

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

**RELIEF
SOUGHT:**

An Order for Disbursement of Escrowed Funds ☐
(and Authorization for Direct Payment of Royalties)

JURISDICTION:

Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: AA10

TRACT(S): A portion of 3

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-90-0905-0012-02

APPLICANTS:

CNX Gas Company LLC on behalf of Barbara G. Price, Harrison-Wyatt, LLC, Roger L. Miller,
Sherrie Boyd Street, Teresa McGlothlin, Willie Ronald Newberry

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia ☐
December 16, 2014

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 10/17/1990, Recorded on 10/26/1991, Deed Book/Instrument No. 366, Page 409.
2. Supplemental Order Executed 08/23/1993, Recorded on 07/30/2013, Deed Book/Instrument No. 130001415.
3. Modification Order -01 Executed 06/12/2013, Recorded on 07/30/2013, Deed Book/Instrument No. 130001415.
4. Supplemental Order Executed 08/23/1993, Recorded on 07/30/2013, Deed Book/Instrument No. 130001415.

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5. Supplemental Order -01 Executed 02/27/2014, Recorded on 06/13/2014, Deed Book/Instrument No. 140000995.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the December 16, 2014 hearing and considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) A portion of 3 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 3 relative to the interests of the Applicants identified in the attached petition.
- (3) Continue the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

Harrison-Wyatt, LLC and Willie Ronald Newberry, Roger L. Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara G. Price have entered into a 50/50 CBM deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table , further, specifies how said royalties are to be divided and paid.

RELIEF GRANTED:

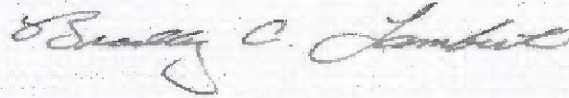
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Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certified by the State Corporation Commission is a party in such action, the court shall hear such appeal *de novo*.

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DONE AND EXECUTED this 18 day of December, 2014 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

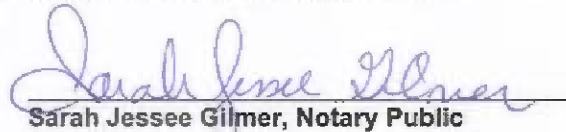
DONE AND PERFORMED this 18 day of December, 2014 by Order of the Virginia Gas and Oil Board.



Rick Cooper
Principal Executive to the
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 18th day of December, 2014, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.



Sarah Jessee Gilmer, Notary Public
262946

My Commission expires: July 31, 2017



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 90-0905-0012-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
 ESCROW REGARDING TRACT(S) A portion of 3
 (2) AND AUTHORIZATION FOR DIRECT
 PAYMENT OF ROYALTIES

HEARING DATE: December 16, 2014

DRILLING UNIT: AA10

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

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) 3 as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the parties to the CBM deed between Harrison-Wyatt, LLC and Willie Ronald Newberry, Roger L. Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara G. Price

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

Harrison-Wyatt, LLC and Willie Ronald Newberry, Roger L. Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara G. Price have entered into a 50/50 CBM deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be divided and paid.

6. Attestation

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

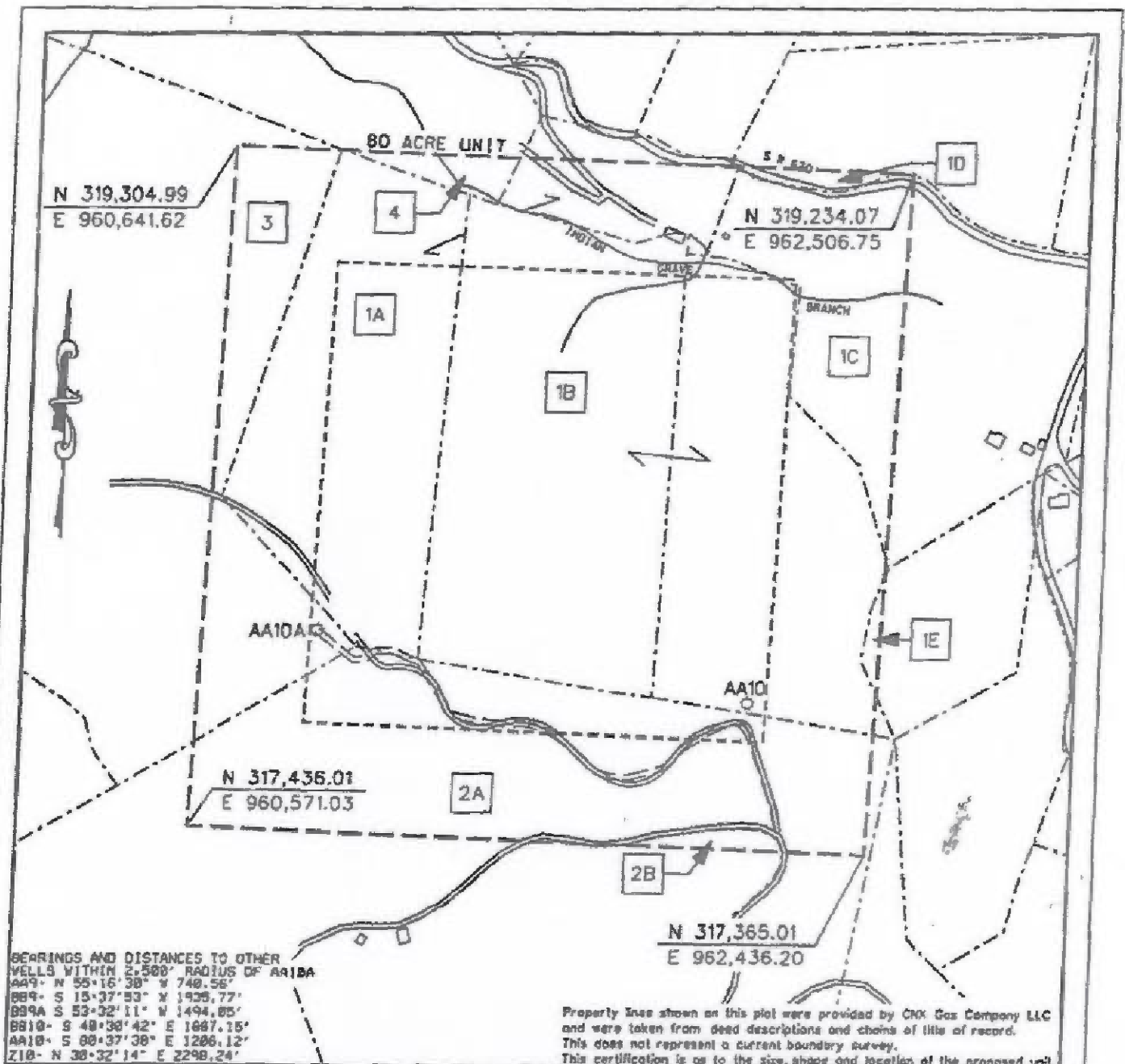


EXHIBIT A
OAKWOOD FIELD
UNIT AA10
FORCE POOLING
VGOB-90-0905-0012-01

Company CNX Gas Company LLC Well Name and Number UNIT AA10

Tract No. Elevation Quadrangle BUCHANAN

County BUCHANAN District PRATER/HURRICANE Scale: 1" = 200'

This plat is a new plat X ; an updated plat ; or a final plat

Form DGO-GO-7
Rev. 9/91

Richard C. Murphy
Licensed Professional Engineer or Licensed Land Surveyor

COMMONWEALTH OF VIRGINIA
RICHARD C. MURPHY
Lic. No. 041898
06/09/10
Professional Engineer Seal

CNX Gas Company LLC**Unit AA 10****Tract Identifications**

1. Harrison-Wyatt, LLC Big Axe Tr. 35 (188.00 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
54.78 Acres 68.4750%
- 1A. Patsy Hess, et al – Surface Owner
- 1B. Beacher A. Hess – Surface Owner
- 1C. Unknown Surface Owner
- 1D. Unknown Surface Owner
- 1E. Unknown Surface Owner
2. Harrison-Wyatt, LLC Big Axe Tr. 15 (1056.00 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
17.60 Acres 22.00%
- 2A. Roger W. Street – Surface Owner
- 2B. Unknown Surface Owner
3. Harrison-Wyatt, LLC Big Axe Tr. 39 (435 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
D.W. Price Heirs – Surface, Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (75.00%)
Harrison-Wyatt, LLC, et al – CBM (50%)
CNX Gas Company LLC – CBM Leased
6.92 Acres 8.6500%
4. Harrison-Wyatt, LLC Big Axe Tr. 51 (120.00 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Unknown Surface Owner
0.70 Acres 0.8750%

Exhibit E
Unit AA-10
Docket # VGOB 90-0905-0012-02
List of all Owners/Claimants requiring Escrow
(80.00 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #3 - 6.92 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC Big Ax Tr. 39 (435.00 acres) P.O. Box 11000 Danville, VA 24543	6.92 acres	8.6500%
<u>OIL & GAS OWNERSHIP</u>		
(1) D.W. Price Heirs, Devisees, Successors or Assigns	6.92 acres	8.6500%
(b) Carl V. Price Heirs, Devisees, Successors or Assigns		
(b.2) David Price PO Box 871 Honaker, VA 24260	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.3) Michael W. Price, Sr. 12240 Brent Town Road Midland, VA 22728	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.4) Junior Vidis Price Heirs, Devisees, Successors or Assigns		
(b.4.2) Kermit Price 306 Burr Dr. Ruther Glen, VA 22546	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.3) Kelvin Price 1068 Glade Hill Dr. Lebanon, VA 24266-6766	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.4) Kyle Price PO Box 1052 Honaker, VA 24260	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.5) Diane Taylor PO Box 1616 Honaker, VA 24260	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.6) Teresa Stevens PO Box 76 Rosedale, VA 24280	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.7) Leila Juanita Price PO Box 304 Swords Creek, VA 24649	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.5) Russell E. Price 13 Crater Lane Stafford, VA 22556	0.58 acres 1/12 of 6.92 acres	0.7208%

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Exhibit E
Unit AA-10
Docket # VGOB 90-0905-0012-02
List of all Owners/Claimants requiring Escrow
(80.00 Acre Unit)

	Acres in Unit	Percent of Unit
(b.6) Mary Elizabeth Shortt (aka Marie E) P.O. Box 793 Honaker, VA 24260	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.7) Dorothy Musick Heirs, Devisees, Successors or Assigns		
(b.7.1) Gail Faw 13264 Ritchie Rd. Meadowview, VA 24361	0.19 acres 1/36 of 6.92 acres	0.2403%
(b.7.2) Tina Dingus 388 Clairmont Circle Castlewood, VA 24224	0.19 acres 1/36 of 6.92 acres	0.2403%
(b.7.3) Rex Musick 3329 Carney Farm Lane Portsmouth, VA 23701	0.19 acres 1/36 of 6.92 acres	0.2403%
<u>TOTAL CONFLICTS:</u>		
	Acreage in Unit	3.27
	Percentage of Unit	4.0847%

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Exhibit EE
Unit AA-10Docket # VGOB 90-0905-0012-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(80.00 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #3 - 6.92 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC Big Ax Tr. 39 (435.00 acres) P.O. Box 11000 Danville, VA 24543	6.92 acres	8.6500%	26.3889%
<u>OIL & GAS OWNERSHIP</u>			
(1) D.W. Price Heirs, Devisees, Successors or Assigns	6.92 acres	8.6500%	
(a) Elizabeth Newberry Heirs, Devisees, Successors or Assigns			
(a.1) Willie Ronald Newberry PO Box 100 Doran, VA 24612	1.15 acres 1/6 of 6.92 acres	1.4417%	8.3333%
(a.2) Mildred Miller Heirs, Devisees Successors or Assigns			
(a.2.1) Roger L. Miller 3258 Mill Creek Rd. Raven, VA 24639	1.15 acres 1/6 of 6.92 acres	1.4417%	8.3333%
(a.3) Shirley Blair Heirs, Devisees Successors or Assigns			
(a.3.1) Teresa McGlothlin 757 Barnette St. Richlands, VA 24641	0.58 acres 1/12 of 6.92 acres	0.7208%	4.1667%
(a.3.2) Sherrie Boyd Street 216 Brown Bottom Lane Cedar Bluff, VA 24609	0.58 acres 1/12 of 6.92 acres	0.7208%	4.1667%
(b) Carl V. Price Heirs, Devisees, Successors or Assigns			
(b.4) Junior Vidis Price Heirs, Devisees, Successors or Assigns			
(b.4.1) Barbara G. Price PO Box 304 Honaker, VA 24260	0.19 acres 1/36 of 6.92 acres	0.2403%	1.3889%
<u>TOTAL CONFLICTS RESOLVED:</u>			
Acreage in Unit	3.65		
Percentage of Unit		4.5653%	

INSTRUMENT #150000014
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JANUARY 6, 2015 AT 09:15AM

BEVERLY S. TILLER, CLERK
RECORDED BY: 6GB