FORM WR-38

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
OIL AND GAS WELLS DIVISION

AFFIDAVIT OF PLUGGING AND FILLING WELL

AFFIDAVIT SHOULD BE MADE IN TRIPlicate, one copy mailed to the Division, one copy to be retained by the Well Operator and the third copy (and extra copies if required) should be mailed to each coal operator at their respective addresses.

McElroy Coal Company  
Coal Operator or Owner  
RD 4, Box 425, Moundsville, WV 26041
Address

McElroy Coal Company  
Coal Operator or Owner  
450 Racetrack Road, Washington, Pa. 15301
Address

John Franklin Crow Heirs (Frank Crow Jr.)  
Lease or Property Owner  
RD 1, Box 219, Moundsville, WV 26041
Address

McElroy Coal Company  
Name of Well Operator  
450 Racetrack Road, Washington, Pa. 15301
Complete Address

April 04, 1994
WELL AND LOCATION
Meade
District
Marshall
County

WELL NO. M-31

STATE INSPECTOR SUPERVISING PLUGGING

STATE OF WEST VIRGINIA,
County of Harrison

affirm

G. Andrew Lang and William Jacobs
being first duly sworn according to law depose and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by McElroy Coal Company, well operator, and participated in the work of plugging and filling the above well, that said work was commenced on the 17th day of March, 1994, and that the well was plugged and filled in the following manner:

<table>
<thead>
<tr>
<th>Sand or Zone Record</th>
<th>Filling Material</th>
<th>Plugs Used</th>
<th>Casing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formation</td>
<td></td>
<td>Size &amp; Kind</td>
<td>CSO</td>
</tr>
<tr>
<td>Clean out wellbore with 9 7/8&quot; bit to 684'. Reduced hole to 7 7/4&quot; and cleaned hole with 7 7/8&quot; bit to 1 527'. Reduced hole to 63' bit and cleaned hole with 63' bit to 2 247'. Eight inch casing left in hole; top 1,362', bottom 1,666'. Seven inch casing left in hole; top 1,670', bottom 2,230'. Cemented hole solid from 2,247' back to surface using 1,005 sacks of pow mix and 250 packs of thixotropic cement as follows: Sent cement plug from 2,247' to 697' with pow mix. Sent cement plug from 697' to 290' with thixotropic cement. Sent cement plug from 290' to surface with pow mix. Cement did circulate. Used 1000 gallons of mud flush.</td>
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<td>CSO PULLED</td>
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SOLID CEMENT PLUG: 2.247 feet

Coal Seams

(Name) Pittsburgh Coal 490 feet to 497 feet 5 feet of 43" casing stating

(Name) McElroy Coal Company

(Name) Well JM-31

(Name) Permit #47-051-0790-P

and that the work of plugging and filling said well was completed on the 29th day of March, 1994.

And further deponents saith not.

Sworn to and subscribed before me this 29th day of March, 1994.

My commission expires: June 29, 1999