

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** Pocahontas Gas LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 98-0324-0626-13

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 3C1 (2) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.**

**HEARING DATE:** November 19, 2019

**DRILLING UNIT:** S36

**BUCHANAN COUNTY, VIRGINIA**

**PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS**

**1. Petitioner and its counsel**

Petitioner is Pocahontas Gas LLC, PO Box 570, Pounding Mill, VA 24637, 276-596-5075.  
Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 Capital Street, Suite 201,  
Charleston, WV 25301.

**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) 3C1 as depicted upon the annexed Table  
(Royalties currently being paid under BUCH1SGU2, Docket #VGOB 08-1118-2367)

**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**

- a. Hurt McGuire Land Trust and Patsy Moore, Brenda Sue Viars, James R. Osborne, Phyllis W. Osborne, Charles M. Osborne, Debbie Osborne, Joyce Mays Bush, Darlene Osborne, Margaret E. Dye, Nellie Maynard, Tammy Street, Patricia Horton, Robert Elder, Joseph P. Horne, Linkous Everett Horn, John Andrew Stilwell, Connie Ann Sparks, Patricia Kay Stilwell, Tony Douglas Stilwell, Tania Hess, Wesley D. Perkins, Martha Smith, Kathy Lynn Bostic, Frankie Lee Stacy, Chrisie Ann Smock, Melissa Kay Long & Tammy Brown have entered into royalty split agreement (s). Said royalty split agreement(s) allow the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE.
- b. Martha Gulliams, Sydney Smith, Kenneth Osborne, Mary Jane Keen, Shirley Keene, Heirs of Perry W. Horn (Margaret Dye, Nellie Maynard, and Tammy Street), Paul Junior Osborne, Curtis McCoy Osborne, Barbara Joyce Harmon, & Marilyn Taylor are entitled to 100% of the CBM royalties awarded under Case No. CL10000820-00, Opinion dated October 19, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.
- c. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- d. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 98-0324-0626-11, it dismissed the coal claimant(s) Hurt McGuire Land Trust as a Respondent to these proceedings. Accordingly, Island Creek Coal Company was not provided further notice under § 45.1-361.19 and 22 of the hearing set on this Petition.
- e. That a detailed accounting in accordance with the applicable provisions of § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- f. That an Exhibit identified as Table 1 is annexed hereto, and it specifies how the disbursement (s) is to be calculated and paid by the escrow agent.

## **6. Attestation**

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

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

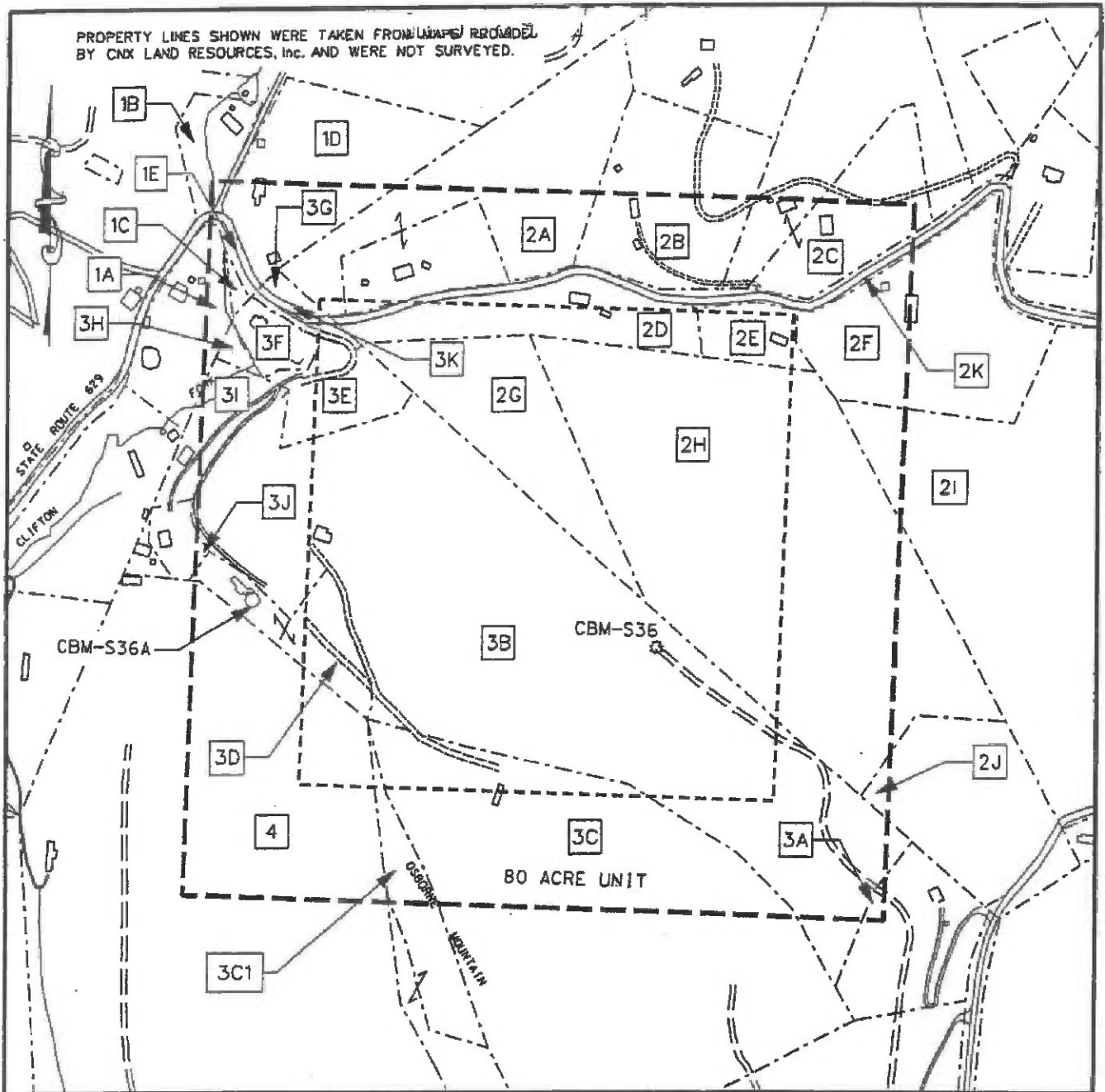
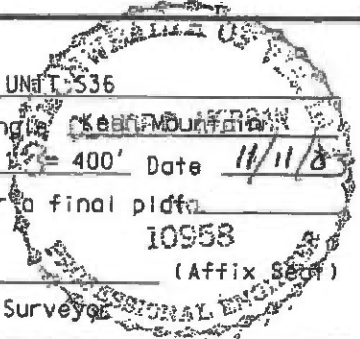


EXHIBIT A  
 OAKWOOD FIELD UNIT S-36  
 FORCE POOLING  
 VGOB-98-0324-0626-03

Company CNX Gas Company, LLC. Well Name and Number UNIT S36  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keok Mountain  
 County Buchanan District Garden Scale: 1" = 400' Date 11/11/03  
 This plat is a new plat  ; on updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91  
 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



**CNX Gas Company LLC**  
**UNIT S-36**  
Tract Identification

1. **H. S. T. Group L.C. (1168.71 Acre Tract) – All Minerals**  
**Island Creek Coal Company/Consolidation Coal Company – Below Drainage Coal Leased**  
**Jewell Smokeless Coal Corporation – Above Drainage Coal Leased**  
**CNX Gas Company LLC - CBM Leased**  
2.25 acres                      2.8125%
  
- 1A. **Betty Ferrell - Surface**
- 1B. **Kenneth Byrd - Surface**
- 1C. **Crobbie Smith - Surface**
- 1D. **John Osborne - Surface**
  
2. **G.W. Gillespie Estate, Inc., et al – All Minerals**  
**Reserve Coal Properties Company – Coal Below Tiller Seam Leased**  
**Jewell Smokeless Coal Corporation –Coal In Jawbone Seam Leased**  
**CNX Gas Company LLC - CBM Leased**  
34.57 acres                      43.2125%
  
- 2A. **John Horn Jr. – Surface**
- 2B. **Jessie Matney – Surface**
- 2C. **Bobby J. Matney, et ux– Surface**
- 2D. **Goldie Horn – Surface**
- 2E. **Helen Compton – Surface**
- 2F. **Melissa Vandyke – Surface**
- 2G. **Dexter Mounts – Surface**
- 2H. **Jimmy Lee Horn – Surface**
- 2I. **Ethel Burke – Surface**
- 2J. **Roby Horn – Surface**
- 2K. **Commonwealth of Virginia - Surface**
  
3. **Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal**  
**Consolidation Coal Company - Below Drainage Coal Leased**  
**A. T. Massey - Above Drainage Coal Leased**  
**CNX Gas Company LLC - CBM Leased**  
**Linkous Horn Heirs – All Minerals except Coal**  
**CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)**  
27.44 acres                      34.3000%
  
- 3A. **Willard Osborne – Surface**
- 3B. **Arlen Osborne – Surface**
- 3C. **Danny McClanahan – Surface**
- 3D. **Robert Trent – Surface**
- 3E. **Clifford Osborne – Surface**
- 3F. **Robbie Smith – Surface**
- 3G. **John Osborne – Surface**
- 3H. **Betty Ferrell – Surface**
- 3I. **Noah Keen, et al – Surface**
- 3J. **Noah Keen – Surface**
- 3K. **Commonwealth of Virginia - Surface**

# CNX Gas Company LLC

## UNIT S-36

### Tract Identification

- 3C.           Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A. T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Linkous Horn Heirs – All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)  
Danny McClanahan – Surface  
7.61 acres                   9.51250%
- 3C1.           Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A. T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Linkous Horn Heirs/Thomas Stilwell Heirs – All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%) If owned by Linkous Horn Heirs  
Danny McClanahan – Surface (Oil and Gas Claimant)  
0.56 acres                   0.7000%
4.             Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A. T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Thomas Stilwell Heirs – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (71/72)  
7.57 acres                   9.4625%



3C1 Tract 3C1 (total acreage)

0.5600

23	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
24	3C1	Nellie A. Maynard\PO Box 296 Raven VA 24639	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
25	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
26	3C1	Tammy Boyd Street\195 Taylor Circle Raven VA 24639	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
27	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
28	3C1	Patricia D. Horton\200 Birch Street Raven VA 24639	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
29	3C1	Robert G. Elder\229 Horton Crest Drive #15 Richlands VA 24641	1/180	0.0031	50.00%	0.0016	0.1770%	\$17.49
30	3C1	Margaret E. Dye\784 Big Creek Road Richlands VA 24641	1/225	0.0025	100.00%	0.0025	0.2833%	\$27.98
31	3C1	Nellie A. Maynard\PO Box 296 Raven VA 24639	1/225	0.0025	100.00%	0.0025	0.2833%	\$27.98
32	3C1	Tammy Boyd Street\195 Taylor Circle Raven VA 24639	1/225	0.0025	100.00%	0.0025	0.2833%	\$27.98
33	3C1	Margaret E. Dye\784 Big Creek Road Richlands VA 24641	2/1125	0.0010	100.00%	0.0010	0.1133%	\$11.19
34	3C1	Nellie A. Maynard\PO Box 296 Raven VA 24639	2/1125	0.0010	100.00%	0.0010	0.1133%	\$11.19
35	3C1	Tammy Boyd Street\195 Taylor Circle Raven VA 24639	2/1125	0.0010	100.00%	0.0010	0.1133%	\$11.19
36	3C1	Margaret E. Dye\784 Big Creek Road Richlands VA 24641	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
37	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
38	3C1	Nellie A. Maynard\PO Box 296 Raven VA 24639	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
39	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
40	3C1	Tammy Boyd Street\195 Taylor Circle Raven VA 24639	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
41	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/375	0.0015	50.00%	0.0007	0.0850%	\$8.39
42	3C1	Margaret E. Dye\784 Big Creek Road Richlands VA 24641	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
43	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
44	3C1	Nellie A. Maynard\PO Box 296 Raven VA 24639	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
45	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
46	3C1	Tammy Boyd Street\195 Taylor Circle Raven VA 24639	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
47	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/75	0.0075	50.00%	0.0037	0.4249%	\$41.97
48	3C1	Paul J. Osborne\2869 Sharon Place Grand Junction CO 81503	1/30	0.0187	100.00%	0.0187	2.1245%	\$209.84
49	3C1	Curtis McCoy Osborne\PO Box 31 Raven VA 24639	1/30	0.0187	100.00%	0.0187	2.1245%	\$209.84
50	3C1	Barbara Joyce Harmon\PO Box 174 North Tazewell VA 24630	1/30	0.0187	100.00%	0.0187	2.1245%	\$209.84
51	3C1	Joseph P. Horne\492 Grays Branch Road Cedar Bluff VA 24609	1/10	0.0560	50.00%	0.0280	3.1867%	\$314.76
52	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/10	0.0560	50.00%	0.0280	3.1867%	\$314.76
53	3C1	Linkous Everett Horn\PO Box 1549 Richlands VA 24641	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
54	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
55	3C1	John Andrew Stilwell\130 Winter Lane Pounding Mill VA 24637	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
56	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95

3C1 Tract 3C1 (total acreage)

0.5600

57	3C1	Connie Ann Stilwell Sparks\146 Sparks Hollow Road North Tazewell VA 24630	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
58	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
59	3C1	Patricia K. Stilwell\110 Rasnake Road North Tazewell VA 24630	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
60	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
61	3C1	Tony Douglas Stilwell\140 Rasnake Road North Tazewell VA 24630	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
62	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
63	3C1	Wesley D. Perkins\305 Bane Bottom Road Cedar Bluff VA 24609	1/20	0.0280	50.00%	0.0140	1.5934%	\$157.38
64	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/20	0.0280	50.00%	0.0140	1.5934%	\$157.38
65	3C1	Tania Hess\195 Anglewood Lane Cedar Bluff VA 24609	1/20	0.0280	50.00%	0.0140	1.5934%	\$157.38
66	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/20	0.0280	50.00%	0.0140	1.5934%	\$157.38
67	3C1	Martha Smith\PO Box 395 Max Meadows VA 24360	1/10	0.0560	50.00%	0.0280	3.1867%	\$314.76
68	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/10	0.0560	50.00%	0.0280	3.1867%	\$314.76
69	3C1	Kathy Lynn Bostic\PO Box 58 Cedar Bluff VA 24609	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
70	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
71	3C1	Frankie Lee Stacy\1129 Eventide Blvd, Wilmington, NC 28411	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
72	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
73	3C1	Chrisie Ann Smock\P. O. Box 446, Colts Neck, NJ 07722	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
74	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
75	3C1	Melissa Kay Long\100 Dorsey Drive Barboursville WV 25504	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
76	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
77	3C1	Tammy Brown\P. O. Box 806, Lebanon, VA 24266	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
78	3C1	Hurt McGuire Land Trust\PO Box 1067 Bluefield VA 24605	1/50	0.0112	50.00%	0.0056	0.6373%	\$62.95
79	3C1	Marilyn Horn Taylor\4336 Wardell Road Pounding Mill VA 24637	1/10	0.0560	100.00%	0.0560	6.3735%	\$629.53

**Wells contributing to the escrow account: CBM S36 W/PL**

Exhibit E  
Unit S-36  
Docket # VGOB 98-0324-0626-13  
List of Respondents in escrow

	Acres in Unit	Percent of Unit	Division of Interest in		
			5-Right 15.69343%	6-Right 10.34483%	
<b><u>Tract #3, 27.44 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	5.38285%	3.54828%	<i>Dismissed under -11 petition</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
Linkous Horn Heirs, Devises, Successors or Assigns	27.44 acres	34.3000%	5.38285%	3.54828%	
(2) Lydia Blankenship Heirs, Devises, Successors or Assigns					
<i>Royalty Split Agreement remains in dispute</i>					
(2.7) Ronnie Osborne PO Box 12 Oakwood, VA 24631	0.249 acres 1/110 of 27.44 acres	0.3118%	0.04893%	0.03226%	
<b>Total tract acres</b>	<b>0.2495</b>				
<b>Total tract percent</b>	<b>0.3118%</b>				
<b><u>Tract #3C, 7.61 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	1.49284%	0.98405%	<i>Dismissed under -11 petition</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
Linkous Horn Heirs, Devises, Successors or Assigns	7.61 acres	9.5125%	1.49284%	0.98405%	
(2) Lydia Blankenship Heirs, Devises, Successors or Assigns					
<i>Royalty Split Agreement remains in dispute</i>					
(2.7) Ronnie Osborne PO Box 12 Oakwood, VA 24631	0.069 acres 1/110 of 7.61 acres	0.0865%	0.01357%	0.00895%	
<b>Total tract acres</b>	<b>0.0692</b>				
<b>Total tract percent</b>	<b>0.0865%</b>				
<b><u>Tract #3C1, 0.56 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.56 acres	0.7000%	0.10985%	0.07241%	<i>Dismissed under -11 petition</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
<i>Judgement entered regarding CL10000820-00 dismissed the claim of Danny and Jama McClanahan and affirmed ownership of the Oil and Gas by the Linkous Horn Heirs</i>					
Linkous Horn Heirs, Devises, Successors or Assigns	0.56 acres	0.7000%	0.10985%	0.07241%	

**Exhibit E**  
**Unit S-36**  
**Docket # VGOB 98-0324-0626-13**  
**List of Respondents in escrow**

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(2.7) Ronnie Osborne PO Box 12 Oakwood, VA 24631	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00100%	0.00066%
<b>Royalty Split Agreement remains in dispute</b>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				
(3.1) Ivory Horn Heirs, Devisees, Successors, or Assigns				
(3.1.5) Danny W. Elder Heirs, Devisees Successors, or Assigns <i>(documentation pending)</i>	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00061%	0.00040%
(3.1.5.1) Rodney Elder 37 South Farmer Street Richlands, VA 24641				
(3.1.5.2) Roby Elder PO Box 244 Richlands, VA 24641				
(3.1.5.3) Robbie Elder 516 Limestone Road Pounding Mill, VA 24637				
(3.1.5.4) Ryan Elder PO Box 505 Pounding Mill, VA 24637				
<b>Total Tract Acres</b>	<b>0.0082</b>			
<b>Total Tract Percent</b>		<b>0.0103%</b>		
<b><u>Totals Remaining in Escrow:</u></b>				
	<b>Acres in Unit</b>	<b>0.32684</b>		
	<b>Percentage of Unit</b>		<b>0.4085%</b>	

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
<b><u>Tract #3, 27.44 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	27.44 acres	34.3000%	1.97127%	5.60798%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
Linkous Horn Heirs, Devisees, Successors or Assigns	27.44 acres	34.3000%	1.97127%	5.60798%	<i>n/a</i>
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns					
(1.1) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(1.2) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(1.3) Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns					
(2.1) Mary Jane Keene 1077 Longwall LN Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.3) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	<i>n/a</i>
(2.4) Brenda Sue Justice Viars PO Box 58 Honaker, VA 24260	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	<i>n/a</i>
(2.5) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	<i>n/a</i>
(2.6) Clifford Osborne Heirs, Devisees, Successors or Assigns					

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(2.6.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	n/a
(2.8) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	n/a
(2.9) Richard Osborne Heirs, Devisees, Successors, or Assigns	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	n/a
(2.9.1) Debbie Osborne 1062 Canterbury Rd. Oakwood, VA 24631					
(2.10) William Osborne Heirs, Devisees, Successors or Assigns					
(2.10.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>				
(2.10.1.1) Joyce Ann Mays Bush 1101 Longwall Lane Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	n/a
(2.11) John David Osborne Heirs, Devisees, Successors or Assigns					
(2.11.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.25 acres 1/110 of 27.44 acres	0.3118%	0.01792%	0.05098%	n/a
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(3.1) Ivory Horn Heirs, Devisees, Successors, or Assigns					
(3.1.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(3.1.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(3.1.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(3.1.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(3.1.5) Danny W. Elder Heirs, Devisees, Successors, or Assigns <i>(documentation pending)</i>	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	n/a
(3.1.5.1) Rodney Elder 37 South Farmer Street Richlands, VA 24641					
(3.1.5.2) Roby Elder PO Box 244 Richlands, VA 24641					
(3.1.5.3) Robbie Elder 516 Limestone Road Pounding Mill, VA 24637					

Exhibit EE  
Unit S-36  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(3.1.5.4) Ryan Elder PO Box 505 Pounding Mill, VA 24637					
(3.1.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.15 acres 1/180 of 27.44 acres	0.1906%	0.01095%	0.03116%	<i>n/a</i>
(3.2) Perry W. Horn Heirs, Devisees, Successors or Assigns					
<i>Represented by WF Mason via Perry Horn</i>					
(3.2.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.122 acres 1/225 of 27.44 acres	0.1524%	0.00876%	0.02492%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.2.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.122 acres 1/225 of 27.44 acres	0.1524%	0.00876%	0.02492%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.2.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.122 acres 1/225 of 27.44 acres	0.1524%	0.00876%	0.02492%	<i>n/a</i>
(3.3) Larry M. Horn Heirs, Devisees, Successors or Assigns					
(3.3.1) Perry W. Horn Heirs, Devisees, Successors or Assigns					
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.049 acres 2/1125 of 27.44 acres	0.0610%	0.00350%	0.00997%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.049 acres 2/1125 of 27.44 acres	0.0610%	0.00350%	0.00997%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.049 acres 2/1125 of 27.44 acres	0.0610%	0.00350%	0.00997%	<i>n/a</i>
(3.3.2) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.073 acres 1/375 of 27.44 acres	0.0915%	0.00526%	0.01495%	<i>n/a</i>
(3.3.3) Nellie Maynard PO Box 296 Raven, VA 24639	0.073 acres 1/375 of 27.44 acres	0.0915%	0.00526%	0.01495%	<i>n/a</i>
(3.3.4) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.073 acres 1/375 of 27.44 acres	0.0915%	0.00526%	0.01495%	<i>n/a</i>
(3.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.37 acres 1/75 of 27.44 acres	0.4573%	0.02628%	0.07477%	<i>n/a</i>

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(3.5) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.37 acres 1/75 of 27.44 acres	0.4573%	0.02628%	0.07477%	<i>n/a</i>
(3.6) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.37 acres 1/75 of 27.44 acres	0.4573%	0.02628%	0.07477%	<i>n/a</i>
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns					
(4.1) Paul Junior Osborne 2869 Sharon Place Grand Junction, CO 81503	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(4.2) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(4.3) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.91 acres 1/30 of 27.44 acres	1.1433%	0.06571%	0.18693%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	2.74 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	<i>n/a</i>
(6) Nancy H. Stilwell Heirs, Devisees, Successors, or Assigns					
(6.1) Linkous Everett Horn PO Box 1549 Richlands, VA 24641	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	<i>n/a</i>
(6.2) John Andrew Stilwell 130 Winter Lane Pounding Mill, VA 24637	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	<i>n/a</i>
(6.3) Connie Ann Stilwell Sparks 146 Sparks Hollow Road North Tazewell, VA 24630	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	<i>n/a</i>
(6.4) Patricia Kay Stilwell 110 Rasnake Road North Tazewell, VA 24630	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	<i>n/a</i>
(6.5) Tony Douglas Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	<i>n/a</i>
(7) Earnest Horn Heirs, Devisees, Successors or Assigns					
(7.1) Dorothy Horn Heirs, Devisees, Successors or Assigns					
(7.1.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	1.37 acres 1/20 of 27.44 acres	1.7150%	0.09856%	0.28040%	<i>n/a</i>

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
<i>Entitled to 1/2 of Royalties by Deed of Gift:</i>					
(7.1.2) Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	1.37 acres 1/20 of 27.44 acres	1.7150%	0.09856%	0.28040%	n/a
(8) Martha Smith PO Box 395 Max Meadows, VA 24360	2.74 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
(9) Sarah K. Day Heirs, Devisees, Successors, or Assigns					
(9.1) Kathy Lynn Bostic PO Box 58 Cedar Bluff, VA 24609	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	n/a
(9.2) Frankie Lee Stacy PO Box 11536 Blacksburg, VA 24062	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	n/a
(9.3) Chrisie Ann Smock 3267 Kings Creek Road Hayes, VA 23072	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	n/a
(9.4) Melissa Kay Long 100 Dorsey Drive Barboursville, WV 25504	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	n/a
(9.5) Tammy Brown PO Box 353 Pearisburg, VA 24134	0.55 acres 1/50 of 27.44 acres	0.6860%	0.03943%	0.11216%	n/a
(10) Carl Horn Heirs, Devisees, Successors or Assigns					
(10.1) Marilyn Taylor 4336 Wardell Road Pounding Mill, VA 24637	2.74 acres 1/10 of 27.44 acres	3.4300%	0.19713%	0.56080%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
	<b>Total tract acres</b>	<b>27.1905</b>			
	<b>Total tract percent</b>		<b>33.9882%</b>		

**Tract #3C, 7.61 acres**

**COAL OWNERSHIP**

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.61 acres	9.5125%	0.54670%	1.55528%	n/a
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**OIL & GAS OWNERSHIP**

Linkous Horn Heirs, Devisees, Successors or Assigns	7.61 acres	9.5125%	0.54670%	1.55528%	n/a
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns					
(1.1) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	n/a

*Prevailing plaintiff under Case No. 027CL0000819-00 (10).  
Awarded 100% of the CBM royalty.*

Exhibit EE  
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			6-Right 5.74713%	7-Right 16.34981%	
(1.2) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(1.3) Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns					
(2.1) Mary Jane Keene 1077 Longwall LN Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.3) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.4) Brenda Sue Justice Viars PO Box 58 Honaker, VA 24260	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.5) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.6) Clifford Osborne Heirs, Devisees, Successors or Assigns					
(2.6.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.8) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.9) Richard Osborne Heirs, Devisees, Successors, or Assigns	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(2.9.1) Debbie Osborne 1062 Canterbury Rd. Oakwood, VA 24631					
(2.10) William Osborne Heirs, Devisees, Successors or Assigns					
(2.10.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>				
(2.10.1.1) Joyce Ann Mays Bush 1101 Longwall Lane Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>

Exhibit EE  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(2.11) John David Osborne Heirs, Devisees, Successors or Assigns					
(2.11.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.07 acres 1/110 of 7.61 acres	0.0865%	0.00497%	0.01414%	<i>n/a</i>
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(3.1) Ivory Horn Heirs, Devisees, Successors, or Assigns					
(3.1.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.1.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.1.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.1.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.1.5) Danny W. Elder Heirs, Devisees, Successors, or Assigns <i>(documentation pending)</i>	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.1.5.1) Rodney Elder 37 South Farmer Street Richlands, VA 24641					
(3.1.5.2) Roby Elder PO Box 244 Richlands, VA 24641					
(3.1.5.3) Robbie Elder 516 Limestone Road Pounding Mill, VA 24637					
(3.1.5.4) Ryan Elder PO Box 505 Pounding Mill, VA 24637					
(3.1.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.04 acres 1/180 of 7.61 acres	0.0528%	0.00304%	0.00864%	<i>n/a</i>
(3.2) Perry W. Horn Heirs, Devisees, Successors or Assigns					
<i>Represented by WF Mason via Perry Horn</i>					
(3.2.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.034 acres 1/225 of 7.61 acres	0.0423%	0.00243%	0.00691%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.2.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.034 acres 1/225 of 7.61 acres	0.0423%	0.00243%	0.00691%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					

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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(3.2.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.034 acres 1/225 of 7.61 acres	0.0423%	0.00243%	0.00691%	<i>n/a</i>
(3.3) Larry M. Horn Heirs, Devisees, Successors or Assigns					
(3.3.1) Perry W. Horn Heirs, Devisees, Successors or Assigns					
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.014 acres 2/1125 of 7.61 acres	0.0169%	0.00097%	0.00276%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.014 acres 2/1125 of 7.61 acres	0.0169%	0.00097%	0.00276%	<i>n/a</i>
<i>Represented by WF Mason via Perry Horn</i>					
(3.3.1.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.014 acres 2/1125 of 7.61 acres	0.0169%	0.00097%	0.00276%	<i>n/a</i>
(3.3.2) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.020 acres 1/375 of 7.61 acres	0.0254%	0.00146%	0.00415%	<i>n/a</i>
(3.3.3) Nellie Maynard PO Box 296 Raven, VA 24639	0.020 acres 1/375 of 7.61 acres	0.0254%	0.00146%	0.00415%	<i>n/a</i>
(3.3.4) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.020 acres 1/375 of 7.61 acres	0.0254%	0.00146%	0.00415%	<i>n/a</i>
(3.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.10 acres 1/75 of 7.61 acres	0.1268%	0.00729%	0.02074%	<i>n/a</i>
(3.5) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.10 acres 1/75 of 7.61 acres	0.1268%	0.00729%	0.02074%	<i>n/a</i>
(3.6) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.10 acres 1/75 of 7.61 acres	0.1268%	0.00729%	0.02074%	<i>n/a</i>
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns					
(4.1) Paul Junior Osborne 2869 Sharon Place Grand Junction, CO 81503	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(4.2) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					

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Unit S-36  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(4.3) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.25 acres 1/30 of 7.61 acres	0.3171%	0.01822%	0.05184%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.76 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	<i>n/a</i>
(6) Nancy H. Stilwell Heirs, Devisees, Successors, or Assigns					
(6.1) Linkous Everett Horn PO Box 1549 Richlands, VA 24641	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(6.2) John Andrew Stilwell 130 Winter Lane Pounding Mill, VA 24637	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(6.3) Connie Ann Stilwell Sparks 146 Sparks Hollow Road North Tazewell, VA 24630	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(6.4) Patricia Kay Stilwell 110 Rasnake Road North Tazewell, VA 24630	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(6.5) Tony Douglas Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(7) Earnest Horn Heirs, Devisees, Successors or Assigns					
(7.1) Dorothy Horn Heirs, Devisees, Successors or Assigns					
(7.1.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.38 acres 1/20 of 7.61 acres	0.4756%	0.02733%	0.07776%	<i>n/a</i>
<i>Entitled to 1/2 of Royalties by Deed of Gift:</i>					
(7.1.2) Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.38 acres 1/20 of 7.61 acres	0.4756%	0.02733%	0.07776%	<i>n/a</i>
(8) Martha Smith PO Box 395 Max Meadows, VA 24360	0.76 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	<i>n/a</i>
(9) Sarah K. Day Heirs, Devisees, Successors, or Assigns					
(9.1) Kathy Lynn Bostic PO Box 58 Cedar Bluff, VA 24609	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(9.2) Frankie Lee Stacy PO Box 11536 Blacksburg, VA 24062	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>
(9.3) Chrisie Ann Smock 3267 Kings Creek Road Hayes, VA 23072	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	<i>n/a</i>

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(9.4) Melissa Kay Long 100 Dorsey Drive Barboursville, WV 25504	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	n/a
(9.5) Tammy Brown PO Box 353 Pearisburg, VA 24134	0.15 acres 1/50 of 7.61 acres	0.1903%	0.01093%	0.03111%	n/a
(10) Carl Horn Heirs, Devisees, Successors or Assigns					
(10.1) Marilyn Taylor 4336 Wardell Road Pounding Mill, VA 24637	0.76 acres 1/10 of 7.61 acres	0.9513%	0.05467%	0.15553%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					

Total tract acres      7.5408  
Total tract percent    9.4260%

**Tract #3C1, 0.56 acres**

**COAL OWNERSHIP**

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	0.56 acres	0.7000%	0.04023%	0.11445%	20.6662% Royalty Division Agreement
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**OIL & GAS OWNERSHIP**

*Judgement entered regarding CL10000820-00 dismissed the claim of Danny and Jama McClanahan and affirmed ownership of the Oil and Gas by the Linkous Horn Heirs*

Linkous Horn Heirs, Devisees, Successors or Assigns	0.56 acres	0.7000%	0.04023%	0.11445%	
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns					
(1.1) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	2.1245% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(1.2) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	2.1245% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(1.3) Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	2.1245% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns					

Exhibit EE  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(2.1) Mary Jane Keen 1077 Longwall Lane Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.5794% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(2.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.5794% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(2.3) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.4) Brenda Sue Justice Viars PO Box 1058 Honaker, VA 24260	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.5) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.6) Clifford Osborne Heirs, Devisees, Successors or Assigns					
(2.6.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.8) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.9) Richard Osborne Heirs, Devisees, Successors, or Assigns					
(2.9.1) Debbie Osborne 1062 Canterbury Rd. Oakwood, VA 24631	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.10) William Osborne Heirs, Devisees, Successors or Assigns					
(2.10.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>				
(2.10.1.1) Joyce Ann Mays Bush 1101 Longwall Lane Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(2.11) John David Osborne Heirs, Devisees, Successors or Assigns					
(2.11.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.0051 acres 1/110 of 0.56 acres	0.0064%	0.00037%	0.00104%	0.2897% Royalty Division Agreement
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(3.1) Ivory Horn Heirs, Devisees, Successors, or Assigns					
(3.1.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00022%	0.00064%	0.1770% Royalty Division Agreement

Exhibit EE  
Unit S-36  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(3.1.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00022%	0.00064%	0.1770% Royalty Division Agreement
(3.1.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00022%	0.00064%	0.1770% Royalty Division Agreement
(3.1.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00022%	0.00064%	0.1770% Royalty Division Agreement
(3.1.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0031 acres 1/180 of 0.56 acres	0.0039%	0.00022%	0.00064%	0.1770% Royalty Division Agreement
(3.2) Perry W. Horn Heirs, Devisees, Successors or Assigns					
(3.2.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.0025 acres 1/225 of 0.56 acres	0.0031%	0.00018%	0.00051%	0.2833% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.2.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.0025 acres 1/225 of 0.56 acres	0.0031%	0.00018%	0.00051%	0.2833% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.2.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.0025 acres 1/225 of 0.56 acres	0.0031%	0.00018%	0.00051%	0.2833% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.3) Larry M. Horn Heirs, Devisees, Successors or Assigns					
(3.3.1) Perry W. Horn Heirs, Devisees, Successors or Assigns					
(3.3.1.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.0010 acres 2/1125 of 0.56 acres	0.0012%	0.00007%	0.00020%	0.1133% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.3.1.2) Nellie Maynard PO Box 296 Raven, VA 24639	0.0010 acres 2/1125 of 0.56 acres	0.0012%	0.00007%	0.00020%	0.1133% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.3.1.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.0010 acres 2/1125 of 0.56 acres	0.0012%	0.00007%	0.00020%	0.1133% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(3.3.2) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.0015 acres 1/375 of 0.56 acres	0.0019%	0.00011%	0.00031%	0.0850% Royalty Division Agreement

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			6-Right 5.74713%	7-Right 16.34981%	
(3.3.3) Nellie Maynard PO Box 296 Raven, VA 24639	0.0015 acres 1/375 of 0.56 acres	0.0019%	0.00011%	0.00031%	<b>0.0850%</b> Royalty Division Agreement
(3.3.4) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.0015 acres 1/375 of 0.56 acres	0.0019%	0.00011%	0.00031%	<b>0.0850%</b> Royalty Division Agreement
(3.4) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0075 acres 1/75 of 0.56 acres	0.0093%	0.00054%	0.00153%	<b>0.4249%</b> Royalty Division Agreement
(3.5) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0075 acres 1/75 of 0.56 acres	0.0093%	0.00054%	0.00153%	<b>0.4249%</b> Royalty Division Agreement
(3.6) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0075 acres 1/75 of 0.56 acres	0.0093%	0.00054%	0.00153%	<b>0.4249%</b> Royalty Division Agreement
<b>(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns</b>					
(4.1) Paul Junior Osborne 2869 Sharon Place Grand Junction, CO 81503	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	<b>2.1245%</b> Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(4.2) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	<b>2.1245%</b> Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(4.3) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.0187 acres 1/30 of 0.56 acres	0.0233%	0.00134%	0.00381%	<b>2.1245%</b> Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
(5) Joseph P. Home 492 Gray Branch Road Cedar Bluff, VA 24609	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.00402%	0.01144%	<b>3.1867%</b> Royalty Division Agreement
<b>(6) Nancy H. Stilwell Heirs, Devisees, Successors, or Assigns</b>					
(6.1) Linkous Everett Horn PO Box 1549 Richlands, VA 24641	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	<b>0.6373%</b> Royalty Division Agreement
(6.2) John Andrew Stilwell 130 Winter Lane Pounding Mill, VA 24637	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	<b>0.6373%</b> Royalty Division Agreement
(6.3) Connie Ann Stilwell Sparks 146 Sparks Hollow Road North Tazewell, VA 24630	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	<b>0.6373%</b> Royalty Division Agreement
(6.4) Patricia Kay Stilwell 110 Rasnake Road North Tazewell, VA 24630	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	<b>0.6373%</b> Royalty Division Agreement
(6.5) Tony Douglas Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	<b>0.6373%</b> Royalty Division Agreement

Exhibit EE  
Unit S-36  
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List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(7) Earnest Horn Heirs, Devisees, Successors or Assigns					
(7.1) Dorothy Horn Heirs, Devisees, Successors or Assigns					
(7.1.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0280 acres 1/20 of 0.56 acres	0.0350%	0.00201%	0.00572%	1.5934% Royalty Division Agreement
<i>Entitled to 1/2 of Royalties by Deed of Gift:</i>					
(7.1.2) Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.0280 acres 1/20 of 0.56 acres	0.0350%	0.00201%	0.00572%	1.5934% Royalty Division Agreement
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.00402%	0.01144%	3.1867% Royalty Division Agreement
(9) Sarah K. Day Heirs, Devisees, Successors, or Assigns					
(9.1) Kathy Lynn Bostic PO Box 58 Cedar Bluff, VA 24609	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	0.6373% Royalty Division Agreement
(9.2) Frankie Lee Stacy PO Box 11536 Blacksburg, VA 24062	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	0.6373% Royalty Division Agreement
(9.3) Chrisie Ann Smock 3267 Kings Creek Road Hayes, VA 23072	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	0.6373% Royalty Division Agreement
(9.4) Melissa Kay Long 100 Dorsey Drive Barboursville, WV 25504	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	0.6373% Royalty Division Agreement
(9.5) Tammy Brown PO Box 353 Pearisburg, VA 24134	0.0112 acres 1/50 of 0.56 acres	0.0140%	0.00080%	0.00229%	0.6373% Royalty Division Agreement
(10) Carl Horn Heirs, Devisees, Successors or Assigns					
(10.1) Marilyn Taylor 4336 Wardell Road Pounding Mill, VA 24637	0.0560 acres 1/10 of 0.56 acres	0.0700%	0.00402%	0.01144%	6.3735% Court Order
<i>Prevailing plaintiff under Case No. CL10000820-00. Awarded 100% of the CBM royalty.</i>					
	<b>Total tract acres</b>	<b>0.55180</b>			
	<b>Total tract percent</b>	<b>0.6897%</b>			

**Tract #4, 7.57 acres**

**COAL OWNERSHIP**

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	7.57 acres	9.4625%	0.54382%	1.54710%	n/a
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**OIL & GAS OWNERSHIP**

Thomas Stilwell Heirs, Devisees, Successors or Assigns	7.57 acres	9.4625%	0.54382%	1.54710%	n/a
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Exhibit EE  
Unit S-36  
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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(1) Beulah V. Osborne Heirs, Devisees, Successors or Assigns					
(a) Sterling Osborne 3639 Clifton Fork road Raven, VA 24639	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(b) Mae Miller 8101 Brown Mountain Road Jewell Ridge, VA 24622-8706	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(c) Sylvia A. Miller 3999 Osborne Road Raven, VA 24639	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(d) Doris Mitchell 1045 Jewell Ridge Road Richlands, VA 24641	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(e) Brenda Shortt PO Box 652 Keen Mountain, VA 24624	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(f) Bobby Osborne 349 Bridgestone Drive, Box 12 Raven, VA 24639	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(g) Danny Osborne Heirs, Devisees, Successors, or Assigns <i>(documentation pending)</i>	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(h) Harold Eugene Osborne 214 Carson Avenue, Apt. 46 Richlands, VA 24641	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(i) Jerry Lane Osborne 2414 Harrys Branch Road Whitewood, VA 24657-9462	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(j) Melvin Junior Osborne PO Box 1239 Raven, VA 24639	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	<i>n/a</i>
(k) Roger Osborne Heirs, Devisees, Successors or Assigns					
(k.1) Michelle Tuggle 420 Deer Haven Drive Castlewood, VA 24224	0.0394 acres 1/192 of 7.57 acres	0.0493%	0.00283%	0.00806%	<i>n/a</i>
(k.2) Susie Osborne 116 Troonsway Road Winstom Salem, NC 27127	0.0394 acres 1/192 of 7.57 acres	0.0493%	0.00283%	0.00806%	<i>n/a</i>
(l) Betty L. Smith Heirs, Devisees, Successors or Assigns					
(l.1) Gary Wayne Smith PO Box 614 Pounding Mill, VA 24637	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	<i>n/a</i>
(l.2) Randy Smith <i>Address Pending</i>	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	<i>n/a</i>
(l.3) David Smith PO Box 603 Hurley, VA 24620	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	<i>n/a</i>

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			6-Right 5.74713%	7-Right 16.34981%	
(l.4) Jamie Lee Smith 161 Meadows Street Pounding Mill, VA 24637	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	n/a
(l.5) Colonel Smith, Jr. 2713 Red Root Ridge Road Raven, VA 24639	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	n/a
(l.6) Timmy James Smith 1780 Red Root Ridge Road Raven, VA 24639	0.0131 acres 1/576 of 7.57 acres	0.0164%	0.00094%	0.00269%	n/a
<b>(2) Exie Osborne Heirs, Devisees, Successors or Assigns</b>					
(a) John Osborne 368 Gov. G.C. Peery Highway Raven, VA 24639	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(b) Maxie Jean Osborne Boyd Heirs, Devisees, Successors or Assigns					
(b.1) Walter Boyd PO Box 146 Raven, VA 24639	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(b.2) Anthony Boyd 14832 Slate Creek Road Grundy, VA 24614	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(c) Ruth Smith PO Box 675 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(d) Judy Blankenship PO Box 221 Doran, VA 24612	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e) Ida Proffitt 129 Major Road Raven, VA 24639	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(f) Myrtle Smith Heirs, Devisees, Successors or Assigns					
(f.1) Nancy Jackson PO Box 448 Doran, VA 24612	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
(f.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0789 acres 1/96 of 7.57 acres	0.0986%	0.00566%	0.01612%	n/a
<b>(3) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639</b>	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
<b>(4) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns</b>					
(a) Arlin W. Osborne Heirs, Devisees, Successors or Assigns					
(a.1) Mary Jane Osborne Heirs, Devisees, Successors or Assigns					
(a.1.1) Freddie Eugene Casey c/o River North Correctional Cen 329 Dellbrook Lane Independence, VA 24348	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a

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			6-Right 5.74713%	7-Right 16.34981%	
(b) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(c) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(d) Hubbard Osborne 3195 Osborne Mountain Rd. Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(e) Jackie D. Osborne 1995 Altizer Road Raven, VA 24639-1995	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(f) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(g) Sylvia A. Byrd 549 Jacks Creek Road Raven, VA 24639	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(h) Lois Casey 759 Big Creek Road Richlands, VA 24641	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
(i) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.1051 acres 1/72 of 7.57 acres	0.1314%	0.00755%	0.02149%	n/a
<b>(5) Sylvester Stilwell Heirs, Devisees, Successors or Assigns</b>					
<b>(a) Cora Arnold Heirs, Devisees, Successors or Assigns</b>					
(a.1) Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0150 acres 1/504 of 7.57 acres	0.0188%	0.00108%	0.00307%	n/a
(a.2) Wanda Hagy 127 Largen Street #5 Richlands, VA 24641	0.0150 acres 1/504 of 7.57 acres	0.0188%	0.00108%	0.00307%	n/a
(a.3) Curtis Lee Stilwell PO Box 2216 Cedar Bluff, VA 24609	0.0150 acres 1/504 of 7.57 acres	0.0188%	0.00108%	0.00307%	n/a
(a.4) Theodore Stilwell 2212 Pea Patch Road Jewell Ridge, VA 24622-8706	0.0150 acres 1/504 of 7.57 acres	0.0188%	0.00108%	0.00307%	n/a
(a.5) Jay C. Stilwell Sr. Heirs, Devisees, <i>Pre-deceased</i> Successors or Assigns					
(a.5.1) Kathy Stilwell PO Box 1196 Raven, VA 24639	0.0050 acres 1/1512 of 7.57 acres	0.0063%	0.00036%	0.00102%	n/a
(a.5.2) Jay Clarence Stilwell, Jr. PO Box 333 Poundint Mill, VA 24637	0.0050 acres 1/1512 of 7.57 acres	0.0063%	0.00036%	0.00102%	n/a
(a.5.3) Veronica Gail Helton PO Box 333 Pounding Mill, VA 24637	0.0050 acres 1/1512 of 7.57 acres	0.0063%	0.00036%	0.00102%	n/a
(a.6) Leonard Stilwell Heirs, Devisees, Successors or Assigns					

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(a.6.1) Elsie Elizabeth Stilwell c/o Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0150 acres 1/504 of 7.57 acres	0.0188%	0.00108%	0.00307%	n/a
(b) Jay C. Stilwell Sr. Heirs, Devisees, Successors or Assigns					
(b.1) Connie Jean Stilwell Heirs, Devisees Successors or Assigns					
(b.1.1) Kathy Stilwell PO Box 1196 Raven, VA 24639	0.0225 acres 1/336 of 7.57 acres	0.0282%	0.00162%	0.00460%	n/a
(b.1.2) Jay Clarence Stilwell, Jr. PO Box 333 Pounding Mill, VA 24637	0.0225 acres 1/336 of 7.57 acres	0.0282%	0.00162%	0.00460%	n/a
(b.1.3) Veronica Gail Helton PO Box 333 Pounding Mill, VA 24637	0.0225 acres 1/336 of 7.57 acres	0.0282%	0.00162%	0.00460%	n/a
(b.1.4) Beverly Chantel Stilwell Cook Heirs, Devisees, Successors or Assigns					
(b.1.4.1) Casandra Keen 232 Bryant Street Cedar Bluff, VA 24609	0.0225 acres 1/336 of 7.57 acres	0.0282%	0.00162%	0.00460%	n/a
(c) Curtis Lee Stilwell P.O. Box 2216 Cedar Bluff, VA 24609-2216	0.0901 acres 1/84 of 7.57 acres	0.1126%	0.00647%	0.01842%	n/a
(d) Leonard Stilwell Heirs, Devisees, Successors or Assigns					
(d.1) Elsie Elizabeth Stilwell c/o Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0901 acres 1/84 of 7.57 acres	0.1126%	0.00647%	0.01842%	n/a
(e) Theodore Stilwell 2122 Pea Patch Road Jewell Ridge, VA 24622-8706	0.0901 acres 1/84 of 7.57 acres	0.1126%	0.00647%	0.01842%	n/a
(f) Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0901 acres 1/84 of 7.57 acres	0.1126%	0.00647%	0.01842%	n/a
(g) Wanda Hagy 127 Largen Street #5 Richlands, VA 24641	0.0901 acres 1/84 of 7.57 acres	0.1126%	0.00647%	0.01842%	n/a
(h) Carnas James Carlos Stilwell Heirs, Devis <i>Deeded to Cora Arnold Under Inst. # 13-0142</i> Successors or Assigns					
(h.1) Cora Arnold Heirs, Devisees, Successors or Assigns					
(h.1.1) Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0526 acres 1/144 of 7.57 acres	0.0657%	0.00378%	0.01074%	n/a
(h.1.2) Wanda Hagy 127 Largen Street #5 Richlands, VA 24641	0.0526 acres 1/144 of 7.57 acres	0.0657%	0.00378%	0.01074%	n/a

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(h.1.3) Curtis Lee Stilwell PO Box 2216 Cedar Bluff, VA 24609	0.0526 acres 1/144 of 7.57 acres	0.0657%	0.00378%	0.01074%	n/a
(h.1.4) Theodore Stilwell 2212 Pea Patch Road Jewell Ridge, VA 24622-8706	0.0526 acres 1/144 of 7.57 acres	0.0657%	0.00378%	0.01074%	n/a
(h.1.5) Jay C. Stilwell Sr. Heirs, Devises <i>Pre-deceased</i> Successors or Assigns					
(h.1.5.1) Kathy Stilwell PO Box 1196 Raven, VA 24639	0.0175 acres 1/432 of 7.57 acres	0.0219%	0.00126%	0.00358%	n/a
(h.1.5.2) Jay Clarence Stilwell, Jr. PO Box 333 Pounding Mill, VA 24637	0.0175 acres 1/432 of 7.57 acres	0.0219%	0.00126%	0.00358%	n/a
(h.1.5.3) Veronica Gail Helton PO Box 333 Pounding Mill, VA 24637	0.0175 acres 1/432 of 7.57 acres	0.0219%	0.00126%	0.00358%	n/a
(h.1.6) Leonard Stilwell Heirs, Devisees, Successors or Assigns					
(h.1.6.1) Elsie Elizabeth Stilwell c/o Bessie Lowe 1082 Riverside Drive Raven, VA 24639	0.0526 acres 1/144 of 7.57 acres	0.0657%	0.00378%	0.01074%	n/a
<b>(6)</b> Charles Stilwell Heirs, Devisees, Successors or Assigns					
(a) Bernadine R. Lisburg Heirs, Devisees, <i>Life Estate Extinguished</i> Successors or Assigns					
(b) David Wayne Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(c) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(d) Quentin A. Stilwell Heirs, Devisees, Successors, or Assigns					
(d.1) Brandyn Stilwell PO Box 1072 Bowman, ND 58623	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(e) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(f) Daniel J. Stilwell D77 El Rancho Trailer Ct. Mandan, ND 58554	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
(g) Bernice R. Lamb 2124 County Road 116 International Falls, MN 56649	0.1577 acres 1/48 of 7.57 acres	0.1971%	0.01133%	0.03223%	n/a
<b>(7)</b> Paul Elmer Stilwell Heirs, Devisees, Successors or Assigns					
(a) Virginia N. Stilwell P. O. Box 293 Raven, VA 24639	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a

Exhibit EE  
Unit S-36  
Docket #VGOB 98-0324-0626-13  
List of Conflicting Owners/Claimants with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			6-Right 5.74713%	7-Right 16.34981%	
(8) Roley (a.k.a. Raleigh) Edward Stilwell Heirs, Devisees, Successors or Assigns					
(a) Martha J. (a.k.a. Juanita) Stilwell 2875 Page Street, Box 2 Richlands, VA 24641	0.9463 acres 1/8 of 7.57 acres	1.1828%	0.06798%	0.19339%	n/a
	<b>Total tract acres</b>	<b>7.5700</b>			
	<b>Total tract percent</b>	<b>9.4625%</b>			
<b><u>TOTAL CONFLICTS RESOLVED:</u></b>					
		<b>Acreage in Unit</b>	<b>42.85</b>		
		<b>Percentage of Unit</b>		<b>53.5665%</b>	











**Exhibit J**  
**Unit S36 Escrow Account Reconciliation**  
**VGOB 98-0324-0626**

CNX Deposit Information		
Check Date	Check Number	Total
<b>Total</b>		<b>\$10,008.61</b>

**September 2019 First Bank and Trust Balance**

**\$9,877.29**

**FB&T Difference**                    **-\$131.32**

Escrow Bank Data													Running Balance	Difference
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance		

# Commonwealth of Virginia



## CIRCUIT COURT JUDGES

**PATRICK R. JOHNSON**  
Buchanan County Courthouse  
P.O. Box 1995  
Grundy, VA 24624  
(276) 935-6564  
(276) 935-6516 Fax

**JACK S. HURLEY, JR.**  
**RICHARD C. PATTERSON**  
Tazewell County Courthouse  
101 East Main Street - Suite 202  
Tazewell, VA 24661  
(276) 385-1230  
(276) 988-3081 Fax

## TWENTY-NINTH JUDICIAL CIRCUIT

COUNTIES OF BUCHANAN, DICKENSON, RUSSELL AND TAZEWELL

**MICHAEL L. MOORE**  
Russell County Courthouse  
P.O. Box 435  
Lebanon, VA 24266  
(276) 889-8049  
(276) 889-8090 Fax

**HENRY A. VANOVER**  
Dickenson County Courthouse  
P.O. Box 190  
Clintwood, VA 24228  
(276) 926-1635  
(276) 926-5560 Fax

October 19, 2015

W.F. Mason, Jr., Esq.  
302 Washington Avenue, SW  
Roanoke, Virginia 24016

Danny McClanahan, *pro se.*  
629 Clifton Fork Road  
Oakwood, Virginia 24631

RECEIVED AND FILED <sup>UB</sup>  
19 day of Oct. 20 15  
3:25 o'clock PM  
Beverly S. Tiller, Clerk  
Circuit Court of Buchanan  
County, Virginia  
*Beverly S. Tiller*  
Clerk

Re: *Marilyn Horn Taylor, Curtis M. Osborne, Barbara Joyce Harmon, Paul J. Osborne, Shirley May Osborne Keen, Mary Jane Osborne Keen, Kenneth Roy Osborne, Martha Ellen Smith Guilliams, Perry W. Horn, and Sidney Harrison Smith v. Danny McClanahan and Jama McClanahan, Buchanan County Circuit Court Case No.: 820-10*

Dear Counsel:

The above-styled case is now before the Court on Plaintiff's Motion for Summary Judgment. *Marilyn Horn Taylor, et al.*, (hereinafter "Plaintiffs") commenced this Declaratory Judgment action against *Danny and Jama McClanahan*, (hereinafter "Defendants"), asking the Court to determine that Defendants have no ownership interest in the oil and gas estate, including coal bed methane, found on or under certain tracts of land located in Buchanan County. The parties convened for a hearing on September 8, 2015, where Mr. Mason, counsel for Plaintiffs, made an oral argument in support of his motion. Defendants presented argument in opposition to the motion. Prior to the hearing, both parties in attendance submitted memoranda to the Court in support of their respective positions, and at the conclusion of the hearing the Court granted both parties the opportunity to file an additional memorandum in support of their respective positions. After thorough review of the Court's file, evidence, and oral arguments, as well as the relevant authorities, the Court now makes the following ruling.

*Marilyn Horn Taylor, et. al v. Danny and Jama McClanahan*

Case No.: 820-10

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## I. BACKGROUND

There are no material facts in dispute. In 1957, Linkous Horn and Mary Horn, of whom Plaintiffs are heirs, owned a twenty-five acre tract of land in Buchanan County. On April 13, 1957, the Horns executed a deed conveying the aforementioned property to Thurman Osborne. The deed contained the following language, "all coal and minerals are excepted in this conveyance, together with the right to mine and remove same." (Exhibit A). Subsequently, on April 30, 1946, Osborne conveyed eighteen acres of the property to Florida Keen, and the deed contained the following clause "there is hereby excepted from this conveyance such of the coal, oil, gas, minerals, rights, privileges and easements as have been heretofore sold from or excepted from said land." (Ex. B). On October 24, 1970, Keen conveyed the eighteen acre portion to Arlin and Mary Jane Osborne, and the deed contained the following clause "there is hereby excepted from this conveyance such of the coal, oil, gas, minerals, rights, privileges and easements as have been heretofore sold from or excepted from said land." (Ex. C). Then on June 1, 1984, the Osbornes conveyed the eighteen acre portion to Gary and Brenda Matney, and the deed contained the following clause "there is hereby excepted from this conveyance such of the coal, oil, gas, minerals, rights, privileges and easements as have been heretofore sold from or excepted from said land." (Ex. D). Finally, on August 12, 1988, the Matneys conveyed a nine acre portion of the eighteen acres to Defendants, and the deed contained the following clause "there is excepted and reserved from this conveyance anything and everything that may have been heretofore excepted or reserved from said land." (Ex. E).

Recently, Defendants claimed an ownership interest in any oil and gas, including coal bed methane gas, under their property. Plaintiffs ask the Court to find, through summary judgment, that Defendants have no legitimate ownership interest to the mineral rights under the relevant property. Plaintiffs base their motion on the grounds that the deeds of record, which are rightfully before the court, clearly demonstrate that there is no genuine issue as to any material fact with regard to title of the coal bed methane gas. Adversely, Defendants argue that they are the rightful owners of the mineral estate because at the time of the 1957 conveyance, the Virginia Code defined minerals as "equal ore, rock, and any other solid homogeneous crystalline chemical elements or compounds that result from the inorganic process of nature other than coal." (Com. 4). Consequently, Defendant argues, that gas, oil, and coal bed methane, have to be individually delineated to be exempted from a conveyance, and since those minerals were not delineated in his conveyance, Defendant still owns the entirety of the mineral estate.

## II. SUMMARY JUDGMENT STANDARD

The Virginia Supreme Court has stated the following with regard to when a Motion for Summary Judgment should be sustained:

[s]ummary judgment upon all or any part of a claim may be granted to a party entitled to such judgment when no genuine issue of material fact remains in dispute, and the moving party is entitled to judgment as a matter of law. A grant of summary judgment must be based upon undisputed facts established by pleadings, admissions in pleadings, and admissions

*Marilyn Horn Taylor, et. al v. Danny and Jama McClanahan*

Case No.: 820-10

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made in answers to requests for admissions. Additionally, the trial court must consider inferences from the facts in the light most favorable to the non-moving party, unless the inferences are strained, forced or contrary to reason. Of course, the trial court may consider the stipulations of the parties, answers to interrogatories and deposition testimony if the parties agree. *Andrews v. Ring*, 266 Va. 311, 318, 585 S.E.2d 780 (2003).

The parties did instruct the Court that the facts were not in dispute in this case and further, given the above principles and the parties' agreement, summary judgment is an appropriate remedy if the Court sees fit.

### III. APPLICABLE LAW

The dispositive question in this case is what minerals, if any, the excluding clause in the 1957 deed embraced. "Where the language of a deed clearly and unambiguously expresses the intention of the parties, no rules of construction should be used to defeat that intention. Where, however, the language is obscure and doubtful, it is frequently helpful to consider the surrounding circumstances and probable motives of the parties." *CNX Gas Company, LLC v. Rasnake*, 287 Va. 163, 166-67 (2014). Applying that principal, the Court initially confines its consideration to the four corners of the deeds to ascertain whether the language of the deeds concerning mineral rights is plain and unambiguous. The Supreme Court of Virginia has previously defined ambiguity as "the condition of admitting of two or more meanings, of being understood in more than one way." *Berry v. Klinger*, 225 Va. 201, 207 (1983).

Recently, in *Rasnake* the Supreme Court of Virginia interpreted the following excluding clause from a 1918 deed, "This sale is not meant [sic] to convey any coals or minerals. The same being sold and deeded to other parties heretofore." *CNX Gas Co. LLC v. Rasnake*, 287 Va. 163, 166 (2014). Prior to the date of the deed in question, the grantors had sold only the coal and the timber. The Court found the disputed language to be capable of being understood by reasonable persons in multiple ways, based on parties' interpretations, thus making it ambiguous and allowing for the admission of parol evidence. *Id.* at 167. After considering all possible interpretations of the conveyance, the Court applied the only possible analysis that gave effect to all the language used by the grantors and removed conflict among its parts. *Id.* "Under that interpretation, the last ten words modify the preceding sentence, denoting the grantors' intent to exclude from the conveyance only those mineral rights previously conveyed to others, namely the coal." *Id.* at 169. Thus, the deed conveyed all mineral rights to the grantee except for the rights to coal and timber, which had previously been conveyed to a third party.

In another relevant case, *Clinchfield*, the Virginia Supreme Court interpreted the following conveyance "all the coal and minerals of every description in, upon, or underlying' the lands herein involved." *Warren v. Clinchfield*, 166 Va. 524, 526 (1936). In that case the Court found, that "taking the deed "by its four corners," there is no doubt that the language thereof clearly indicates a conveyance, not only of coal, but of "all other minerals of every description." *Id.* at 527. "The question then narrows down to this proposition: Are petroleum, oil and gas minerals? The Court found that "unless it appears that the term was used in a more restricted sense, the term 'mineral' ordinarily embraces oil or petroleum, and natural gas; and has

*Marilyn Horn Taylor, et. al v. Danny and Jama McClanahan*

Case No.: 820-10

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also been held to embrace water." *Id.* (emphasis added). In reaching this conclusion, the Court defined minerals as "all the substances in the earth's crust which are sought for and removed by man for the substance itself. It is not limited to metallic substances, and even petroleum and natural gas have been held to be minerals." *Id.*

Although, these two decisions seem contrarian, they represent the difference between an ambiguous reservation, capable of multiple interpretations, and an unambiguous reservation. The distinguishing factor between the two being that the former included the clause, "the same being sold and deeded to other parties heretofore," which, after giving effect to all of the language employed by the grantors and eliminate conflict among its parts, the Court found created an ambiguity. Had the deed simply stated that "this sale is not meant [sic] to convey any coals or minerals" the Court would have found the reservation to be unambiguous and awarded ownership of the mineral estate to the grantor, as evident by the Court's decision in *Clinchfield*. Instead, after finding the deed ambiguous the Court used various rules of construction to resolve the ambiguity against the grantor, and awarded ownership of the mineral estate, sans coal and timber, to the grantee.

#### IV. ANALYSIS

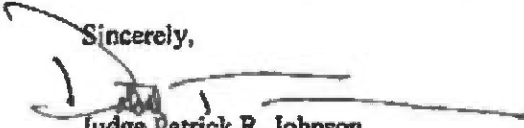
The germane reservation from the 1957 deed states that "All coal and minerals are excepted in the conveyance, together with the right to mine and remove the same." (Exhibit A). Unlike the *Rasnake* deed, this deed does not contain a modifying clause, and is instead more analogous to the *Clinchfield* deed. Consequently, taking the deed "by its four corners," there is no doubt that the language thereof unambiguously indicates a conveyance, not only of coal, but of all minerals. Lastly, the deed does not contain any terminology restricting the ordinary meaning of mineral, and as such the mineral reservation embraces the rights to all minerals, even though they have not been specifically delineated.

#### V. CONCLUSION

The Court relies on *Rasnake* in holding that there is no genuine issue of material fact before the Court at this time. The sole issue presently before the Court is the application of law to the language of the relevant deed. As such, after drawing all reasonable inferences in favor of Defendants, it appears to the Court that Plaintiffs is entitled to a summary judgment. Defendants have no interest in and to any oil and gas interest, including coal bed methane, with respect to the property conveyed to them by deed dated the 12th day of August, 1988.

Mr. Mason is directed to prepare an Order reflecting the findings of this Court and to forward the same to Defendants for endorsement and then the Court for entry.

Sincerely,

  
Judge Patrick R. Johnson  
Buchanan County Circuit Court

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF BUCHANAN

MARILYN HORN TAYLOR, CURTIS M. OSBORNE, BARBARA JOYCE HARMON, PAUL J. OSBORNE, SHIRLEY MAY OSBORNE KEEN, MARY JANE OSBORNE KEEN, KENNETH ROY OSBORNE, MARTHA ELLEN SMITH GULLIAMS, PERRY W. HORN, AND SIDNEY HARRISON SMITH,

Case No. CL10000820-00

Plaintiffs

v.

DANNY McCLANAHAN and JAMA McCLANAHAN, Husband and Wife,

Defendants

ORDER TO DISMISS THE MOTION TO RECONSIDER

This case came on this 10<sup>th</sup> day of July upon the Defendant's Motion to Dismiss Defendant's Motion to Reconsider on the grounds that such Motion has no support or basis in the law and this Court's prior decision in this matter should be sustained and affirmed.

UPON CONSIDERATION WHEREOF, the Court being of the opinion that the Plaintiff's Motion to Dismiss Defendant's Motion to Reconsider should be sustained, it is ORDERED that the said Motion to Dismiss be granted and that the Defendants Motion to Reconsider be dismissed and the prior decision of this Court is hereby affirmed.

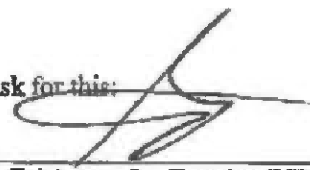
Further, there being nothing further to be done in this matter, the Clerk is ordered to strike it from the docket and send certified copies of this Order to all parties of record.

W. F. MASON, JR. ATTORNEY AT LAW ROANOKE, VIRGINIA

DATE: 7.10.19

ENTER: [Signature] Judge

I ask for this:



---

W. F. Mason, Jr., Esquire (VBA#12076)  
302 Washington Avenue, SW  
Roanoke, Virginia 24016  
Phone: (540)344-2017  
Facsimile: (540) 344-6039  
\* Counsel for Plaintiffs

Seen and Objected to for Reasons Stated in the Record:

---

Terrance Shea Cook, Esquire  
PO Box 507  
Richlands, Virginia 24641

W. F. MASON, JR.  
ATTORNEY AT LAW  
ROANOKE, VIRGINIA

## Berry (Howery), Kelli

---

**From:** Gilmer, Sarah <sarah.gilmer@dmme.virginia.gov>  
**Sent:** Monday, September 30, 2019 10:21 AM  
**To:** Berry (Howery), Kelli  
**Cc:** Cooper, Rick (DMME) (Rick.Cooper@dmme.virginia.gov); Scott, Sherri  
**Subject:** [EXTERNAL] Re: Buchanan Co Case CL10000820-000

**CAUTION:** This email originated from outside CNX. Do not click links or open attachments unless you recognize the sender and believe the content is safe.

Kelli,  
Our Assistant Attorney General has approved for you to put this on the docket as is.

If you have any questions, please let me know.  
Thanks,  
Sarah

On Wed, Sep 25, 2019 at 10:09 AM Berry (Howery), Kelli <[KelliBerry@cnx.com](mailto:KelliBerry@cnx.com)> wrote:

We have received the attached documents, in regard to the Danny McClanahan surface owner claim against the Linkous Horn Heirs. It appears that Mr. Mason never submitted an order carrying into effect the letter opinion of the court. The last paragraph of the letter opinion instructs him to do so. That being said, the order to dismiss the motion to reconsider does state that the prior decision of the Court is hereby affirmed. It also states that there is nothing further to be done in this matter and instructs the Clerk to strike the matter from the docket. While we would certainly prefer a recorded order, we have serious doubts that will be completed at this point in time. Before I proceed with filing any petitions to disburse escrowed funds, I would like to have your approval. I would plan to attach to each petition, a copy of the letter opinion, along with the order to dismiss the motion to reconsider.

Thank you,

**Kelli Berry**

*CNX | Pooling Analyst*

**Mailing Address** | PO Box 570 | Pounding Mill, VA 24637

**Physical Location** | 128 Glenwood Street | Cedar Bluff, VA 24609

**Direct** | (276) 596-5136



"This communication, including any attachments, may contain confidential and privileged information that is subject to the CNX Resources Corporation Business Information Protection Policy. The information is intended solely for the use of the intended recipient(s). If you are not an intended recipient, you are prohibited from any use, distribution, or copying of this communication. If you have received this communication in error, please immediately notify the sender and then delete this communication in its entirety from your system."

--  
*Sarah J. Gilmer*

*Board Support Specialist*

*Dept of Mines, Minerals, & Energy*

*Division of Gas and Oil*

*135 Highland Drive*

*P. O. Drawer 159*

*Lebanon, VA 24266*

*(276) 415-9657*

*(276) 415-9671 fax*

**SUPPLEMENTAL AFFIDAVIT OF MAILING—COAL OWNER**

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

**Applicant: CNX Gas Company LLC**  
**Relief Sought: Disbursement/Dismissal for Unit S36**  
**VGOB: 98-0324-0626-11**

I, Anita D. Duty, being first duly sworn on oath, depose and say:

1. I am the Pooling Supervisor for CNX Land LLC, and I am authorized to submit this Affidavit on behalf of the Applicant CNX Gas Company LLC.

2. I affirm that the coal owner(s) in this Unit was properly noticed under Va. Code Ann. 45.1-361-22:2. See annexed letter(s) dated September 28, 2015. See annexed Certificate of Notice and coal owner notice form letter example.


3. The coal owner(s) **Hurt McGuire Land Trust** provided evidence of a split agreement pertaining to a portion of this Unit, and consequently, to the extent the split agreement applies, said owner(s) is not dismissed as a Respondent by reason of being a gas claimant under the split agreement.

However, **Hurt McGuire Land Trust** should be dismissed as Respondent/coal claimant for failure to timely provide evidence of a relevant proceeding or agreement with regard to its other coal owner claims.

  
Anita D. Duty  
Pooling Supervisor  
for CNX Land LLC

STATE OF VIRGINIA  
COUNTY OF TAZEWELL, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 15th day of December, 2016.

  
\_\_\_\_\_  
Notary Public

My commission expires: 3/31/20

**JANET RUTH WHITE**  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg# 7667821  
My Commission Expires 3/31/20

CERTIFICATION OF NOTICE

CNX Gas Company LLC

**Requested all for Unit S35 on 7/14/15**

Unit S36

VGOB 98-0324-0626-10

coal owner dismissal

part of Buc1SGU2

Last Name	First Name	MAILED	RECEIPT #	RECEIVED
Hurt McGuire Land Trust (coal Owner)		9/28/15	7015152000035333 6150	9/30/2015

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p style="font-size: 1.2em; font-family: cursive;">x <i>Dianna Groen</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p style="font-size: 1.2em; font-family: cursive;">Dianna Groen <span style="float: right;">9-30-11</span></p>	
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; font-family: cursive;">Hurt McGuire Land Trust c/o Charles Groen PO Box 1067 Bluefield VA 24605</p>  <p style="text-align: center; font-weight: bold;">9590 9403 0698 5196 3258 65</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <span style="float: right;"><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™</span></p> <p><input type="checkbox"/> Adult Signature <span style="float: right;"><input type="checkbox"/> Registered Mail Restrictio Delivery</span></p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <span style="float: right;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Certified Mail® <span style="float: right;"><input type="checkbox"/> Signature Confirmation®</span></p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Collect on Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Delivery Restricted Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Mail <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Mail Restricted Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p>	
<p>2. Article Number</p> <p style="font-size: 1.2em; font-family: cursive;">7015 1520 0003 5333 6150</p>	<p>(over \$500)</p>	
<p>PS Form 3811, April 2015 PSN 7590-02-000-9053 <span style="float: right; font-size: 1.5em; font-family: cursive;">536 HB</span> Domestic Return Receipt</p>		



CNX Gas Company LLC

PO Box 570

Pounding Mill, VA 24637

Phone: (724) 485-3600

Date

«FNAME» «LNAME»

«Attention\_Line»

«Street\_Address»

«City»«State»«Zip»

**COAL OWNERS**

**RE:** Unit \_\_\_\_\_  
Miscellaneous Petition for Disbursement from Escrow

Dear Property Owner,

House Bill 2058 was signed by the Governor and became law effective July 1, 2015. This new law requires the Virginia Gas and Oil Board to disburse monies placed in escrow because of conflicting claims (between coal owners and oil and gas owners) to coalbed methane gas royalties to the oil and gas owners of the tracts in this Unit.

In general, under this new law escrowed funds are to be paid to oil and gas owners unless the coal owner(s) provides the operator CNX and the Division of Gas and Oil "with evidence of a proceeding" [as in a court case] "or an agreement." The new law gives coal owners/coal claimants **45 days** from the date you get this letter to provide that evidence.

Enclosed herewith please find a copy of the 45 day Notice of Filing. Please read the Notice carefully to be sure you understand that you have 45 days to provide evidence to the operator CNX Gas Company LLC at the address above **and** the Division of Gas and Oil at PO Draw 159, Lebanon, VA 24266

In order to help us keep our records current and to make sure you receive all correspondence and notices promptly, please notify us of any address change at the address above.

Sincerely,

Anita Duty  
Pooling Supervisor

Enclosure(s)