

1338

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

090002567

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 06-0919-1713 & 06-0919-1713-01

ELECTIONS: UNIT M-17
(herein Subject Drilling Unit)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on January 31, 2008 which was recorded at Document 080000445 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on February 7, 2008, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit M-17;

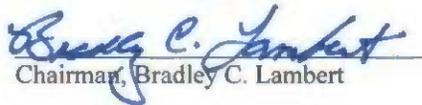
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Judy Barger or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

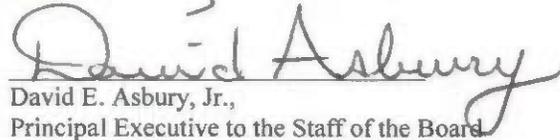
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 20 day of July, 2009, by a majority of the Virginia Gas and Oil Board.

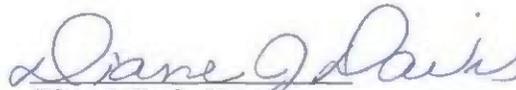

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 20 day of July, 2009, by Order of the Board.


David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Russell
Acknowledged on this 20th day of July, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared 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 they executed the same and were authorized to do so.


Diane J. Davis, Notary
174394

My commission expires: September 30, 2009



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit M-17
VGOB 06-0919-1713 & 06-0919-1713-01 in the South Grundy District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein A Designated Operator) REGARDING ELECTIONS,
ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager – Environmental Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on **January 31, 2008**, by the Virginia Gas and Oil Board (hereinafter “Board”) regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on **February 7, 2008**;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board’s Order of **January 31, 2008**;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board’s Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

Oakwood Market Inc.

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 21st day of January, 2009.

Anita D. Duty
Anita D. Duty

*State of W.Va
Bluefield*

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 21st day of January, 2009.

Melissa Cumbow
Notary

My commission expires: April 9, 2013.



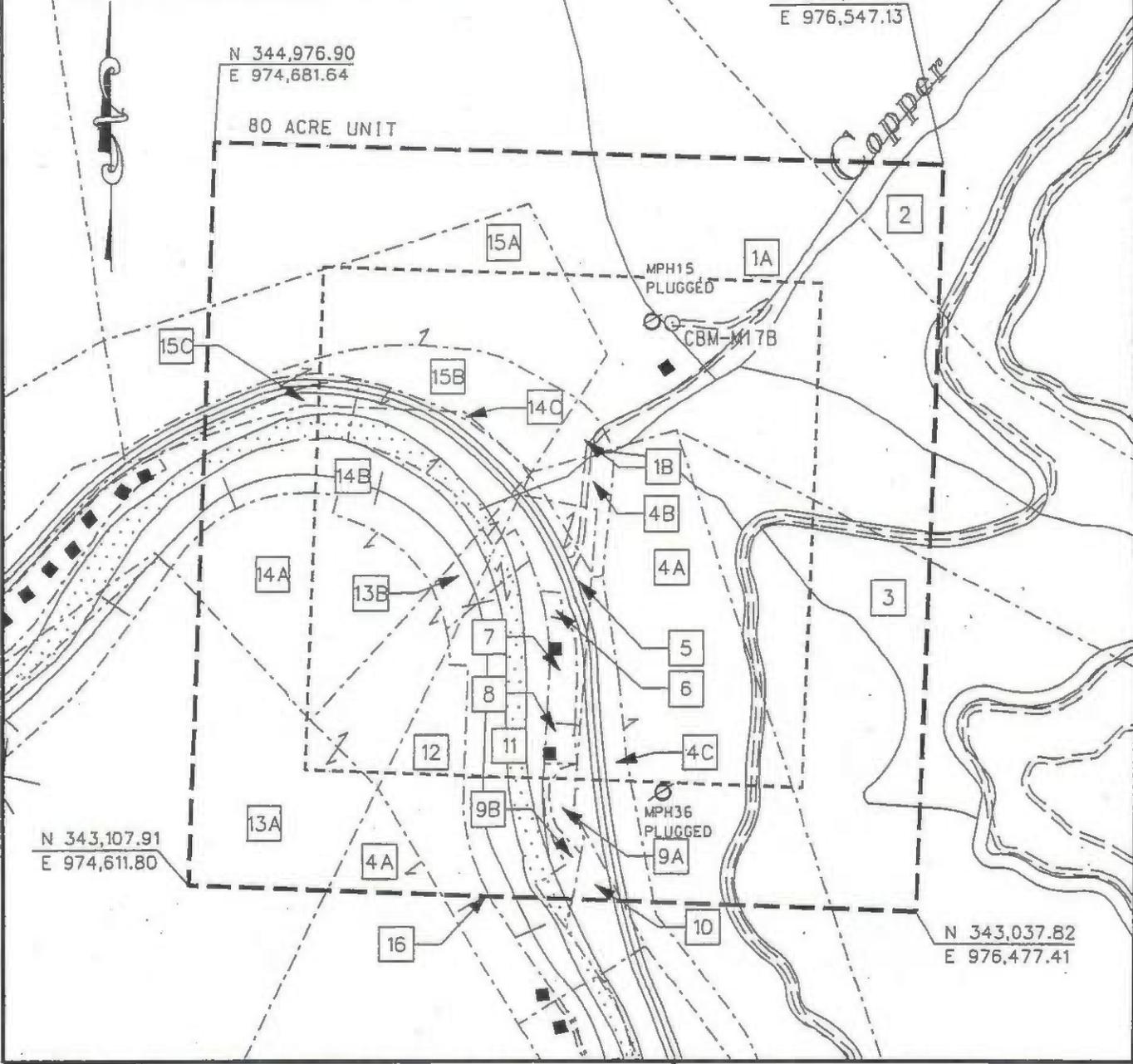
PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

N 344,906.85
E 976,547.13

N 344,976.90
E 974,681.64

80 ACRE UNIT

Copper



N 343,107.91
E 974,611.80

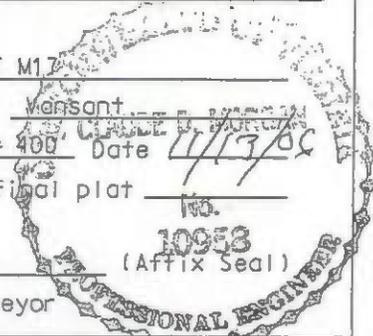
N 343,037.82
E 976,477.41

EXHIBIT A
OAKWOOD FIELD
UNIT M-17
FORCE POOLING
VGOB-06-0919-1713-01

Company CNX Gas Company LLC Well Name and Number UNIT M17
 Tract No. _____ Elevation _____ Quadrangle Varsant
 County Buchanan District South Grundy Scale: 1" = 400' Date 11/19/08
 This plat is a new plat X; an updated plat _____; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT M-17

Tract Identifications

- 1A. Consolidation Coal Company, et al. Big Vein Tr. 87 (86.94 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC, et al - Surface
20.80 acres 26.0000%
- 1B. Consolidation Coal Company, et al. Big Vein Tr. 87 (86.94 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
Commonwealth of Virginia - Surface
0.38 acres 0.4750%
2. Consolidation Coal Company, et al. Big Vein Tr. 43 (102.83 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC, et al - Surface
1.36 acres 1.7000%
3. Consolidation Coal Company, et al. Big Vein Tr. 84 (200.20 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC, et al - Surface
9.52 acres 11.9000%

CNX Gas Company LLC

UNIT M-17

Tract Identifications

4. Consolidation Coal Company, et al. Big Vein Tr. 92 (77.75 Acre Tract) – All Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
12.53 acres 15.6625%
- 4A. CNX Gas Company LLC, et al – Surface
- 4B. Commonwealth of Virginia – Surface
- 4C. Commonwealth of Virginia – Surface
5. Commonwealth of Virginia – Fee Less Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
1.16 acres 1.4500%
6. H. A. Street, et al – Fee except Coal In P-3 Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal In P-3 Seam
0.07 acres 0.0875%
7. Nora Ramey – Fee except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
0.41 acres 0.5125%
8. Orpha D. Brown – Fee except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
0.19 acres 0.2375%
- 9A. Oakwood Market, Inc. – Fee
0.25 acres 0.3125%
- 9B. Oakwood Market, Inc. - Fee except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
0.31 acres 0.3875%
10. Commonwealth of Virginia – All Minerals except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
Commonwealth of Virginia - Surface
0.25 acres 0.3125%

CNX Gas Company LLC

UNIT M-17

Tract Identifications

11. Norfolk Southern Corporation - Fee (Except Coal Below 800 Feet)
Consolidation Coal Company, et al – Coal Below 800 Feet
Island Creek Coal Company/Consol Energy, Inc. – Coal Below 800 Feet Leased
EOG Resources, Inc. - Oil and Gas Leased (Coal Below 800 Feet)
CNX Gas Company LLC - CBM Leased (Coal Below 800 Feet)
4.08 acres 5.1000%
12. Terran LeAnn Ratliff, et al (Pearl Ratliff Heirs) – All Minerals except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
CNX Gas Company LLC – Oil, Gas and CBM Leased
Terran LeAnn Ratliff, et al (Pearl Ratliff Heirs) - Surface
2.03 acres 2.5375%
13. Consolidation Coal Company, et al. Big Vein Tr. 85 (78.72 Acre Tract) – All Minerals except
Oil, Gas and CBM
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC - CBM Leased
7.44 acres 9.3000%
- 13A. CNX Gas Company LLC, et al - Surface
13B. Norfolk Southern Railway Company - Surface
14. Consolidation Coal Company, et al Big Vein Tr. 13 (19.63 Acre Tract) – All Minerals except
Oil, Gas and CBM
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
EOG Resources, Inc. - Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
9.78 acres 12.2250%
- 14A. Unknown Surface Owner
14B. Norfolk Southern Railway Company – Surface
14C. Commonwealth of Virginia - Surface
- 15A. Consolidation Coal Company, et al Big Vein Tr. 88 (6.59 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased

CNX Gas Company LLC

UNIT M-17

Tract Identifications

Patty Daniels, et al – All Minerals except Coal
CNX Gas Company LLC – CBM Leased
Commonwealth of Virginia – Surface
6.46 acres 8.0750%

15B. Consolidation Coal Company, et al Big Vein Tr. 88 (6.59 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Patty Daniels, et al OR Commonwealth of Virginia – All Minerals except Coal
Commonwealth of Virginia – Surface
2.58 acres 3.2250%

15C. Consolidation Coal Company, et al Big Vein Tr. 88 (6.59 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Patty Daniels, et al – All Minerals except Coal
Norfolk Southern Railway Company – Surface
0.39 acres 0.4875%

16. Larry M. Whitt, et ux – All Minerals except Coal Below Tiller Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam
Larry M. Whitt, et ux - Surface
0.01 acres 0.0125%

Exhibit B-2
 Unit M-17
 Docket #VGOB 06-0919-1713-01
 List of Respondants to be Added and/or Dismissed

| | | Acres in Unit | Percent of Unit | Reason for Dismissal | Reason for Addition |
|--|---|---------------|-----------------|----------------------|---------------------|
| I. COAL FEE OWNERSHIP | | | | | |
| <u>Tract #9A, 0.25 acres</u> | | | | | |
| (1) | Oakwood Market, Inc. Box 95 Oakwood, VA 24631 | 0.25 acres | 0.3125% | No longer an owner | |
| | <u>New Owner:</u> | | | | |
| | Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.25 acres | 0.3125% | | New Ower |
| II. OIL & GAS FEE OWNERSHIP | | | | | |
| <u>Tract #9A, 0.25 acres</u> | | | | | |
| (1) | Oakwood Market, Inc. Box 95 Oakwood, VA 24631 | 0.25 acres | 0.3125% | No longer an owner | |
| | <u>New Owner:</u> | | | | |
| | Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.25 acres | 0.3125% | | New Ower |
| <u>Tract #9B, 0.31 acres</u> | | | | | |
| (1) | Oakwood Market, Inc. Box 95 Oakwood, VA 24631 | 0.31 acres | 0.3875% | No longer an owner | |
| | <u>New Owner:</u> | | | | |
| | Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.31 acres | 0.3875% | | New Ower |

Exhibit B-3
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| I. COAL FEE OWNERSHIP | | |
| <u>Tract #5, 1.16 acres</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 1.16 acres | 1.4500% |
| <u>Tract #6, 0.07 acres</u> | | |
| H.A. Street, et al. (<i>Fee exc. P3 seam</i>) | 0.07 acres | 0.0875% |
| (1) W.A. Street Family Trust | | |
| (a) H.A. Street, Trustee P.O. Box 969 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (b) N.D. Street, Trustee P.O. Box 1475 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (2) Louise E. McCoy Heirs, Devisees, Successors or Assigns | | |
| (a) John K. McCoy, III Heirs, Devisees, Successors or Assigns | | |
| (a.1) Mary Elizabeth McCoy <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (a.2) Sharon Lee McCoy Hutchinson <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (b) Alan P. McCoy Heirs, Devisees, Successors or Assigns | | |
| (b.1) Betty Jean Fraley 207 Park Avenue Princeton, WV 24740 | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.2) Sallie Few Gillespie <i>Address Unknown</i> | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.3) Lynn Greer Gillespie <i>Address Unknown</i> | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| <u>Tract #9A, 0.25 acres</u> | | |
| (1) Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.25 acres | 0.3125% |
| <u>Tract #10, 0.25 acres</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 0.25 acres | 0.3125% |

Exhibit B-3
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| II. OIL & GAS FEE OWNERSHIP | | |
| <u>Tract #5, 1.16 acres</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 1.16 acres | 1.4500% |
| <u>Tract #6, 0.07 acres</u> | | |
| H.A. Street, et al. | 0.07 acres | 0.0875% |
| (1) W.A. Street Family Trust | | |
| (a) H.A. Street, Trustee P.O. Box 969 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (b) N.D. Street, Trustee P.O. Box 1475 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (2) Louise E. McCoy Heirs, Devisees, Successors or Assigns | | |
| (a) John K. McCoy, III Heirs, Devisees, Successors or Assigns | | |
| (a.1) Mary Elizabeth McCoy <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (a.2) Sharon Lee McCoy Hutchinson <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (b) Alan P. McCoy Heirs, Devisees, Successors or Assigns | | |
| (b.1) Betty Jean Fraley 207 Park Avenue Princeton, WV 24740 | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.2) Sallie Few Gillespie <i>Address Unknown</i> | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.3) Lynn Greer Gillespie <i>Address Unknown</i> | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| <u>Tract #7, 0.41 acres</u> | | |
| (1) Nora Ramey c/o Bobby Ramey 2490 Old Hurst Road Hiwassee, VA 24347 | 0.41 acres | 0.5125% |
| <u>Tract #8, 0.19 acres</u> | | |
| (1) Orpha D. Brown Box 95 Oakwood, VA 24631 | 0.19 acres | 0.2375% |

Exhibit B-3
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| <u>Tract #9A, 0.25 acres</u> | | |
| (1) Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.25 acres | 0.3125% |
| <u>Tract #9B, 0.31 acres</u> | | |
| (1) Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.31 acres | 0.3875% |
| <u>Tract #10, 0.25 acres</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 0.25 acres | 0.3125% |
| <u>Tract #15A, 6.46 acres</u> | | |
| (1) Patty Daniels, et al. | 6.46 acres | 8.0750% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 1.62 acres 1/4 of 6.46 acres | 2.0188% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 1.62 acres 1/4 of 6.46 acres | 2.0188% |
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (d) Bobbie Shortridge 1673 Randles Road Grant, AL 35747-8065 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.32 acres 1/20 of 6.46 acres | 0.4038% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.32 acres 1/20 of 6.46 acres | 0.4038% |

Exhibit B-3
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Unleased Owners/Claimants

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| <u>Tract #15B, 2.58 acres</u> | | |
| (1) Patty Daniels, et al. | 2.58 acres | 3.2250% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 0.65 acres 1/4 of 2.58 acres | 0.8063% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 0.65 acres 1/4 of 2.58 acres | 0.8063% |
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (d) Bobbie Shortridge 1673 Randles Road Grant, AL 35747-8065 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.13 acres 1/20 of 2.58 acres | 0.1613% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.13 acres 1/20 of 2.58 acres | 0.1613% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 2.58 acres | 3.2250% |
| <u>Tract #15C, 0.39 acres</u> | | |
| (1) Patty Daniels, et al. | 0.39 acres | 0.4875% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 0.10 acres 1/4 of 0.39 acres | 0.1219% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 0.10 acres 1/4 of 0.39 acres | 0.1219% |

Exhibit B-3
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Unleased Owners/Claimants

| | Acres In Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (d) Bobbie Shortridge c/o Angela Oswald 324 Westland Ct. Melbourne, FL 32934 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.02 acres 1/20 of 0.39 acres | 0.0244% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.02 acres 1/20 of 0.39 acres | 0.0244% |
| <u>Tract #16, 0.01 acres</u> | | |
| (1) Larry M. Whitt Box 241 Oakwood, VA 24631 | 0.01 acres | 0.0125% |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| <u>Tract #5, 1.16 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 1.16 acres | 1.4500% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 1.16 acres | 1.4500% |
| <u>Tract #6, 0.07 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (3) ICCO / Consol Energy Inc. (P3 Seam) P.O. Box 947 Bluefield, VA 24605 | 0.07 acres | 0.0875% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| H.A. Street, et al. | 0.07 acres | 0.0875% |
| (1) W.A. Street Family Trust | | |
| (a) H.A. Street, Trustee P.O. Box 969 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (b) N.D. Street, Trustee P.O. Box 1475 Grundy, VA 24614 | 0.02 acres 1/4 of 0.07 acres | 0.0219% |
| (2) Louise E. McCoy Heirs, Devisees, Successors or Assigns | | |
| (a) John K. McCoy, III Heirs, Devisees, Successors or Assigns | | |
| (a.1) Mary Elizabeth McCoy <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (a.2) Sharon Lee McCoy Hutchinson <i>Address Unknown</i> | 0.01 acres 1/8 of 0.07 acres | 0.0109% |
| (b) Alan P. McCoy Heirs, Devisees, Successors or Assigns | | |
| (b.1) Betty Jean Fraley 207 Park Avenue Princeton, WV 24740 | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.2) Sallie Few Gillespie <i>Address Unknown</i> | 0.01 acres 1/12 of 0.07 acres | 0.0073% |
| (b.3) Lynn Greer Gillespie | 0.01 acres | 0.0073% |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit |
|--|--------------------|-----------------|
| <i>Address Unknown</i> | 1/12 of 0.07 acres | |
| <u>Tract #7, 0.41 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 0.41 acres | 0.5125% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Nora Ramey c/o Bobby Ramey 2490 Old Hurst Road Hiwassee, VA 24347 | 0.41 acres | 0.5125% |
| <u>Tract #8, 0.19 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 0.19 acres | 0.2375% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Orpha D. Brown Box 95 Oakwood, VA 24631 | 0.19 acres | 0.2375% |
| <u>Tract #9B, 0.31 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 0.31 acres | 0.3875% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Jimmy & Merinda Horn P.O. Box 366 Oakwood, VA 24631 | 0.31 acres | 0.3875% |
| <u>Tract #10, 0.25 acres</u> | | |
| <u>COAL FEE OWNERSHIP</u> | | |
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 0.25 acres | 0.3125% |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit |
|--|---------------|-----------------|
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 0.25 acres | 0.3125% |

Tract #11, 4.08 acres

COAL FEE OWNERSHIP

| | | |
|--|----------------------------------|---------|
| (1) Norfolk Southern Corporation (<i>Coal - Surface down 800'</i>) Real Estate Dept. 1200 Peachtree St. NE Atlanta, GA 30309-3579 | 4.08 acres | 5.1000% |
| (2) Yukon Pocahontas Coal Co., et al. (<i>Coal below 800'</i>) | 4.08 acres | 5.1000% |
| (a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 2.04 acres 1/2 of 4.08 acres | 2.5500% |
| (b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.45 acres 1/9 of 4.08 acres | 0.5667% |
| (c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.23 acres 1/18 of 4.08 acres | 0.2833% |
| (d) Consolidation Coal Company P.O. Box 947 Bluefield, VA 24605 | 1.36 acres 1/3 of 4.08 acres | 1.7000% |

OIL & GAS FEE OWNERSHIP

| | | |
|--|------------|---------|
| (1) Norfolk Southern Corporation Real Estate Dept. 1200 Peachtree St. NE Atlanta, GA 30309-3579 | 4.08 acres | 5.1000% |
|--|------------|---------|

Tract #12, 2.03 acres

COAL FEE OWNERSHIP

| | | |
|--|------------|---------|
| (1) ICCC / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 2.03 acres | 2.5375% |
|--|------------|---------|

OIL & GAS FEE OWNERSHIP

| | | |
|--|---------------------------------|---------|
| (1) Terran LeAnn Ratliff, et al. (<i>a.k.a. - Pearl Ratliff Heirs, Devisees, Successors or Assigns</i>) | 2.03 acres | 2.5375% |
| (a) Terran LeAnn Ratliff P.O. Box 656 Richlands, VA 24641 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (b) Stella Smith Boyd | 0.25 acres | 0.3172% |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit |
|--|---------------------------------|-----------------|
| P.O. Box 722 Grundy, VA 24614 | 1/8 of 2.03 acres | |
| (c) Ruby M. Keen P.O. Box 1938 Grundy, VA 24614 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (d) Bascom W. Ratliff P.O. Box 1938 Grundy, VA 24614 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (e) Charles W. Ratliff Rt.6 Box 4 Tazewell, VA 24641 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (f) Nell A. Belcher 808 East Fincastle Tazewell, VA 24651 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (g) Emory H. Ratliff 24166 Fantasy Court Bristol, VA 24202 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |
| (h) Helen R. Elswick HC72 Box 330 Big Rock, VA 24603 | 0.25 acres 1/8 of 2.03 acres | 0.3172% |

Tract #15A, 6.46 acres

COAL FEE OWNERSHIP

| | | |
|--|----------------------------------|---------|
| (1) Yukon Pocahontas Coal Co., et al., Tr.88 | 6.46 acres | 8.0750% |
| (a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 3.23 acres 1/2 of 6.46 acres | 4.0375% |
| (b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.72 acres 1/9 of 6.46 acres | 0.8972% |
| (c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.36 acres 1/18 of 6.46 acres | 0.4486% |
| (d) Consolidation Coal Company P.O. Box 947 Bluefield, VA 24605 | 2.15 acres 1/3 of 6.46 acres | 2.6917% |

OIL & GAS FEE OWNERSHIP

| | | |
|---|------------|---------|
| (1) Patty Daniels, et al. | 6.46 acres | 8.0750% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 1.62 acres 1/4 of 6.46 acres | 2.0188% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 1.62 acres 1/4 of 6.46 acres | 2.0188% |
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (d) Bobbie Shortridge c/o Angela Oswald 324 Westland Ct. Melbourne, FL 32934 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.65 acres 1/10 of 6.46 acres | 0.8075% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.32 acres 1/20 of 6.46 acres | 0.4038% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.32 acres 1/20 of 6.46 acres | 0.4038% |

Tract #15B, 2.58 acres

Escrow due to conflicting ownership and title conflict

COAL FEE OWNERSHIP

| | | |
|--|----------------------------------|---------|
| (1) Yukon Pocahontas Coal Co., et al., Tr.88 | 2.58 acres | 3.2250% |
| (a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 1.29 acres 1/2 of 2.58 acres | 1.6125% |
| (b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.29 acres 1/9 of 2.58 acres | 0.3583% |
| (c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.14 acres 1/18 of 2.58 acres | 0.1792% |
| (d) Consolidation Coal Company P.O. Box 947 Bluefield, VA 24605 | 0.86 acres 1/3 of 2.58 acres | 1.0750% |

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
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| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Patty Daniels, et al. | 2.58 acres | 3.2250% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 0.65 acres 1/4 of 2.58 acres | 0.8063% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 0.65 acres 1/4 of 2.58 acres | 0.8063% |
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (d) Bobbie Shortridge c/o Angela Oswalt 324 Westland Ct. Melbourne, FL 32934 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.26 acres 1/10 of 2.58 acres | 0.3225% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.13 acres 1/20 of 2.58 acres | 0.1613% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.13 acres 1/20 of 2.58 acres | 0.1613% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation P.O. Box 1768 Bristol, VA 24203 | 0.25 acres | 0.3125% |

Tract #15C, 0.39 acres

COAL FEE OWNERSHIP

| | | |
|---|---------------------------------|---------|
| (1) Yukon Pocahontas Coal Co., et al., Tr.88 | 0.39 acres | 0.4875% |
| (a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.20 acres 1/2 of 0.39 acres | 0.2438% |

**Exhibit E
Unit M-17
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List of Conflicting Owners/Claimants that require escrow**

| | Acres in Unit | Percent of Unit |
|--|----------------------------------|-----------------|
| (b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.04 acres 1/9 of 0.39 acres | 0.0542% |
| (c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651 | 0.02 acres 1/18 of 0.39 acres | 0.0271% |
| (d) Consolidation Coal Company P.O. Box 947 Bluefield, VA 24605 | 0.13 acres 1/3 of 0.39 acres | 0.1625% |
| <u>OIL & GAS FEE OWNERSHIP</u> | | |
| (1) Patty Daniels, et al. | 0.39 acres | 0.4875% |
| (a) David Owens Heirs, Devisees, Successors or Assigns | | |
| (a.1) Jim Owens 19447 Brandy Wine Road Bristol, VA 24201 | 0.10 acres 1/4 of 0.39 acres | 0.1219% |
| (a.2) Joan & Don Keen P.O. Box 213 Oakwood, VA 24631 | 0.10 acres 1/4 of 0.39 acres | 0.1219% |
| (b) Mary Hancock 6843 Martha Avenue Chattanooga, TN 37412 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (c) Thelma Sheets P.O. Box 2311 Valparaiso, IN 46383 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (d) Bobbie Shortridge c/o Angela Oswald 324 Westland Ct. Melbourne, FL 32934 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (e) Patty Daniels 1009 Mayapple Rd. Oakwood, VA 24631-8720 | 0.04 acres 1/10 of 0.39 acres | 0.0488% |
| (f) Larinda Jesko Morgan 1016 Love Lane Apopka, FL 32703 | 0.02 acres 1/20 of 0.39 acres | 0.0244% |
| (g) James Cameron Grizzle 25707 Glenola Street Sorrento, FL 32776 | 0.02 acres 1/20 of 0.39 acres | 0.0244% |

Tract #16, 0.01 acres

COAL FEE OWNERSHIP

| | | |
|--|------------|---------|
| (1) ICCO / Consol Energy Inc. P.O. Box 947 Bluefield, VA 24605 | 0.01 acres | 0.0125% |
|--|------------|---------|

OIL & GAS FEE OWNERSHIP

Exhibit E
Unit M-17
Docket #VGOB 06-0919-1713-01
List of Conflicting Owners/Claimants that require escrow

| | | Acres in Unit | Percent of Unit |
|-----|--|---------------|-----------------|
| (1) | Larry M. Whitt Box 241 Oakwood, VA 24631 | 0.01 acres | 0.0125% |

INSTRUMENT #090002567
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 27, 2009 AT 10:03AM

BEVERLY S. TILLER, CLERK
RECORDED BY: NKE