

160000876

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) AND § 45.1-361.22:2

UNIT/WEELL NAME: Z9

TRACT(S): A portion of 3

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-91-0430-0115-02

APPLICANTS: CNX Gas Company LLC on behalf of Barbara Price, Charles Rexford Musick, David Price, Edna Gail Musick, Harrison-Wyatt LLC, Juanita Elizabeth Price, Kelvin Price, Kermit Price, Mary Elizabeth Shortt, Michael W. Price, Sr., Russell Price, Tena Dingus, Teresa Stevens, Wilma Diane Taylor

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
April 19, 2016 and May 10, 2016

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

PRIOR PROCEEDINGS:

- 1. Original Pooling Order Executed 05/31/1991, Recorded on 05/31/1991, Deed Book/Instrument No. 375, Page 491.
- 2. Supplemental Order Executed 06/07/1993, Recorded on 06/10/1993, Deed Book/Instrument No. 409, Page 343.
- 3. Disbursement Order -01 Executed 04/17/2012, Recorded on 06/04/2012, Deed Book/Instrument No. 120001092.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the April 19, 2016 hearing and was continued to May 10, 2016 where the Board 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 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

- a. Harrison-Wyatt LLC and Barbara G. Price 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. David Price, Michael W. Price, Sr., Kermit Price, Wilma Diane Taylor, Teresa Stevens, Juanita Elizabeth Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Musick, Tena Dingus, Charles Rexford Musick is the gas claimants in Tract 3 As such, is entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- c. That 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 none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- 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.
- g. That Va. Code Ann. § 45.1-361.22:2.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Harrison-Wyatt LLC, David Price, Michael W. Price, Sr., Barbara G. Price, Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Elizabeth Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Musick, Tena Dingus, Charles Rexford Musick and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

VGOB Disbursement
Unit Z9

VG0B-91-0430-0115-02

Table 1

Tracts: A portion of 3

Item	Tract	Disbursement Table							
		Total acreage in escrow before disbursement						7.90000	
8.0800									
3	Tract 3 (total acreage)								
1	3	Harrison-Wyatt LLC\PO Box 11000, Danville, VA 24543	1/36	0.2244	50.00%	0.1122	1.4205%		
2	3	David Price\PO Box 871, Honaker, VA 24260	1/12	0.6733	100.00%	0.6733	8.5232%		
3	3	Michael W. Price, Sr.\12240 Brent Town Road, Midland, VA 22728-9640	1/12	0.6733	100.00%	0.6733	8.5232%		
4	3	Barbara Price\PO Box 304, Honaker, VA 24260	1/36	0.2244	50.00%	0.1122	1.4205%		
5	3	Kermit Price\306 Burr Dr., Ruthr Glen, VA 22546	1/108	0.0748	100.00%	0.0748	0.9470%		
6	3	Kelvin Price\1068 Glade Hill Dr., Lebanon, VA 24266-6766	1/108	0.0748	100.00%	0.0748	0.9470%		
7	3	Wilma Diane Taylor\PO Box 1616, Honaker, VA 24260	1/108	0.0748	100.00%	0.0748	0.9470%		
8	3	Teresa Stevens\77 Tillers Trailer Ct., Lebanon, VA 24266	1/108	0.0748	100.00%	0.0748	0.9470%		
9	3	Juanita Elizabeth Price\PO Box 304, Honaker, VA 24260	1/108	0.0748	100.00%	0.0748	0.9470%		
10	3	Russell Price\21127 Sparta Rd., Millford, VA 22514-2315	1/12	0.6733	100.00%	0.6733	8.5232%		
11	3	Mary Elizabeth Shortt\409 Putnam Rd., Honaker, VA 24260	1/12	0.6733	100.00%	0.6733	8.5232%		
12	3	Edna Gail Musick\13264 Ritchie Rd., Meadowview, VA 24361	1/36	0.2244	100.00%	0.2244	2.8411%		
13	3	Tena Dingus\388 Clairmont Circle, Castlewood, VA 24224	1/36	0.2244	100.00%	0.2244	2.8411%		
14	3	Charles Rexford Musick\3329 Carney Farm Lane, Portsmouth, VA 23701	1/36	0.2244	100.00%	0.2244	2.8411%		

Adjustment Comments:

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.
2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

APPEALS:

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 certificated 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 11 day of May, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

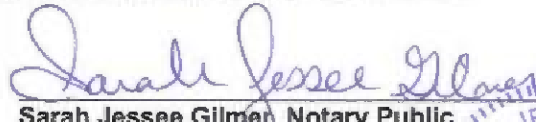
DONE AND PERFORMED this 11 day of May, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 11th day of May, 2016, 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 91-0430-0115-02

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

HEARING DATE: April 19, 2016

DRILLING UNIT: Z9

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, P. O. 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, attributable to Tract 3, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Harrison-Wyatt LLC, David Price, Michael W. Price, Sr., Barbara G. Price, Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Elizabeth Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Musick, Tena Dingus, Charles Rexford Musick; (3) Dismissal of Coal Owner: Harrison-Wyatt, LLC.

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)

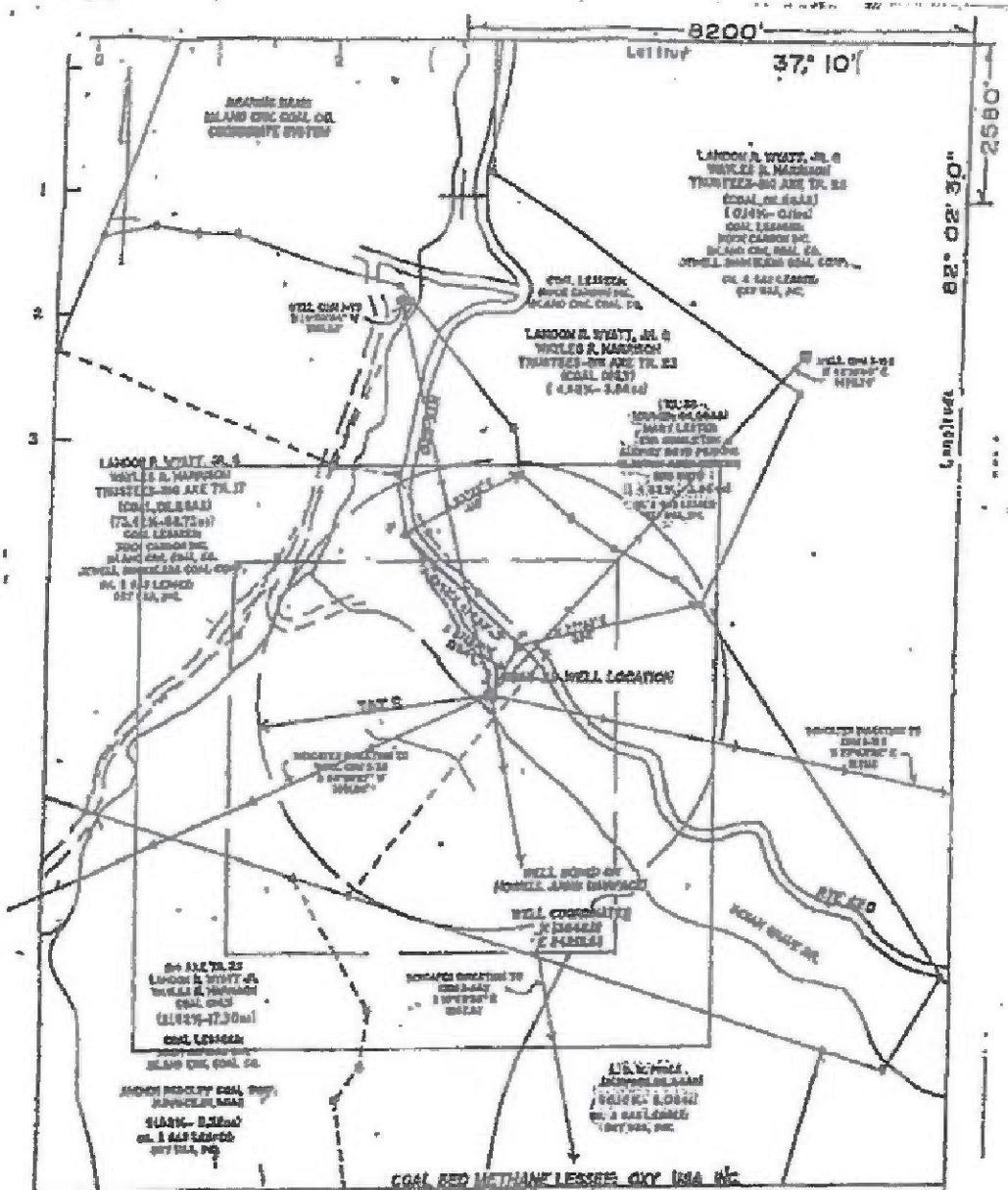
Coalbed Methane

5. Factual basis for relief requested

- a. Harrison-Wyatt LLC and Barbara G. Price 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. David Price, Michael W. Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Elizabeth Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Musick, Tena Dingus, Charles Rexford Musick is the gas claimants in Tract 3 As such, is entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- c. That 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 none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- 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.
- g. That Va. Code Ann. § 45.1-361.22:2.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Harrison-Wyatt LLC, David Price, Michael W. Price, Sr., Barbara G. Price, Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Elizabeth Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Musick, Tena Dingus, Charles Rexford Musick and not escrow same. See Exhibit EE annexed hereto.

6. Attestation

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



COMPANY OKY USA INC.
 ADDRESS CHERRY B. HIGHWAY VA. 24651
 WELL NAME CBM-79
 FARM TRACT 24.12.11
 LEASE NO. ELEVATION 1650.59
 AGRES 112 QUADRANGLE VANAH
 COUNTY WISCONSIN DISTRICT SOUTH GOREY
 REG. ENGINEER 15 REG. NO. 847
 CERT. LAND SURVEYOR CERT NO.
 FILE NO. DRAWING NO.
 DATE 5-12-79 SCALE 1:2500

TMA plot is ☒ new ☐ updated
 TMA plot is ☒ is not based on a mine
 coordinate system established for the area
 of the well location.

EXHIBIT "A", page 1
 FORM 8
 VGOB-0430-115

WELL LOCATION MAP
 WELL NO. CBM-79

+ Denotes location of well on United States
 Topographic Maps, scale 1 to 24,000, lat-
 itude and longitude lines being represented
 by border lines as shown.

CERTIFICATION OF WELL PLAT

I, the undersigned, hereby certify that
 this plat is a true and correct copy of my
 knowledge and belief, and shows all the
 information required by law and the regulations
 of the Wisconsin Board.

[Signature]
 Registered Engineer or Certified
 Land Surveyor in Charge

Exhibit E
Unit Z-9
Docket #VGOB 91-0430-0115-02
List of Conflicting Owners/Claimants that require escrow

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	Acres in Unit	Percent of Unit
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Tract #3 - 8.08 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. P.O. Box 11000 Danville, VA 24543	8.08 acres	10.1000%
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OIL & GAS OWNERSHIP

(1) D.W. Price Heirs, devisees, Successors or Assigns	8.08 acres	10.1000%
(b) Carl V. Price Heirs, devisees, Successors or Assigns		
(b.3) Junior Price Heirs, devisees, Successors or Assigns		

The respondents listed below did not respond timely to the W9 request and will continue to be escrowed

(b.3.4) Kyle Price PO Box 304 Swords Creek, VA 24649	0.07 acres 1/108 of 8.08 acres	0.0935%
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Total tract acres 0.0748
Total tract percent 0.0935%

Tract #4 - 3.86 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. P.O. Box 11000 Danville, VA 24543	3.86 acres	4.8250%
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OIL & GAS OWNERSHIP

Pending Litigation Case #875-15

(1) Clayton Perkins, et al (previously Eva Singleton, et al)	3.86 acres	4.8250%
(a) Clayton & Audrey Perkins Rt 1 Box 104 Vansant, VA 24656	3.09 acres 4/5 of 3.86 acres	3.8600%
(b) Eva Singleton Heirs, devisees, Successors or Assigns		
(b.1) Bernice S. Etter 3100 Ann St. Middleton, MD 21769	0.19 acres 1/20 of 3.86 acres	0.2413%
(b.2) Lema O. Meadows 310 Circle Dr. Bluefield, VA 24605	0.19 acres 1/20 of 3.86 acres	0.2413%
(b.3) Estel Darnel Singleton Heirs, devisees, Successors or Assigns		
(b.3.1) Estel D. Singleton, Jr. 4819 Lange Lane Roanoke, VA 24018	0.10 acres 1/40 of 3.86 acres	0.1206%

Exhibit E
Unit Z-8
Docket #VGOB 91-0430-0115-02
List of Conflicting Owners/Claimants that require escrow

160000876

	Acres in Unit	Percent of Unit
(b.3.2) James M. Singleton <i>Address Unknown</i>	0.10 acres 1/40 of 3.86 acres	0.1206%
(c) Bernice S. Etter, Trustee (for Benefit of Vicky Lynn Singleton Cruey) 3100 Ann St. Middleton, MD 21769	0.19 acres 1/20 of 3.86 acres	0.2413%
Total tract acres	3.8600	
Total tract percent	4.8250%	
<u>TOTALS:</u>		
Total Acreage Remaining in Escrow	3.9348	
Total Percentage Remaining in Escrow		4.9185%

Exhibit EE
Unit Z-8
Docket #VGOB 81-0430-0115-02
List of Conflicting Owners/Claimants with Royalty Split Agreements/HB2058

160000876

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2 - 9.22 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C., Tr.22 P.O. Box 11000 Danville, VA 24643	9.22 acres	11.5250%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Robert Russell Rash 117 Richardson Dr. Tazewell, VA 24651 <i>Previously Robert A. Rash</i>	9.22 acres	11.5250%	n/a
<u>Tract #3 - 8.08 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. P.O. Box 11000 Danville, VA 24643	8.08 acres	10.1000%	1.4205% -50% Royalty Split
<u>OIL & GAS OWNERSHIP</u>			
(1) D.W. Price Heirs, Devisees, Successors or Assigns	8.08 acres	10.1000%	
(a) Elizabeth Newberry Heirs, Devisees, Successors or Assigns			
(a.1) (Willie) Ronald Newberry PO Box 100 Doran, VA 24641	1.35 acres 1/6 of 8.08 acres	1.6833%	n/a
(a.2) Mildred Miller Heirs, Devisees, Successors or Assigns			
(a.2.1) Roger Miller 3258 Mill Creek Rd. Raven, VA 24639	1.35 acres 1/6 of 8.08 acres	1.6833%	n/a
(a.3) Shirley Blair Heirs, Devisees, Successors or Assigns			
(a.3.1) Teresa McGlothlin 757 Barnette St. Richlands, VA 24641	0.67 acres 1/12 of 8.08 acres	0.8417%	n/a
(a.3.2) Sherrie Boyd Street 216 Brown Bottom Lane Cedar Bluff, VA 24609	0.67 acres 1/12 of 8.08 acres	0.8417%	n/a
(b) Carl V. Price Heirs, Devisees, Successors or Assigns			
(b.1) Hattie Price - deceased extinguishing life estate			
(b.1) David Price PO Box 671 Honaker, VA 24260	0.67 acres 1/12 of 8.08 acres	0.8417%	8.5232% HB2058
(b.2) Michael W. Price, Sr. 12240 Brent Town Road Midland, VA 22728-9640	0.67 acres 1/12 of 8.08 acres	0.8417%	8.5232% HB2058

Exhibit EE
Unit Z-9

160000876

Docket #VGOB 91-0430-0115-02

List of Conflicting Owners/Claimants with Royalty Split Agreements/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow	
(b.3) Junior Price Heirs, Devisees, Successors or Assigns				
(b.3.1) Barbara G. Price PO Box 304 Honaker, VA 24260	0.22 acres 1/36 of 8.08 acres	0.2806%	1.4205% Royalty Split	-50%
(b.3.2) Kermit Price 306 Burr Dr Ruther Glen, VA 22548	0.07 acres 1/108 of 8.08 acres	0.0935%	0.9470% HB2058	
(b.3.3) Kelvin Price 1068 Glade Hill Dr Lebanon, VA 24266-6766	0.07 acres 1/108 of 8.08 acres	0.0935%	0.9470% HB2058	
(b.3.5) Wilma Diane Taylor PO Box 1616 Honaker, VA 24260	0.07 acres 1/108 of 8.08 acres	0.0935%	0.9470% HB2058	
(b.3.6) Teresa Stevens 77 Tillers Trailer Ct Lebanon, VA 24266	0.07 acres 1/108 of 8.08 acres	0.0935%	0.9470% HB2058	
(b.3.7) Juanita Elizabeth (Leila) Price PO Box 304 Swords Creek, VA 24849	0.07 acres 1/108 of 8.08 acres	0.0935%	0.9470% HB2058	
(b.4) Russell Price 21127 Sparta Rd Millford, VA 22514-2315	0.67 acres 1/12 of 8.08 acres	0.8417%	8.5232% HB2058	
(b.5) Mary Elizabeth Shortt 409 Putnam Rd Honaker, VA 24260	0.67 acres 1/12 of 8.08 acres	0.8417%	8.5232% HB2058	
(b.6) Dorothy Musick Heirs, Devisees, Successors or Assigns				
(b.6.1) Edna Gail Musick 13264 Ritchie Rd. Meadowview, VA 24361	0.22 acres 1/36 of 8.08 acres	0.2806%	2.8411% HB2058	
(b.6.2) Tena Dingus 388 Clairmont Circle Castletown, VA 24224	0.22 acres 1/36 of 8.08 acres	0.2806%	2.8411% HB2058	
(b.6.3) Charles Rexford Musick 3329 Carney Farm Lane Portsmouth, VA 23701	0.22 acres 1/36 of 8.08 acres	0.2806%	2.8411% HB2058	

Total tract acres 7.9304
Total tract percent 10.0065%

TOTALS:

Total Acreage Resolved in Unit 17.1504
Total Percentage Resolved of Unit 21.5315%

22 \$✓
✓
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INSTRUMENT #160000876
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 19, 2016 AT 02:37PM

BEVERLY S. TILLER, CLERK
RECORDED BY: SLP