

1155

070002300

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: Russell W. Gambill )  
Harrison-Wyatt, LLC )

DOCKET NO.  
05-0816-1489-01

RELIEF SOUGHT: Issuance of an Amended Supplemental )  
Order Amending Prior Orders Affecting )  
Drilling Unit V-4 Located in )  
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 Subaccount; )  
(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 3A. )

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on February 20, 2007 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 February 2, 2006, 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 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on February 7, 2006 as instrument number 06-0000404. No Supplemental Order Regarding Elections has been filed. The Pooling Order named CNX Gas Company, LLC (CNX) as Unit Operator.
- 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 owner Russell W. Gambill and coal fee owner Harrison-Wyatt, LLC in a 5.84-acre tract known as VGOB Tract 3A 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 3A, a copy of which is attached to and made a part hereof, and testimony state under oath that Russell W. Gambill and Harrison-Wyatt, LLC have entered into an agreement and that by the terms of the agreement escrow regarding the conflicting claims of said parties is no longer required. By sworn testimony before the Board, the Unit Operator testified that VGOB Tract 3A and the interests of Russell W. Gambill and Harrison-Wyatt, LLC are subject to the agreement.
- 4.4 The Unit Operator gave notice to Russell W. Gambill and Harrison-Wyatt, LLC that the Board would take the application 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 3A and the interests of Russell W. Gambill; (2) delete the requirement that the Unit Operator place future royalties attributable to Tract 3A and the interests of Russell W. Gambill and Harrison-Wyatt, LLC 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) Russell W. Gambill is the owner of 100% of oil and gas estate underlying VGOB Tract 3A of the Subject Drilling Unit;
- (2) Harrison-Wyatt, LLC is the owner of 100% of coal estate underlying VGOB Tract 3A of the Subject Drilling Unit;
- (3) Russell W. Gambill and Harrison-Wyatt, LLC have entered into an agreement resolving their conflicting claims pertaining to ownership of CBM minerals and specifying that future revenues attributable to VGOB Tract 3A be paid directly to the owners according to the agreement.
- (4) Russell W. Gambill elected to voluntarily share in the operation of the well as a participating operator and submitted his portion of estimated well costs to the designated Unit Operator, CNX Gas Company, LLC. Because of conflicting claims to the coalbed methane gas, the Unit Operator deposited Gambill's well cost payments and subsequent revenues from production attributable to VGOB Tract 3A and the interests of Russell W. Gambill into the escrow account.
- (5) Royalties attributable to Unit W-4 (VGOB Docket No. 06-0418-1616) in the amount of \$219.39 were incorrectly deposited in the sub-account for Unit V-4 on 9/29/06
- (6) No monies other than those attributable to Tract 3A and the interests of Russell W. Gambill and the funds attributable to Unit W-4 in (5), above, have been placed in the escrow account, and those monies are to be disbursed to CNX for operating costs, to Gambill as operator income, and to sub-account 06-0418-1616 to correct the deposit error.
- (7) The Unit Operator will submit a Supplemental Order detailing elections and escrow requirements after disbursement of VGOB Tract 3A funds and correction of the deposit error, and monies attributable to other tracts will be deposited, with interest, in the escrow sub-account for Unit V-4.
- (8) Net interests to be disbursed and parties to whom the disbursements are due are shown in Table 1, Below.

TABLE 1		
Owners	Tract #	% Interest in 05-0816-1489 sub-account
Russell W. Gambill 974 Vannoy Rd. Millers Creek, NC 28651	3A	32.3206%
CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	3A	66.9352%
Transfer to Unit W-4 Sub-account 06-0418-1616		0.7442%

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 3A and the interests of Russell W. Gambill and CNX Gas Company, LLC, and transfer incorrect deposits to Unit W-4 sub-account 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 Order filed in this cause is hereby modified to delete any requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Russell W. Gambill and Harrison-Wyatt, LLC VGOB Tract 3A be deposited by the Unit Operator into the Escrow Account. Because there are other owners subject to escrow, the Unit Operator is ordered to submit a Supplemental Order detailing those owners and to deposit funds attributable to those owners, plus interest, in the escrow account. The Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit so as to receive those funds. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

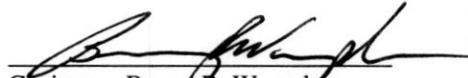
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

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 19<sup>th</sup> day of June, 2007, by a majority of the Virginia Gas and Oil Board.

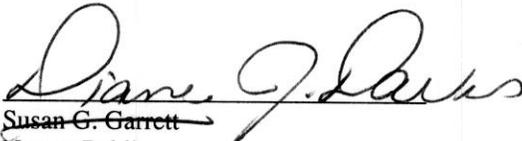
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 19<sup>th</sup> day of June, 2007, 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 )

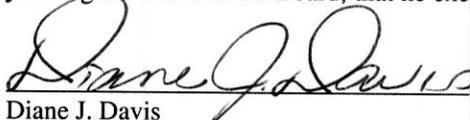
Acknowledged on this 19<sup>th</sup> day of June, 2007, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
~~Susan G. Garrett~~  
Notary Public

My Commission expires: 9/30/09

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 19<sup>th</sup> day of June, 2007, 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

Analysis of Wachovia Escrow Account  
V-4

As of December 31, 2006

Account Number	Description	Amount	Dates	CNX	Gambill	W-4
05-0816-1489 CNX V-4	Interest	\$ 53.23	4/28/2006	\$ 53.23		
05-0816-1489 CNX V-4	Gambill paid to participate	\$ 17,862.86	5/26/2006	\$ 17,862.86		
05-0816-1489 CNX V-4	Interest	\$ 55.68	5/31/2006	\$ 55.68		
05-0816-1489 CNX V-4	Interest	\$ 55.67	6/30/2006	\$ 55.67		
05-0816-1489 CNX V-4	Interest	\$ 60.64	7/31/2006	\$ 60.64		
05-0816-1489 CNX V-4	Interest	\$ 103.17	8/31/2006	\$ 103.17		
05-0816-1489 CNX V-4	Gambill's Net Inc + Interest to 5/31/06	\$ 11,069.24	9/29/2006	\$ 11,069.24		
05-0816-1489 CNX V-4	Gambill add'l due to participate	\$ -	9/29/2006	\$ 1,541.16	\$ (1,541.16)	
05-0816-1489 CNX V-4	Royalty on W-4	\$ 81.83	9/29/2006			\$ 81.83
05-0816-1489 CNX V-4	Royalty on W-4	\$ 137.56	9/29/2006			\$ 137.56
		<u>\$ 29,479.88</u>		<u>\$ 19,732.41</u>	<u>\$ 9,528.08</u>	<u>\$ 219.39</u>
05-0816-1489 CNX V-4	Balance 9/30/06	\$ 111.15	10/31/2006	\$ 74.40	\$ 35.92	\$ 0.83
05-0816-1489 CNX V-4	Interest	\$ 29,591.03		\$ 19,806.81	\$ 9,564.00	\$ 220.22
05-0816-1489 CNX V-4	Balance 10/31/06	\$ 112.04	11/30/2006	\$ 74.99	\$ 36.21	\$ 0.83
05-0816-1489 CNX V-4	Interest	\$ 29,703.07		\$ 19,881.80	\$ 9,600.22	\$ 221.05
05-0816-1489 CNX V-4	Balance 11/30/06	\$ 99.42	12/31/2006	\$ 66.55	\$ 32.13	\$ 0.74
05-0816-1489 CNX V-4	Interest	<u>\$ 29,802.49</u>		<u>\$ 19,948.35</u>	<u>\$ 9,632.35</u>	<u>\$ 221.79</u>

66,935.22 | 32,320.62

0.7400%  
W-4

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO: VGOB 05-0816-1489-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) 3A  
AND (2) AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES AND NET  
WORKING INTEREST OPERATING REVENUES

DRILLING UNIT(S): V-4

BUCHANAN COUNTY, VIRGINIA



AMENDED MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. 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 royalty funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 3A as set forth in the Exhibit A; (2) the disbursement of escrowed participation funds paid by Russell W. Gambill heretofore deposited with the Board's Escrow Agent(s) as set forth in the Exhibit A to the Petitioner, and (3) authorization to begin paying royalties directly to the parties to the agreement between Harrison-Wyatt, LLC and Russell W. Gambill.
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:** Harrison-Wyatt, LLC and Russell W. Gambill entered into an agreement which resolved their conflicting claims pertaining to the ownership of CBM minerals. Said agreement allows the Petitioner and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto. Said agreement also provides, in effect, that Russell W. Gambill has the right to participate in the unit on the basis and subject to the terms and conditions provided in the Board's prior Orders affecting the referenced units.
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

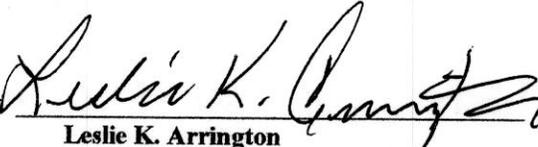
By   
**Leslie K. Arrington**  
Manager - Environmental Permitting  
CNX Gas Company LLC  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701  
304/323-6500

Exhibit E  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 12.26 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Levisa Coal Company, et al., Tr.36 (24 Acre outsale of the 75.75 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	12.26 acres	15.3250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John W. Pobst, Jr., et al. (24 Acre outsale of the 75.75 Acre Tract)	12.26 acres	15.3250%
(j) D. Ralph Thacker 20021 Thacker Drive Boonsboro, MD 21713	6.811 acres 5/9 of 12.26 acres	8.5139%
<b><u>Tract #2B - 28.52 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Levisa Coal Company, et al., Tr.36 (51 Acre outsale of the 75.75 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	28.52 acres	35.6500%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John W. Pobst, Jr., et al. (51 Acre outsale of the 75.75 Acre Tract)	28.52 acres	35.6500%
(j) Gallie Looney Heirs, Devisees, Successors or Assigns Heirs / Addresses Unknown	3.57 acres 1/8 of 28.52 acres	4.4563%
(k) Hays Owens Address Unknown	1.19 acres 1/24 of 28.52 acres	1.4854%
(l) Holly Owens Address Unknown	1.19 acres 1/24 of 28.52 acres	1.4854%
(m) Claude Owens Heirs, Devisees, Successors or Assigns Heirs / Addresses Unknown	1.19 acres 1/24 of 28.52 acres	1.4854%
(n) Hettie Looney Maynard Address Unknown	3.57 acres 1/8 of 28.52 acres	4.4563%
(o) Henry W. Hagy Heirs, Devisees, Successors or Assigns		
(o.1) Beverly Hagy P.O. Box 369 Linden, MI 48451	0.54 acres 19/1008 of 28.52 acres	0.6720%

Exhibit E  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(p) William R. Hagy 20963 Chatham Court Abingdon, VA 24210-1682	0.54 acres 19/1008 of 28.52 acres	0.6720%
(q) Clyde Dennis Hagy 36 Buck Oak Lane White Haven, PA 18661	0.54 acres 19/1008 of 28.52 acres	0.6720%
(r) Frank Hagy 118 Max Lane Galax, VA 24333	0.54 acres 19/1008 of 28.52 acres	0.6720%
(s) Joyce A. Morris Box 464 Loyall, KY 40854	0.54 acres 19/1008 of 28.52 acres	0.6720%
(t) Betty Hagy Alcartan 6431 Hill Creek Drive San Antonio, TX 78256	0.54 acres 19/1008 of 28.52 acres	0.6720%
(u) Della Church Heirs, Devisees, Successors or Assigns		
(u.1) Deborah Ashby <i>Address Unknown</i>	0.06 acres 1/504 of 28.52 acres	0.0707%
(u.2) Dorothy F. Church <i>Address Unknown</i>	0.06 acres 1/504 of 28.52 acres	0.0707%
(u.3) Donald J. Church <i>Address Unknown</i>	0.06 acres 1/504 of 28.52 acres	0.0707%
(u.4) Vickie Guffey 2127 Preston Mill Road Huddleston, VA 24104	0.06 acres 1/504 of 28.52 acres	0.0707%
(u.5) Danny R. Church 1396 Laymantown Road Troutville, VA 24175	0.06 acres 1/504 of 28.52 acres	0.0707%
(u.6) Martha G. Keen P.O. Box 592 Keen Mountain, VA 24624	0.06 acres 1/504 of 28.52 acres	0.0707%
(v) J.R. Looney <i>Address Unknown</i>	0.40 acres 1/72 of 28.52 acres	0.4951%
(w) Juanita Scott Thompson <i>Address Unknown</i>	0.40 acres 1/72 of 28.52 acres	0.4951%
(x) Geneva Kersey 1002 Kersey Road Green Cove Springs, FL 32043	0.04 acres 1/648 of 28.52 acres	0.0550%
(y) Maxie Fuller Heirs, Devisees, Successors or Assigns		
(y.1) Danny Fuller Heirs, Devisees, Successors or Assigns		

Exhibit E  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(y.1.1) Allison Fuller 195 Reaves Avenue Interlachen, FL 32148	0.03 acres 1/972 of 28.52 acres	0.0367%
(y.1.2) Stacy Fuller 212 Holly Lane Palatka, FL 32177	0.01 acres 1/1944 of 28.52 acres	0.0183%
(z) Wedith Shammami 4546 Fairway Ridge West Bloomfield, MI 48323	0.04 acres 1/648 of 28.52 acres	0.0550%
(aa) Clarence Owens Heirs, Devisees, Successors or Assigns		
(aa.1) Barbara A. Spencer 1285-B Lovett Road Orange Park, FL 32065	0.01 acres 1/1944 of 28.52 acres	0.0183%
(aa.2) Johnny Owens 13427 Beall Avenue Jacksonville, FL 32218	0.01 acres 1/1944 of 28.52 acres	0.0183%
(aa.3) Harold B. Owens 4946 Highway 17 South Green Cove Springs, FL 32043	0.01 acres 1/1944 of 28.52 acres	0.0183%
(bb) Billy Owens Rt.1 Box 72 Vansant, VA 24656	0.04 acres 1/648 of 28.52 acres	0.0550%
(cc) James Eurcele Owens Heirs, Devisees, Successors or Assigns		
(cc.1) Edith Owens Rt.1 Box 70 Vansant, VA 24656	0.04 acres 1/648 of 28.52 acres	0.0550%
(dd) Mary Fuller Rt.2 Box 287C Grundy, VA 24614	0.04 acres 1/648 of 28.52 acres	0.0550%
(ee) Dolly Owens Box 45 Oakwood, VA 24631	0.04 acres 1/648 of 28.52 acres	0.0550%
(ff) Virgil Owens Heirs, Devisees, Successors or Assigns		
(ff.1) Wesley Owens P.O. Box 684 Oakwood, VA 24631	0.02 acres 1/1296 of 28.52 acres	0.0275%
(ff.2) Abigail Owens Colley Heirs, Devisees, Successors or Assigns		
(ff.2.1) Gary Colley Address Unknown	0.02 acres 1/1296 of 28.52 acres	0.0275%

Exhibit E  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(gg) D. Ralph Thacker 20021 Thacker Drive Boonsboro, MD 21713	0.40 acres 1/72 of 28.52 acres	0.4951%

**Tract #4 - 6.28 acres**

*Escrow due to unknown / unlocatable*

**COAL FEE OWNERSHIP**

(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	6.28 acres	7.8500%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.4) Ercil Cook Address Unknown	0.0218 acres 0.347% of 6.28 acres	0.0273%

**OIL & GAS FEE OWNERSHIP**

(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	22.47 acres	28.0875%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.4) Ercil Cook Address Unknown	0.0218 acres 0.347% of 6.28 acres	0.0273%

Exhibit EE  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<b><u>Tract #1 - 23.77 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Levisa Coal Company, et al., Tr.35 (143.48 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	23.77 acres	29.7125%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John W. Pobst, Jr., et al.	23.77 acres	29.7125%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	5.94 acres 1/4 of 23.77 acres	7.4281%
(b) Carol & John C. Irvin, III 4710 Hunterwood Circle Richmond, TX 77469	1.98 acres 1/12 of 23.77 acres	2.4760%
(c) Elene & Frederick H. Combs, II P.O. Box 841 Tazewell, VA 24651	1.98 acres 1/12 of 23.77 acres	2.4760%
(d) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	1.98 acres 1/12 of 23.77 acres	2.4760%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	1.98 acres 1/12 of 23.77 acres	2.4760%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	1.98 acres 1/12 of 23.77 acres	2.4760%
(g) Richard K. Pobst 3760 Lindell Road Las Vegas, NV 89103	1.98 acres 1/12 of 23.77 acres	2.4760%
(h) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	1.98 acres 1/12 of 23.77 acres	2.4760%
(h) Meredith E. Jennings 2418 West Linden Street Nashville, TN 37212	3.96 acres 1/6 of 23.77 acres	4.9521%

Exhibit EE  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 12.26 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Levisa Coal Company, et al., Tr.36 <i>(24 Acre outsale of the 75.75 Acre Tract)</i> c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	12.26 acres	15.3250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John W. Pobst, Jr., et al. <i>(24 Acre outsale of the 75.75 Acre Tract)</i>	12.26 acres	15.3250%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	1.362 acres 1/9 of 12.26 acres	1.7028%
(b) Carol & John C. Irvin, III 4710 Hunterwood Circle Richmond, TX 77469	0.454 acres 1/27 of 12.26 acres	0.5676%
(c) Elene & Frederick H. Combs, II P.O. Box 841 Tazewell, VA 24651	0.454 acres 1/27 of 12.26 acres	0.5676%
(d) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	0.454 acres 1/27 of 12.26 acres	0.5676%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.454 acres 1/27 of 12.26 acres	0.5676%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	0.454 acres 1/27 of 12.26 acres	0.5676%
(g) Richard K. Pobst 3760 Lindell Road Las Vegas, NV 89103	0.454 acres 1/27 of 12.26 acres	0.5676%
(h) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.454 acres 1/27 of 12.26 acres	0.5676%
(h) Meredith E. Jennings 2418 West Linden Street Nashville, TN 37212	0.908 acres 2/27 of 12.26 acres	1.1352%

Exhibit EE  
Unit V-4  
Docket #VGOB 05-0816-1489  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<b><u>Tract #2B - 28.52 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Levisa Coal Company, et al., Tr.36 (51 Acre outsale of the 75.75 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	28.52 acres	35.6500%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) John W. Pobst, Jr., et al. (51 Acre outsale of the 75.75 Acre Tract)	28.52 acres	35.6500%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	3.17 acres 1/9 of 28.52 acres	3.9611%
(b) Carol & John C. Irvin, III 4710 Hunterwood Circle Richmond, TX 77469	1.06 acres 1/27 of 28.52 acres	1.3204%
(c) Elene & Frederick H. Combs, II P.O. Box 841 Tazewell, VA 24651	1.06 acres 1/27 of 28.52 acres	1.3204%
(d) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	1.06 acres 1/27 of 28.52 acres	1.3204%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	1.06 acres 1/27 of 28.52 acres	1.3204%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	1.06 acres 1/27 of 28.52 acres	1.3204%
(g) Richard K. Pobst 3760 Lindell Road Las Vegas, NV 89103	1.06 acres 1/27 of 28.52 acres	1.3204%
(h) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	1.06 acres 1/27 of 28.52 acres	1.3204%
(i) Meredith E. Jennings 2418 West Linden Street Nashville, TN 37212	2.11 acres 2/27 of 28.52 acres	2.6407%

Exhibit EE  
 Unit V-4  
 Docket #VGOB 05-0816-1489  
 List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<b><u>Tract #3A - 5.84 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	5.84 acres	7.3000%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Russell W. Gambill 971 Vannoy Road Millers Creek, NC 28651	5.84 acres	7.3000%
<b><u>Tract #3B - 0.36 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.36 acres	0.4500%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Arch Boyd, et ux. P.O. Box 596 Newport, NC 28570	0.36 acres	0.4500%
<b><u>Tract #3C - 2.97 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	2.97 acres	3.7125%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	2.97 acres	3.7125%

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 acknowledgement annexed, admitted to record this 21st day of June, 20 07. Instrument No. 07 000 2300

Returned to: Amme TESTE: Beverly S. Tiller, Clerk  
Beverly S. Tiller Deputy Clerk