Swords Creek Land Partnership / P.O. Box 29 / Tazewell, VA 24651		0.0626	50.0%	0.031	0.1625%
8	2G	Beulah Brown / 4723 Lynn Springs Road / Swords Creek, VA 24649	1/33	0.0179	50.0%	0.009	0.0464%
9	2G	Roger Brown / 4719 Lynn Springs Road / Swords Creek, VA 24649	2/99	0.0119	50.0%	0.006	0.0310%
10	2G	Danny Brown / P.O. Box 65 / Swords Creek, VA 24649	2/99	0.0119	50.0%	0.006	0.0310%
11	2G	Angela B. Bain / 550 Chrisman Street / Christiansburg, VA 24073	2/99	0.0119	50.0%	0.006	0.0310%
12	2G	Sandra Gaile Miller Hess / 423 Yates Estates Circle / Cedar Bluff, VA 24609	1/66	0.0089	50.0%	0.004	0.0232%

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 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 3 day of May, 2011 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

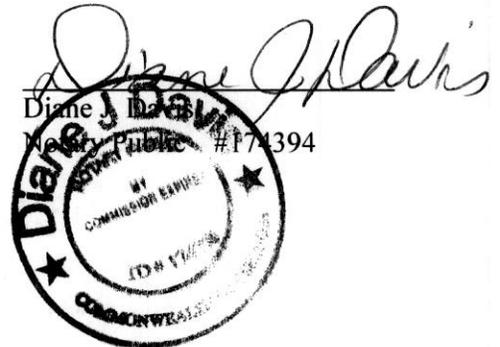
DONE AND PERFORMED this 3 day of May, 2011 by an Order of this Board.

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

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 3rd day of May, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **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.

My commission expires: 09 / 30 / 2013



PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 04-0615-1296-02

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

HEARING DATE: April 19, 2011
26

DRILLING UNIT: AY-120

RUSSELL 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) 2A & 2G as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Swords Creek Land Partnership and Beulah Brown, Roger Brown, Danny Brown, Angela B. Bain, and Sandra Gaile Miller Hess

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.

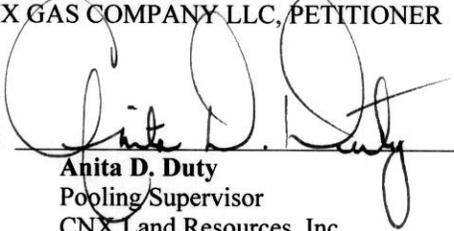
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Swords Creek Land Partnership and Beulah Brown, Roger Brown, Danny Brown, Angela B. Bain, and Sandra Gaile Miller Hess have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A-1, further, specifies how said royalties are to be divided and paid.

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

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

By: _____


Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701



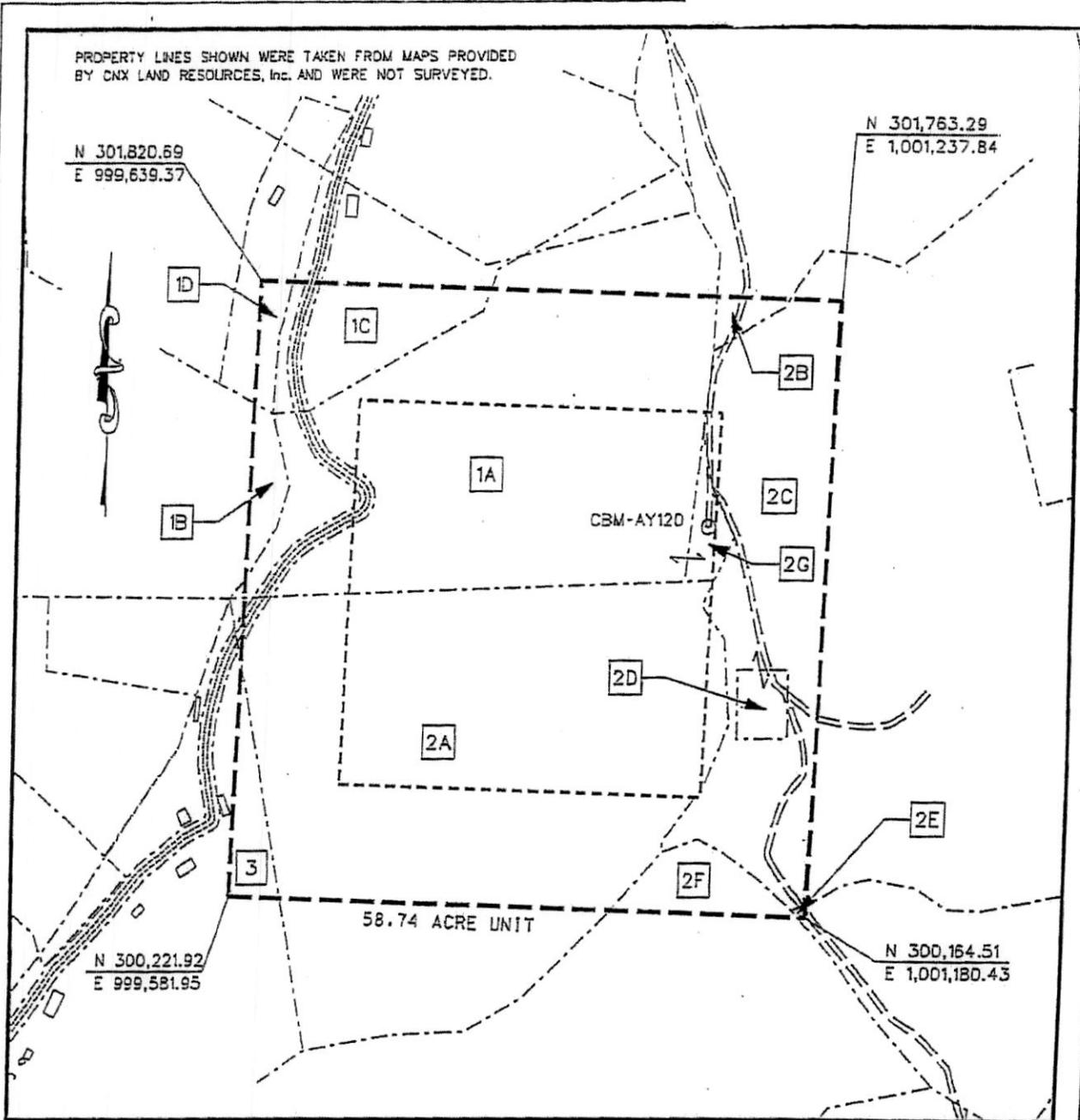
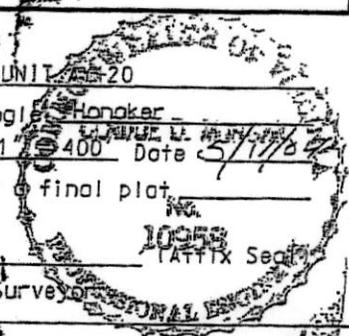


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-120
FORCE POOLING
VGDB-04-0615-1296

Company CNX Gas Company LLC Well Name and Number UNIT AY-120
 Tract No. _____ Elevation _____ Quadrangle Honaker
 County Russell District New Garden Scale: 1" = 400' Date 5/1/10
 This plat is a new plat X; an updated plat _____; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles A. May
 Licensed Professional Engineer or Licensed Land Surveyor



CNX GAS COMPANY LLC**UNIT AY120**

Tract Identifications
(58.74 Acre Unit)

- 1A. Swords Creek Land Partnership Tr. 19 – All Minerals
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Kyle Brown, et al – Surface
18.35 acres 31.2394%
- 1B. Swords Creek Land Partnership Tr. 19 – All Minerals
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Jeffrey Dye, et ux – Surface
0.72 acres 1.2257%
- 1C. Swords Creek Land Partnership Tr. 19 – All Minerals
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Alvie Hess, et ux – Surface
2.85 acres 4.8519%
- 1D. Swords Creek Land Partnership Tr. 19 – All Minerals
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Jeffrey Dye, et ux – Surface
0.48 acres 0.8172%
- 2A. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Company – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Kyle Brown, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
23.07 acres 39.2748%
- 2B. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Stuart Richardson Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.35 acres 0.5958%

CNX GAS COMPANY LLC**UNIT AY120****Tract Identifications****(58.74 Acre Unit)**

- 2C. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Stuart Richardson Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
9.42 acres 16.0368%
- 2D. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Stuart Richardson Heirs – Surface and All Minerals except Coal (Cemetery)
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.55 acres 0.9363%
- 2E. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Kenneth C. Miller, Jr., et ux - Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.02 acres 0.0340%
- 2F. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased
Joseph D. Brown - Surface and All Minerals except Coal
1.33 acres 2.2642%
- 2G. Swords Creek Land Partnership Tr. 23 – Coal
Reserve Coal Properties Company – Below Tiller Coal Leased
Knox Creek Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Kyle Brown, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.59 acres 1.0044%
3. W. R. McCall, et al – All Minerals
Reserve Coal Properties Company - Below Tiller Coal Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC – CBM Leased (%)
Unknown Surface Owner
1.01 acres 1.7195%

Exhibit E
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK - 734 PAGE 0658

	Acres in Unit	Interest in Unit
<u>Tract #2A, 23.07 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	23.07 acres	39.2748%
<u>OIL & GAS OWNERSHIP</u>		
(1) Kyle Brown, et al. <i>(W.H. Brown Heirs, Devisees, Successors or Assigns - 25 Acre Tract)</i>	23.07 acres	39.2748%
(a) Ada Reedy Heirs Devisees, Successors or Assigns		
(a.1) Ella Ruth Cook P.O. Box 71 Cyclone, WV 24827	0.69909 acres 1/33 of 23.07 acres	1.1901%
(a.2) Earl Reedy HC70 Box 710 White Sulphur Springs, WV 24986-7933	0.69909 acres 1/33 of 23.07 acres	1.1901%
(a.3) Rev. Ralph D. Reedy P.O. Box 330 Davins, WV 25617-0330	0.69909 acres 1/33 of 23.07 acres	1.1901%
(b) Idinia Perkins 103 North Trimble Road Mansfield, OH 44906	2.09727 acres 1/11 of 23.07 acres	3.5704%
(c) Kyle Brown Heirs, Devisees Successors or Assigns		
(c.1) Frances O. Brown 39 Jamison Drive Swords Creek, VA 24649-7652	2.09727 acres 1/11 of 23.07 acres	3.5704%
(e) Coy Brown Heirs, Devisees, Successors or Assigns		
(e.1) Bernice Matney 4526 CR29 Galion, OH 44833	1.04864 acres 1/22 of 23.07 acres	1.7852%
(e.2) Geraldine Smith 110 Baurer Crt., Apt F6 Crestline, OH 44827	1.04864 acres 1/22 of 23.07 acres	1.7852%
(g) Mary V. Jones Heirs, Devisees, Successors or Assigns		
(g.1) Mary Ann Bishop 1354 Rustic Ridge Road Riner, VA 24149	0.69909 acres 1/33 of 23.07 acres	1.1901%
(g.2) Connie M. Gillespie Rt.1 Box 462 Lebanon, VA 24266	0.69909 acres 1/33 of 23.07 acres	1.1901%

Exhibit E
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(g.3) Joyce J. Doss 348 Green Drive Blountville, TN 37617	0.69909 acres 1/33 of 23.07 acres	1.1901%
(i) Della Miller Heirs, Devisees, Successors or Assigns		
(i.6) James Dallas Miller Heirs, Devisees, Successors or Assigns		
(i.6.1) Mary Miller Rt. 1, Box 640R Swords Creek, VA 24649	0.34955 acres 1/66 of 23.07 acres	0.5951%
(j) Lydia Brown Heirs, Devisees, Successors or Assigns		
(j.1) Kenny Brown 222 Douglas Chapel Road Jonesborough, TN 37659	2.09727 acres 1/11 of 23.07 acres	3.5704%
(k) Mamie Ray Heirs, Devisees, Successors or Assigns		
(k.1) Pauline Duston 303 Howard Street Mount Vernon, OH 43050	0.52432 acres 1/44 of 23.07 acres	0.8926%
(k.2) Fay Ray 13376 Old Mansfield Road Mount Vernon, OH 43050	0.52432 acres 1/44 of 23.07 acres	0.8926%
(k.3) Connie Harding 13376 Old Mansfield Road Mount Vernon, OH 43050	0.52432 acres 1/44 of 23.07 acres	0.8926%
(k.4) Dr. Herbert Jordan 314 South 5th Street Ironton, OH 45638	0.52432 acres 1/44 of 23.07 acres	0.8926%

Tract #2F, 1.33 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	1.33 acres	2.2642%
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OIL & GAS OWNERSHIP

(1) Joseph D. Brown P.O. Box 211 Swords Creek, VA 24649	1.33 acres	2.2642%
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Tract #2G, 0.59 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	0.59 acres	1.0044%
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Exhibit E
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
<u>OIL & GAS OWNERSHIP</u>		
(1) Kyle Brown, et al. <i>(W.H. Brown Heirs, Devisees, Successors or Assigns - 25 Acre Tract)</i>	0.59 acres	1.0044%
(a) Ada Reedy Heirs Devisees, Successors or Assigns		
(a.1) Ella Ruth Cook P.O. Box 71 Cyclone, WV 24827	0.01788 acres 1/33 of 0.59 acres	0.0304%
(a.2) Earl Reedy HC70 Box 710 White Sulphur Springs, WV 24986-7933	0.01788 acres 1/33 of 0.59 acres	0.0304%
(a.3) Rev. Ralph D. Reedy P.O. Box 330 Davin, WV 25617-0330	0.01788 acres 1/33 of 0.59 acres	0.0304%
(b) Idinia Perkins 103 North Trimble Road Mansfield, OH 44906	0.05364 acres 1/11 of 0.59 acres	0.0913%
(c) Kyle Brown Heirs, Devisees Successors or Assigns		
(c.1) Frances O. Brown 39 Jamison Drive Swords Creek, VA 24649-7652	0.05364 acres 1/11 of 0.59 acres	0.0913%
(e) Coy Brown Heirs, Devisees, Successors or Assigns		
(e.1) Bernice Matney 4526 CR29 Galion, OH 44833	0.02682 acres 1/22 of 0.59 acres	0.0457%
(e.2) Geraldine Smith 110 Baurer Crt., Apt F6 Crestline, OH 44827	0.02682 acres 1/22 of 0.59 acres	0.0457%
(g) Mary V. Jones Heirs, Devisees, Successors or Assigns		
(g.1) Mary Ann Bishop 1354 Rustic Ridge Road Riner, VA 24149	0.01788 acres 1/33 of 0.59 acres	0.0304%
(g.2) Connie M. Gillespie Rt.1 Box 462 Lebanon, VA 24266	0.01788 acres 1/33 of 0.59 acres	0.0304%
(g.3) Joyce J. Doss 348 Green Drive Blountville, TN 37617	0.01788 acres 1/33 of 0.59 acres	0.0304%
(i) Della Miller Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(i.6) James Dallas Miller Heirs, Devisees, Successors or Assigns		
(i.6.1) Mary Miller Rt. 1, Box 640R Swords Creek, VA 24649	0.00894 acres 1/66 of 0.59 acres	0.0152%
(j) Lydia Brown Heirs, Devisees, Successors or Assigns		
(j.1) Kenny Brown 222 Douglas Chapel Road Jonesborough, TN 37659	0.05364 acres 1/11 of 0.59 acres	0.0913%
(k) Mamie Ray Heirs, Devisees, Successors or Assigns		
(k.1) Pauline Duston 303 Howard Street Mount Vernon, OH 43050	0.01341 acres 1/44 of 0.59 acres	0.0228%
(k.2) Fay Ray 13376 Old Mansfield Road Mount Vernon, OH 43050	0.01341 acres 1/44 of 0.59 acres	0.0228%
(k.3) Connie Harding 13376 Old Mansfield Road Mount Vernon, OH 43050	0.01341 acres 1/44 of 0.59 acres	0.0228%
(k.4) Dr. Herbert Jordan 314 South 5th Street Ironton, OH 45638	0.01341 acres 1/44 of 0.59 acres	0.0228%

Exhibit EE
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2A, 23.07 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	23.07 acres	39.2748%	
<u>OIL & GAS OWNERSHIP</u>			
(1) Kyle Brown, et al. <i>(W.H. Brown Heirs, Devisees, Successors or Assigns - 25 Acre Tract)</i>	23.07 acres	39.2748%	
(d) Truel Brown Heirs, Devisees, Successors or Assigns			
(d.1) Stanley Brown P.O. Box 691 Honaker, VA 24260	2.09727 acres 1/11 of 23.07 acres	3.5704%	n/a
(f) Cleo Brown Heirs, Devisees, Successors or Assigns			
(f.1) Beulah Brown 4723 Lynn Springs Road Swords Creek, VA 24649	0.69909 acres 1/33 of 23.07 acres	1.1901%	1.8154%
(f.2) Roger Brown 4719 Lynn Springs Road Swords Creek, VA 24649	0.46606 acres 2/99 of 23.07 acres	0.7934%	1.2103%
(f.3) Danny Brown P.O. Box 65 Swords Creek, VA 24649	0.46606 acres 2/99 of 23.07 acres	0.7934%	1.2103%
(f.4) Angela B. Bain 550 Chrisman Street Christiansburg, VA 24073	0.46606 acres 2/99 of 23.07 acres	0.7934%	1.2103%
(h) Ruie Brown Heirs, Devisees, Successors or Assigns			
(h.1) Lillian Murray Barr 223 Morris Drive Salisbury, MD 21804	0.52432 acres 1/44 of 23.07 acres	0.8926%	n/a
(h.2) Charlie W. Brown 3963 Lynn Springs Road Swords Creek, VA 24649-7796	0.52432 acres 1/44 of 23.07 acres	0.8926%	n/a
(h.3) Shirley M. Brown * P.O. Box 44 Swords Creek, VA 24649	0.52432 acres 1/44 of 23.07 acres	0.8926%	n/a
* Note: Owner was included on the Exhibit EE in the supplemental order executed 1/15/08, but was incorrectly escrowed. Her acreage is included in the disbursement calculation and will be paid out once the disbursement is approved.			
(h.4) Wilma J. Keen P.O. Box 13 Swords Creek, VA 24649	0.52432 acres 1/44 of 23.07 acres	0.8926%	n/a

Exhibit EE
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Percent of Escrow
(i) Della Miller Heirs, Devisees, Successors or Assigns			
(i.1) R.C. Miller 16194 Richardson Avenue Abingdon, VA 24211	0.34955 acres 1/66 of 23.07 acres	0.5951%	n/a
(i.2) Sandra Gaile Miller Hess 423 Yates Estates Circle Cedar Bluff, VA 24609	0.34955 acres 1/66 of 23.07 acres	0.5951%	0.9077%
(i.3) Freda Mae Owens 3410 Kents Ridge Road Swords Creek, VA 24649	0.34955 acres 1/66 of 23.07 acres	0.5951%	n/a
(i.4) Judy Darlene Cordle P.O. Box 625 Raven, VA 24639	0.34955 acres 1/66 of 23.07 acres	0.5951%	n/a
(i.5) Alverda Ray 309 Hawthorne Street Bluefield, VA 24605	0.34955 acres 1/66 of 23.07 acres	0.5951%	n/a

Tract #2B, 0.35 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	0.35 acres	0.5958%	
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OIL & GAS OWNERSHIP

(1) Stuart Richardson Heirs, Devisees, Successors or Assigns	0.35 acres	0.5958%	
(a) Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	0.12 acres 1/3 of 0.35 acres	0.1986%	n/a
(b) Harold D. Richardson 5735 Road Ridge Turnpike Raven, VA 24639 <i>(By documented dated August 5, 2002 requests his royalties be paid to Betty Jo Richardson)</i>			
Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a
(c) Billy W. Richardson 298 Jackson Street Raven, VA 24639	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a
(d) William W. Richardson 946 Call Valley Rd. Swords Creek, VA 24649	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a
(e) Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a

**Exhibit EE
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)**

	Acres in Unit	Interest in Unit	Percent of Escrow
(f) Douglas Richardson 2457 Pine Creek Rd. Swords Creek, VA 24649 <i>(By documented dated August 5, 2002 requests his royalties be paid to Rosa Lee Jackson)</i>			
Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a
(g) Michael D. Richardson 119 Edgemont Dr. Princeton, WV 24740	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a
(h) Alice J. Martin 66 Kents Ridge Road Honaker, VA 24260	0.03 acres 2/21 of 0.35 acres	0.0567%	n/a

Tract #2C, 9.42 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	9.42 acres	16.0368%	
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OIL & GAS OWNERSHIP

(1) Stuart Richardson Heirs, Deviseses, Successors or Assigns	9.42 acres	16.0368%	
(a) Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	3.14 acres 1/3 of 9.42 acres	5.3456%	n/a
(b) Harold D. Richardson 5735 Road Ridge Turnpike Raven, VA 24639 <i>(By documented dated August 5, 2002 requests his royalties be paid to Betty Jo Richardson)</i>			
Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(c) Billy W. Richardson 298 Jackson Street Raven, VA 24639	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(d) William W. Richardson 946 Call Valley Rd. Swords Creek, VA 24649	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(e) Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(f) Douglas Richardson 2457 Pine Creek Rd. Swords Creek, VA 24649 <i>(By documented dated August 5, 2002 requests his royalties be paid to Rosa Lee Jackson)</i>			

Exhibit EE
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Percent of Escrow
Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(g) Michael D. Richardson 119 Edgemont Dr. Princeton, WV 24740	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a
(h) Alice J. Martin 66 Kents Ridge Road Honaker, VA 24260	0.90 acres 2/21 of 9.42 acres	1.5273%	n/a

Tract #2D, 0.55 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	0.55 acres	0.9363%	
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OIL & GAS OWNERSHIP

(1) Stuart Richardson Heirs, Devises, Successors or Assigns	0.55 acres	0.9363%	
(a) Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	0.18 acres 1/3 of 0.55 acres	0.3121%	n/a
(b) Harold D. Richardson 5735 Road Ridge Turnpike Raven, VA 24639 <i>(By documented dated August 5, 2002 requests his royalties be paid to Betty Jo Richardson)</i>			
Betty Jo Richardson 2479 Pine Creek Rd. Swords Creek, VA 24649	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
(c) Billy W. Richardson 298 Jackson Street Raven, VA 24639	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
(d) William W. Richardson 946 Call Valley Rd. Swords Creek, VA 24649	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
(e) Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
(f) Douglas Richardson 2457 Pine Creek Rd. Swords Creek, VA 24649 <i>(By documented dated August 5, 2002 requests his royalties be paid to Rosa Lee Jackson)</i>			
Rosa Lee Jackson 2517 Pine Creek Rd. Swords Creek, VA 24649-7600	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
(g) Michael D. Richardson 119 Edgemont Dr. Princeton, WV 24740	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a

**Exhibit EE
Unit AY-120
VGOB# 04-0615-1296-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)**

	Acres in Unit	Interest in Unit	Percent of Escrow
(h) Alice J. Martin 66 Kents Ridge Road Honaker, VA 24260	0.05 acres 2/21 of 0.55 acres	0.0892%	n/a
<u>Tract #2E, 0.02 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	0.02 acres	0.0340%	
<u>OIL & GAS OWNERSHIP</u>			
(1) Kenneth C. Miller, Jr., et ux. 2677 Pine Creek Rd. Swords Creek, VA 24649	0.02 acres	0.0340%	n/a
<u>Tract #2G, 0.59 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.23 P.O. Box 29 Tazewell, VA 24651	0.59 acres	1.0044%	
<u>OIL & GAS OWNERSHIP</u>			
(1) Kyle Brown, et al. <i>(W.H. Brown Heirs, Devisees, Successors or Assigns - 25 Acre Tract)</i>	0.59 acres	1.0044%	
(d) Truel Brown Heirs, Devisees, Successors or Assigns			
(d.1) Stanley Brown P.O. Box 691 Honaker, VA 24260	0.05364 acres 1/11 of 0.59 acres	0.0913%	n/a
(f) Cleo Brown Heirs, Devisees, Successors or Assigns			
(f.1) Beulah Brown 4723 Lynn Springs Road Swords Creek, VA 24649	0.01788 acres 1/33 of 0.59 acres	0.0304%	0.0464%
(f.2) Roger Brown 4719 Lynn Springs Road Swords Creek, VA 24649	0.01192 acres 2/99 of 0.59 acres	0.0203%	0.0310%
(f.3) Danny Brown P.O. Box 65 Swords Creek, VA 24649	0.01192 acres 2/99 of 0.59 acres	0.0203%	0.0310%
(f.4) Angela B. Bain 550 Chrisman Street Christiansburg, VA 24073	0.01192 acres 2/99 of 0.59 acres	0.0203%	0.0310%
(h) Ruie Brown Heirs, Devisees, Successors or Assigns			

Exhibit EE
Unit AY-120

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VGOB# 04-0615-1296-02

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(h.1) Lillian Murray Barr 223 Morris Drive Salisbury, MD 21804	0.01341 acres 1/44 of 0.59 acres	0.0228%	n/a
(h.2) Charlie W. Brown 3963 Lynn Springs Road Swords Creek, VA 24649-7796	0.01341 acres 1/44 of 0.59 acres	0.0228%	n/a
(h.3) Shirley M. Brown * P.O. Box 44 Swords Creek, VA 24649	0.01341 acres 1/44 of 0.59 acres	0.0228%	n/a
* Note: Owner was included on the Exhibit EE in the supplemental order executed 1/15/08, but was incorrectly escrowed. Her acreage is included in the disbursement calculation and will be paid out once the disbursement is approved.			
(h.4) Wilma J. Keen P.O. Box 13 Swords Creek, VA 24649	0.01341 acres 1/44 of 0.59 acres	0.0228%	n/a
(i) Della Miller Heirs, Devisees, Successors or Assigns			
(i.1) R.C. Miller 16194 Richardson Avenue Abingdon, VA 24211	0.00894 acres 1/66 of 0.59 acres	0.0152%	n/a
(i.2) Sandra Gaile Miller Hess 423 Yates Estates Circle Cedar Bluff, VA 24609	0.00894 acres 1/66 of 0.59 acres	0.0152%	0.0232%
(i.3) Freda Mae Owens 3410 Kents Ridge Road Swords Creek, VA 24649	0.00894 acres 1/66 of 0.59 acres	0.0152%	n/a
(i.4) Judy Darlene Cordle P.O. Box 625 Raven, VA 24639	0.00894 acres 1/66 of 0.59 acres	0.0152%	n/a
(i.5) Alverda Ray 309 Hawthorne Street Bluefield, VA 24605	0.00894 acres 1/66 of 0.59 acres	0.0152%	n/a

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

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Unit AY120
 VGOB 04-0615-1296-02
 Acres Escrowed: 19.254240

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$35,511.12
Swords Creek Land Partnership - Coal	2A	17.477270			6.3540%	\$2,256.37
Kyle Brown, et al - Oil & Gas		23.07				
Beulah Brown			0.69909	1/33	1.8154%	\$644.68
Roger Brown			0.46606	2/99	1.2103%	\$429.78
Danny Brown			0.46606	2/99	1.2103%	\$429.78
Angela B. Bain			0.46606	2/99	1.2103%	\$429.78
Sandra Gaile Miller Hess			0.34955	1/66	0.9077%	\$322.34
Swords Creek Land Partnership - Coal	2G	0.446970			0.1625%	\$57.71
Kyle Brown, et al - Oil & Gas		0.59				
Beulah Brown			0.01788	1/33	0.0464%	\$16.49
Roger Brown			0.01192	2/99	0.0310%	\$10.99
Danny Brown			0.01192	2/99	0.0310%	\$10.99
Angela B. Bain			0.01192	2/99	0.0310%	\$10.99
Sandra Gaile Miller Hess			0.00894	1/66	0.0232%	\$8.24

Wells contributing to the escrow account: AY120

1101304

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 5-19- 2011. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 3:55 o'clock P M, after payment of \$ _____ tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Mundale Cook D. CLERK

Original returned this date to: Diane Davis

Upload Submitted

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