

200400478

BK 396PG 085 000010 FEB-6 3

INSTRUMENT NO. 200400478
Recorded in the Clerk's Office
of Dickenson County

THIS DEED is made and entered into this 29th day of January, 2004, by and between

PYXIS RESOURCES COMPANY, a Virginia corporation, CLINCHFIELD COAL COMPANY, a Virginia corporation, and PARAMONT COAL CORPORATION, a Delaware corporation, hereinafter collectively referred to as Grantors, and MOUNTAIN FOREST PRODUCTS, LLC, a Virginia limited liability company, whose address is 110 Fairway Drive, Abingdon, VA 24211, hereinafter referred to as Grantee.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, transfer and convey unto the Grantee all of their right, title and interest in and to the surface, timber, gravel and building stone on the following described tract, together with all improvements and appurtenances thereon, together with fixtures attached thereto, and all rights and privileges with respect to the use and occupancy of the surface, timber, sand, gravel and building stone, which is located in Dickenson and Wise Counties, Virginia, and is more particularly described as follows:

A tract or parcel of surface land lying in the head of Lick Fork in the area known as Moss 1, on Va. Rte. 361, the Red Onion Prison road, at approximately 1.25 miles southeast of its intersection with Va. Rte. 83, and being located in the Roberson Magisterial District of Wise County and Kenady Magisterial District, Dickenson County, Virginia, and being more particularly bounded and described as follows:

BEGINNING at an iron pin set in the southeast right of way line of Va. Rte. 361 in a line of Clinchfield Coal Company's William McFall "176.50 Ac." and David Short tracts, thence leaving said McFall tract and running easterly with said right of way and through said Short tract so as to create the tract of surface land being described hereby N 19-27 E, 53.1 feet to a point, thence N 29-24 E, 443.4 feet to a point, thence S 89-04 E, 178.5 feet to a point, thence N 58-39 E, 275.9 feet to a point, thence N 52-28 E, 459.7 feet to a point, thence S 61-01 E, 166.9 feet to a point, thence S 65-40 E, 214.6 feet to a point, thence S 56-28 E, 107.9 feet to a point, thence S 53-03 E, 123.2 feet to a point, thence S 86-06 E, 126.3 feet to a point, thence N 66-43 E, 167.4 feet to a point, thence N 83-12 E, 53.9 feet to a point, thence leaving said right of way and running through said Short tract S 21-44 E, 716 feet to a point at or near the base of a pond embankment, thence running along the same S 71-02 E, 796 feet to a point, thence S 45-55 E, 306 feet to a point in a line of Clinchfield Coal Company's Mullins and Short tract, thence N 65-31 E, 824 feet to an iron pin set on the centerline of a spur, 4 inch sycamore witness, thence leaving said Short tract and running through said Mullins and Short tract, S 84-57-21 E, 244.80 feet to an iron pin set 25 feet west of the toe of a slope, 10 inch locust witness, being a corner of said Mullins & Short tract and Clinchfield Coal Company's William Crabtree 89.37 acre tract, thence leaving said Mullins and Short tract and running through said Crabtree tract N 87-29-25 E, 1548.35 feet to an iron pin set 150 feet northwest of the

PennStuart

208 E. Main Street
Abingdon, VA 24210
(276) 628-5151

This instrument prepared by:

centerline of a drain, thence S 20-32-16 W, 1234.74 feet to a point in a line of Clinchfield Coal Company's Isom and W. L. Mullins tract, thence running with said Crabtree and Isom Mullins tracts S 66-40 W, 262.4 feet to a chestnut oak (called for), thence S 74-40 W, 332.0 feet to a hickory (called for), thence S 57-45 W, 407.0 feet to a chestnut (called for) on a spur, chestnut and locust witnesses, being a corner also of Clinchfield Coal Company's Phipps, Damron and Trivett tract, thence leaving said Crabtree tract and running with said Isom Mullins and Phipps tracts S 71-16 W, 375.7 feet to a chestnut oak (called for) on top of a spur, on a cliff, black oak and chestnut witnesses, thence S 59-23 W, 361.5 feet to a point, thence leaving said Phipps tract and running southeasterly through said Isom Mullins tract S 11-41 E, 1101 feet to a point, thence S 30-04 E, 808 feet to a point, thence continuing through said Isom Mullins tract a short distance and then running through various Clinchfield Coal Company tracts as shown on the map identified below S 50-49 E, 905 feet to a point, thence S 42-17 E, 357 feet to a point, thence S 27-13 E, 1189 feet to a point, thence running across the road and railroad at or near the D-rail switch S 58-19 W, 1105 feet to a point in a line of Clinchfield Coal Company's E. L. Phipps and William Boggs tracts, thence running with the same N 53-37 W, 204.7 feet to a double black oak (called for) on top of a spur, black oak and hickory witnesses, thence N 43-03 W, 400.1 feet to a spotted oak (called for) on top of a spur, sourwood and chestnut witnesses, thence N 65-30 W, 185.8 feet to a maple (called for) on top of a spur, spotted oak and locust witnesses, being a corner also of Clinchfield Coal Company's J. W. and Rebecca Crabtree 39.25 acre tract, thence leaving said E. L. Phipps tract, continuing with said Boggs tract, and running with said J. W. Crabtree tract S 53-57 W, 743.8 feet to a plastic stake set 25 feet southeast of the centerline of a ridge, 10 inch locust witness, being a corner also of Clinchfield Coal Company's Ivett Baker 38 acre tract, thence leaving said Boggs tract and running one course with said J. W. Crabtree and Baker tracts N 64-09-04 W, 506.15 feet to an iron pin set 5 feet southeast of the centerline of a road, 125 feet east of the top of a slope, being also a corner of said Isom Mullins tract, thence leaving said J. W. Crabtree and Baker tracts and running through said Isom Mullins tract N 69-36-48 W, 2031.62 feet to an iron pin set on the centerline of a spur, 150 feet northwest of the centerline of a drain, 2 inch locust witness, N 24-07-21 E, 1815.96 feet to an iron pin set 75 feet south of the centerline of a ridge, 4 inch sycamore witness, being also a corner of Clinchfield Coal Company's William McFall 176.50 acre tract, thence running three courses with said Isom Mullins and McFall tracts N 07-58-59 W, 176.41 feet to an iron pin set on a reclaimed strip mine, 110 feet south of the centerline of a road, thence N 13-21-21 E, 107.62 feet to an iron pin set 50 feet west of the centerline of a small drain, 8 inch forked locust witness, thence N 62-48-58 E, 400.81 feet to an iron pin set on a reclaimed strip mine, 185 feet southeast of the centerline of a road, 3.5 inch locust witness, thence leaving said Isom Mullins tract and running through said McFall tract N 10-25-08 W, 1139.26 feet to an iron pin set 15 feet south of the centerline of a drain, 6 inch maple and 12 inch oak witnesses, thence N 48-19-25 W, 672.05 feet to an iron pin set 40 feet west of the centerline of a ridge, being also a corner of said David Short tract, thence running with said McFall and Short tracts N 59-24-53 W, 164.91 feet to an iron pin set 125 feet southwest of the end of a highwall, thence N 36-21-02 W, 411.19 feet to an iron pin set 35 feet southwest of the centerline of a spur, thence N 21-17-40 E, 341.04 feet to an iron pin set in a pond 80 feet south of the top of a highwall, thence N 59-47-42 W, 290.63 feet to a plastic stake set 6 feet west of the end of a small spur, thence N 79-54-53 W, 271.28 feet to an iron pin set 80 feet west of the top of a slope, 15 feet east of the toe of a slope, thence N 16-39-56 W, 216.07 feet to an iron pin set 150 feet west of the centerline of a ridge, thence N 71-57-56 W, 373.50 feet to an iron pin set 150 feet west of the centerline of a ridge, thence N 18-26-20 W, 146.71

feet to an iron pin set 200 feet northwest of the centerline of a ridge, thence N 40-36-37 W, 171.86 feet to an iron pin set 50 feet southeast of the centerline of a small spur, thence N 77-29-09 W, 296.90 feet to the point of Beginning and containing 433.17 acres, more or less, and being comprised of portions of various tracts of land owned by Clinchfield Coal Company as shown in a chart on the plat identified below, and being a portion of the surface lands conveyed from The Pittston Company to Clinchfield Coal Company by deeds dated January 1, 1981 and recorded in Wise County DB 549 at page 275 and Dickenson County DB 206 at page 471, all as shown on plat entitled "...to be Conveyed to Mountain Forest Products, LLC from Clinchfield Coal Company...", which shows lands "Located in the head of Lick Fork in the area known as Moss 1...", scale 1" = 500 feet, dated January 29, 2004, attached hereto and made a part hereof.

The above-described tracts are hereinafter referred to as the "Conveyed Property."

The Grantors also grant and convey to Grantee all those rights and privileges related to the Conveyed Property which were excepted and reserved in:

1. Deed dated December 11, 2002 between Clinchfield Coal Company, Grantor, and Dickenson-Russell Coal Company, LLC, Grantee, of record in the Circuit Court Clerk's Office for Dickenson County, Virginia in Deed Book 381, Page 671, the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 571, Page 1, and the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 559, Page 147.
2. Deed dated December 11, 2002 between Clinchfield Coal Company, Grantor, and Dickenson-Russell Coal Company, LLC, Grantee of record in the Circuit Court Clerk's Office for Dickenson County, Virginia in Deed Book 381, Page 692, the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 571, Page 19, and the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 559, Page 165.
3. Deed dated December 11, 2002 between Pyxis Resources Company, Clinchfield Coal Company, Paramount Coal Corporation and Motivation Coal Company, Grantors, and Alpha Land and Reserves, LLC, Grantee of record in the Circuit Court Clerk's Office for Wise County, Virginia, as Instrument No. 200205754.
4. Deed dated December 11, 2002 between Pyxis Resources Company, Clinchfield Coal Company, Paramount Coal Corporation and Motivation Coal

Company, Grantors, and Alpha Land and Reserves, LLC, Grantee, in the Circuit Court Clerk's Office for Dickenson County, Virginia, in Deed Book 382, Page 1, the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 571, Page 71, the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 559, Page 217, and the Circuit Court Clerk's Office for Wise County, Virginia, as Instrument No. 200205755.

The Conveyed Property is conveyed subject to the rights, privileges, easements, servitudes and rights-of-way which were granted with respect to the coal estate and reserved with respect to the oil and gas estate in the following deeds:

1. Deed dated December 11, 2002 between Clinchfield Coal Company, Grantor, and Dickenson-Russell Coal Company, LLC, Grantee, of record in the Circuit Court Clerk's Office for Dickenson County, Virginia in Deed Book 381, Page 671, the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 571, Page 1, and the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 559, Page 147.
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Circuit Court Clerk's Office for Dickenson County, Virginia, in Deed Book 382, Page 1, the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 571, Page 71, the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 559, Page 217, and the Circuit Court Clerk's Office for Wise County, Virginia, as Instrument No. 200205755.

5. Deed dated July 15, 2003, from Pyxis Resources Company to Pine Mountain Oil & Gas, Inc., of record in the Circuit Court Clerk's Office for Buchanan County, Virginia in Deed Book 574, Page 672.
6. Deed and Assignment dated April 1, 1986, from The Pittston Company to Pine Mountain Oil and Gas, Inc., of record in the Circuit Court Clerk's Office for Wise County, Virginia, in Deed Book 624, Page 429.
7. Deed and Assignment dated April 1, 1986, from The Pittston Company to Pine Mountain Oil and Gas, Inc., of record in the Circuit Court Clerk's Office for Dickenson County, Virginia, in Deed Book 235, Page 92.
8. Deed and Assignment dated April 1, 1986, from The Pittston Company to Pine Mountain Oil and Gas, Inc., of record in the Circuit Court Clerk's Office for Buchanan County, Virginia, in Deed Book 320, Page 703.
9. Deed and Assignment dated April 1, 1986, from The Pittston Company to Pine Mountain Oil and Gas, Inc., of record in the Circuit Court Clerk's Office for Russell County, Virginia, in Deed Book 341, Page 269.
10. Deed and Assignment dated August 19, 1997, from Addington, Inc. to Pine Mountain Oil and Gas, Inc., of record in the Circuit Court Clerk's Office for Wise County, Virginia, in Deed Book 856, Page 57.

The Conveyed Property is also conveyed subject to all exploration and development rights, privileges, easements, servitudes and rights-of-way granted in the following leases and agreement:

1. Oil and Gas Lease dated July 25, 1972, between The Pittston Company, Lessor, and Philadelphia Oil Company, Lessee, as supplemented and amended.

2. Agreement of Lease dated January 10, 1955, between Clinchfield Coal Corporation and W.M. Ritter Lumber Company, Lessors and United Producing Company, Inc., Lessee, as supplemented and amended.
3. Agreement (Lease) dated May 1, 1970, between The Pittston Company, Lessor, and United Fuel Gas Company, Lessee, as supplemented and amended.
4. Coalbed Gas and Exploration and Development Agreement dated April 5, 1988, between Pine Mountain Oil and Gas, Inc. and Equitable Resources Exploration, as supplemented and amended.
5. Lease Agreement dated October 16, 1998, from Clinchfield Coal Company to Mountain Forest Products, Inc. as amended by Amendment to Lease dated March 8, 2003, for the surface and improvements thereon.
6. Lease dated January 1, 1968, to Clinch River Industrial Development Corporation for a lot for a water tank and waterline rights-of-way. Clinch River Industrial Development Corporation assigned this lease to Russell County Water and Sewer Authority by letter dated July 15, 1972.

The Grantors also quitclaim any rights and privileges benefitting the Conveyed Property, if any exist, in the following leases, agreement and deeds:

1. Oil and Gas Lease dated July 25, 1972, between The Pittston Company, Lessor, and Philadelphia Oil Company, Lessee, as supplemented and amended.
2. Agreement of Lease dated January 10, 1955, between Clinchfield Coal Corporation and W.M. Ritter Lumber Company, Lessors and United Producing Company, Inc., Lessee, as supplemented and amended.
3. Agreement (Lease) dated May 1, 1970, between The Pittston Company, Lessor, and United Fuel Gas Company, Lessee, as supplemented and amended.

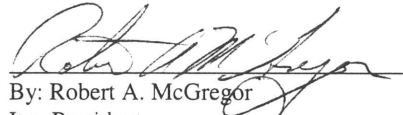
4. Coalbed Gas and Exploration and Development Agreement dated April 5, 1988, between Pine Mountain Oil and Gas, Inc. and Equitable Resources Exploration, as supplemented and amended.
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The Conveyed Property is also conveyed subject to existing easements for roads, pipelines, power lines and other similar rights-of-way, servitudes and permits on, over or in respect of the Conveyed Property, but only to the extent that the same do not materially interfere with the ownership or operation of any Conveyed Property.

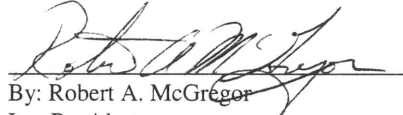
The Conveyed Property is being conveyed subject to the title representations made between the Grantors and Heartwood Forestland Fund IV, L.P., in that certain Asset Purchase Agreement by and between Pittston Coal Company and Heartwood Forestland Fund IV, L.P., dated July 18, 2003.

WITNESS the following signatures and seals on the day and year first above written.

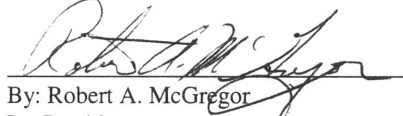
CLINCHFIELD COAL COMPANY

 (SEAL)
By: Robert A. McGregor
Its: President

PYXIS RESOURCES COMPANY

 (SEAL)
By: Robert A. McGregor
Its: President

PARAMONT COAL CORPORATION

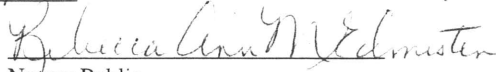
 (SEAL)
By: Robert A. McGregor
Its: President

COMMONWEALTH OF VIRGINIA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me on this 29th day of January, 2004, by Robert A. McGregor, the President of CLINCHFIELD COAL COMPANY, a Virginia corporation, on behalf of the corporation.

My commission expires: 1/31/2008

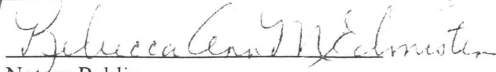

Notary Public

COMMONWEALTH OF VIRGINIA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me on this 29th day of January, 2004, by Robert A. McGregor, the President of PYXIS RESOURCES COMPANY, a Virginia corporation, on behalf of the corporation.

My commission expires: 1/31/2008


Notary Public

BK 396PG 093

000018 FEB-6 3

COMMONWEALTH OF VIRGINIA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me on this 29th day of January, 2004, by Robert A. McGregor, the President of PARAMONT COAL CORPORATION, a Delaware corporation, on behalf of the corporation.

My commission expires: 1/31/2008

Kelucca Ann M. Edmister
Notary Public

EXHIBIT A

Tract Names	Dickenson County Tax Map/ Parcel Nos.	Dickenson County Account Nos.
81.94 acres of David Short Tract	218B-2310	13047
8.01 acres of William McFall ¹ 176.50 acre tract		19403
20.10 acres of Mullins & Short	219A-2181	5667
Phipps, Damron & Trivett	219A-2182	5569
45.77 acres of the William Crabtree 89 acre tract	207D-13	5568
E.L. Phipps		
152.55 acres of Isom & W.L. Mullins Tract	219A-2179	5470
3.51 acres of J.L. Litz Tract		
J.W. & Rebecca Crabtree 39.25 acre tract	207D-16	5565
J.C. Sutherland et al. D.R. Crabtree & R.H. Stanley 0.36 acre tract	219A-2183	5567
J.W. & C.W. Newberry G. Mark French Heirs 0.5 acre tract	219A-2180	5669
Fred M. Crabtree, et al. 1/5 acre tract	207D-15	5566
1.26 acres of Jane Mullins Dower		
T.S. Stanley & Nell Phipps 8/9 int Ethel D. McCoy et al. 1/9 int. 0.2893 ac + 17.12 sq. ft.	207D-2075	5640
Allen Compton Lots 5, 6, 7, 8		
Portion of Allen Compton Lots 1, 2, 3, 4		18049
1.15 acres of J.W. Mullins Tract	207D-2335	5654
1.23 acres of Hazy Short Tract	207D-2313	5627
1.46 acres of Louisa Stanley Tract	207D-2337	5590
E.L. Phipps (includes W.B. Lay et al. and Kate Meade et al. tracts)		

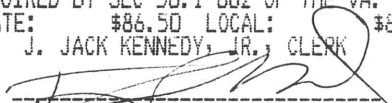
1

This tract is also assessed in Wise County, Tax Map No. 013 001, Account No. 021476,
tax assessed value \$33,700.00

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J.H. Stanley Heirs 0.25 acre tract	219A-873	5611
Fred Bise 0.25 acre & portion of 0.72 acre tracts	219A-871	5547
Fred Bise 0.13 acre tract	NM 118	5548
6.66 acres of Jno. L. Litz Tract		
S.M. McFall		
0.16 acres of J. L. Kilgore	207D-61	5531

INSTRUMENT #200400478
 RECORDED IN THE CLERK'S OFFICE OF
 WISE COUNTY ON
 FEBRUARY 6, 2004 AT 08:51AM
 \$173.00 GRANTOR TAX WAS PAID AS
 REQUIRED BY SEC 58.1-802 OF THE VA. CODE
 STATE: \$86.50 LOCAL: \$86.50
 J. JACK KENNEDY, JR., CLERK
 BY:  (DC)

INSTRUMENT #2004000227
 RECORDED IN THE CLERK'S OFFICE OF
 DICKENSON COUNTY ON
 FEBRUARY 11, 2004 AT 08:41AM
 \$1,113.75 GRANTOR TAX WAS PAID AS
 REQUIRED BY SEC 58.1-802 OF THE VA. CODE
 STATE: \$1,113.75 LOCAL: \$1,113.75
 JOE TATE, CLERK

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DICKENSON COUNTY, 2/11, 2004 This deed was this day
 presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 8:41 o'clock A.M., after payment of
~~\$4321.50~~ tax imposed by Sec. 58.1-802.

PSE-AB
 01/29/0

Original returned this date to: 

TESTE: JOE TATE, CLERK
 BY:  D. CLERK

Instrument Control Number

000008 FEB-6 3

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.81]

T
A
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M
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T

C
O
R
P

Date of Instrument: [2/6/2004]
Instrument Type: [DBS]

Number of Parcels [1]
Number of Pages [12]

City ☐ County ☐ [Wise County]

INSTRUMENT #200400478
RECORDED IN THE CLERK'S OFFICE OF
WISE COUNTY ON
FEBRUARY 6, 2004 AT 08:51AM
\$173.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$86.50 LOCAL: \$86.50
J. JACK KENNEDY, JR. CLERK

BY:  (DC)

(Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[Pyxis Resources Comp]	[]	[]	[]
[Cinchfield Coal Compan]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[Mountain Forest Produc]	[]	[]	[]
[]	[]	[]	[]

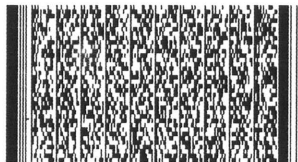
Grantee Address (Name) [Mountain Forest Products Inc
(Address 1) [110 Fairway Dr
(Address 2) [
(City, State, Zip) [Abingdon] [VA] [24211
Consideration [172,800.00] Existing Debt [0.00] Assumption Balance [0.00

Prior Instr. Recorded at: City ☒ County ☐ [Wise] Percent. in this Juris. [100
Book [] Page [] Instr. No []

Parcel Identification No (PIN) [021476
Tax Map Num. (if different than PIN) [021476
Short Property Description [Tract Dickenson & Wise County

Current Property Address (Address 1) [
(Address 2) [
(City, State, Zip) [] [] []

Instrument Prepared By [Penn Stuart
Recording Paid for By [Stewart Title
Return Recording To (Name) [
(Address 1) [
(Address 2) [
(City, State, Zip) [] [] []
Customer Case ID [] [] []



Instrument Control Number

**Commonwealth of Virginia
Land Record Instruments
Continuation Cover Sheet
Form B**

[ILS VLR Cover Sheet Agent 1.0.81]

TAX EXEMPT

GRANTOR

GRANTEE

CORP

Date of Instrument: [2/6/2004]

Instrument Type: [DBS]

Number of Parcels [1]

Number of Pages [12]

City ☐ County ☐ [Wise County ☐] (Box for Deed Stamp Only)

(Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form B[illegible]

Prior Instr. Recorded at: City ☐ County ☐ [] Percent. in this Juris. []
Book [] Page [] Instr. No []

Parcel Identification No (PIN) [

Tax Map Num. (if different than PIN) [

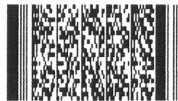
Short Property Description [

Current Property Address (Address 1) [

(Address 2) [

(City, State, Zip) [

][][



AFFIDAVIT OF CONSIDERATION

Regina - Original
Kept by Clerk for auditors.
It was not recorded, but the
Applicable document's recording
info is shown below.

DOP
2-11-04

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$2,400,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

The property conveyed herein is located in both Wise and Dickenson Counties, Virginia. For purposes of calculating recording fees, the acreage of the property located within each county and its prorated share of the consideration paid is as follows:

Dickenson County, Virginia	400 acres	92.8%	\$2,227,200.00
Wise County, Virginia	<u>31 acres</u>	<u>7.2%</u>	<u>\$ 172,800.00</u>
TOTAL	431 acres	100.00%	\$2,400,000.00

MOUNTAIN FOREST PRODUCTS, LLC

By: Victor P. Haley
Victor P. Haley
Its Agent

Subscribed and sworn to before me this 29th day of January 2004.

Laura S. Johnson
Notary Public

My commission expires: 1/8/2006



AB 396, pg 85