

WEST VIRGINIA CODE: §37B-3-3

§37B-3-3. Definitions.

As used in this article, the following words and phrases have the meanings ascribed to them.

"Coal" means a sedimentary deposit composed predominantly of carbon that is readily combustible and includes, but is not limited to, anthracite, bituminous, semi-bituminous, subbituminous, and lignite coal.

"Coal land" means the coal estate in land containing coal, for which a present ownership interest has been leased, purchased in fee, or otherwise acquired by an operator.

"Consenting co-tenant" means a tenant in common, joint tenant, or parcener having a present ownership interest in coal land who consents in writing to the lawful production of the coal land through a bona fide lease made in an arms-length transaction.

"Nonconsenting co-tenant" means a tenant in common, joint tenant, or parcener having a present ownership interest in coal land who, for any reason, does not consent to the lawful use of coal land agreed to by consenting co-tenants owning a present ownership interest in the coal. Nonconsenting co-tenant includes, but is not limited to, an unknown or unlocatable interest owner.

"Operator" means any owner of an interest in the right to mine, develop, and produce coal from coal land, and to appropriate the coal produced from the coal land.

"Person" means any individual, corporation, partnership, joint venture, limited liability company, association, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any government or any political subdivision or any agency thereof.

"Pro rata share" means the proportion that the net acreage of a nonconsenting co-tenant's ownership interest bears to the total net acreage in a coal estate.

"Unknown or unlocatable interest owner" means a person vested with a present ownership interest in coal land whose identity or present location cannot be determined from:

- (1) An examination of county real property records, grantor-grantee indices, and tax rolls;
- (2) A review of probate, estate, and civil records in the county of situs and any reasonably identifiable county of residence; and
- (3) A review of available online public databases.