

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/WELL NAME: Z10

TRACT(S): A portion of 4

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-91-0521-0121-01

APPLICANTS:

CNX Gas Company LLC on behalf of Barbara G. Price, Charles Rexford Musick, David Price, Edna Gail Musick Faw, Harrison-Wyatt LLC, Kelvin Price, Kermit Price, Lella Juanita Elizabeth Price, Mary Elizabeth Shortt, Michael W. Price, Sr., Roger L. Miller, Ronald Newberry, Russell E. Price, Sherrie Boyd Street, Tena Dingus, Teresa McGlothlin, Teresa Stevens, Wilma Diane Taylor

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia
June 21, 2016

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 06/06/1991, Recorded on 06/06/1991, Deed Book/Instrument No. 375, Page 830.
2. Supplemental Order Executed 10/01/1993, Recorded on 10/08/1993, Deed Book/Instrument No. 414, Page 489.

NOTICE:

1600001176

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the June 21, 2016 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 4 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 4 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, Ronald Newberry, Roger Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara 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 Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Faw, Tena Dingus, Rexford Musick is the gas claimants in Tract 4 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, Ronald Newberry, Roger Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara Price, David Price, Michael Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Faw, Tena Dingus, Rexford Musick and not escrow same. See Exhibit EE annexed hereto.

Page Number 3.

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.

160001176

DONE AND EXECUTED this 27 day of June, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

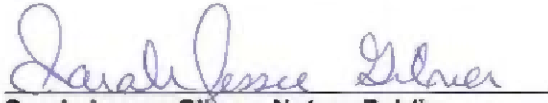
DONE AND PERFORMED this 27 day of June, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 27th day of June, 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 91-0521-0121-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 4 (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: June 21, 2016

DRILLING UNIT: Z10

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, PO 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 4, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Harrison-Wyatt LLC, Ronald Newberry, Roger Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara Price, David Price, Michael Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Faw, Tena Dingus & 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)

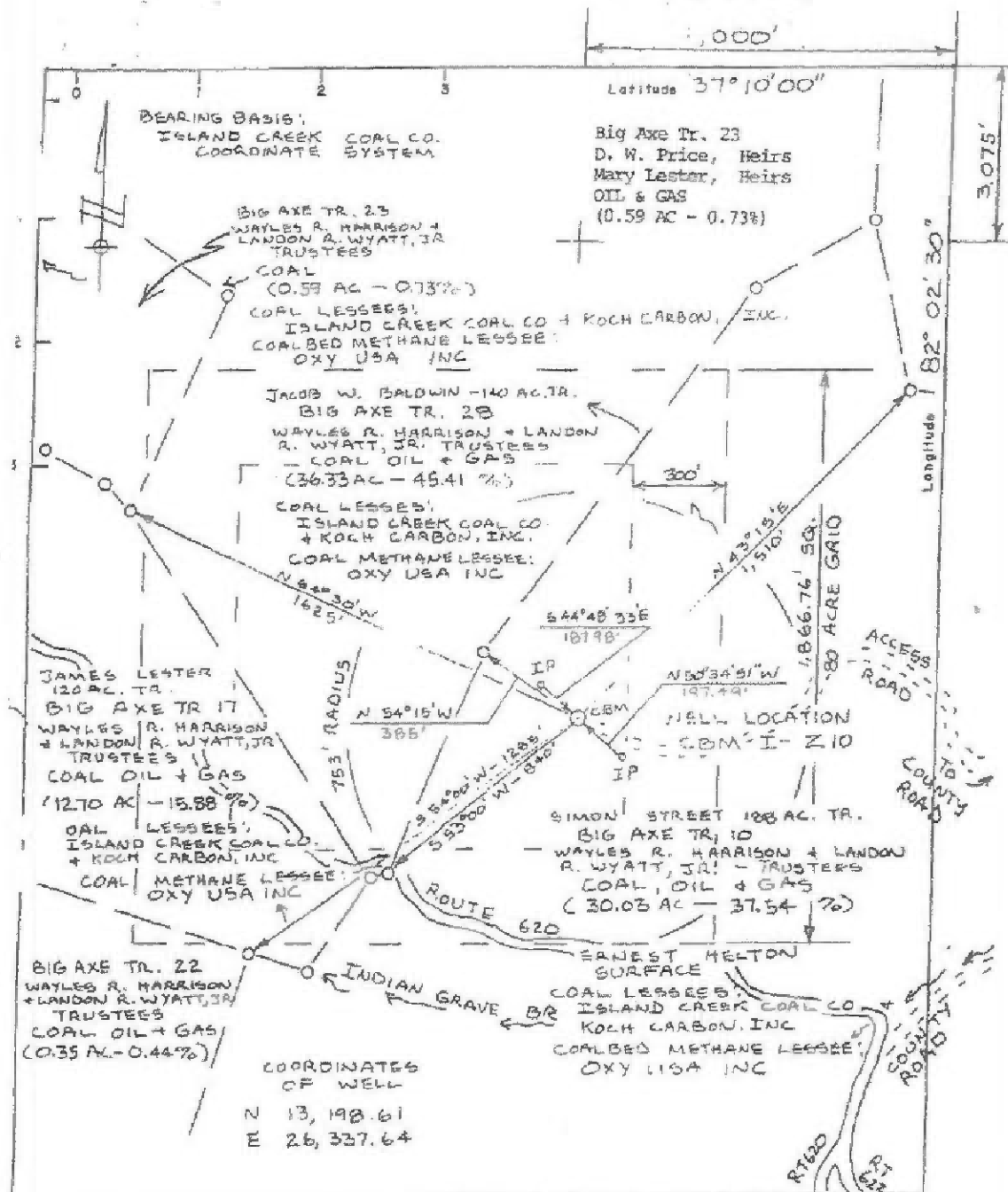
Coalbed Methane

5. Factual basis for relief requested

- a. Harrison-Wyatt LLC, Ronald Newberry, Roger Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara 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 Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Faw, Tena Dingus, Rexford Musick is the gas claimants in Tract 4 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, Ronald Newberry, Roger Miller, Teresa McGlothlin, Sherrie Boyd Street, Barbara Price, David Price, Michael Price, Sr., Kermit Price, Kelvin Price, Wilma Diane Taylor, Teresa Stevens, Juanita Price, Russell Price, Mary Elizabeth Shortt, Edna Gail Faw, Tena Dingus, 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 OXY USA INC
ADDRESS DRAWER Q, RICHLANDS, VA 24641
WELL NAME CBM I - Z10
FARM BIG AXE TRACT TR. 10
LEASE NO. 2342-50 ELEVATION 2342.50
ACRES 188 QUADRANGLE VAN SANT
COUNTY BUCHANAN DISTRICT SOUTH GRUNDY
REG. ENGINEER VA REG. NO. 8540
CERT. LAND SURVEYOR _____ CERT. NO. _____
FILE NO. I-4 DRAWING NO. _____
DATE 07-12-90 SCALE 1" = 400'

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

EXHIBIT "A"
Page 1 FORM 5
VGOB- 0521-121

WELL LOCATION MAP

WELL NO. CBM I - Z10

+ 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, do hereby certify that
this plat is correct and true to my
knowledge and belief and shows all the
information required by law and the regu-
lations of the Virginia Board of
Professional Engineers.

D. W. PRICE LICENSE No. 8540
Registered Engineer
Land Surveyor

Exhibit E
Oakwood Field Unit Z-10
VGOB 91-0521-0121-01
List of All Owners/Claimants requiring escrow

	Net Acres in Unit	Interest in Unit	Division of Interest in 8-West 25.0541%	Division of Interest in 9-West 8.8171%
<u>Tract #4 - 0.35 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 22 P.O. Box 11000 Danville, VA 24543	0.35 acres	0.4375%	0.1096%	0.0386%
<u>OIL & GAS OWNERSHIP</u>				
(1) D.W. Price Heirs, Devisees, Successors or Assigns	0.35 acres	0.4375%	0.1096%	0.0386%
(b) Carl V. Price Heirs, Devisees, Successors or Assigns				
(b.4) Junior Vidis Price Heirs, Devisees, Successors or Assigns				
<i>The respondents listed below did not respond timely to the W9 request and will continue to be escrowed</i>				
(b.4.4) Kyle Price PO Box 1052 Honaker, VA 24260	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%
	Acreage in tract	0.0032		
	Percentage in tract	0.0041%		
<u>Tract #5 - 0.59 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 23 P.O. Box 11000 Danville, VA 24543	0.59 acres	0.7375%	0.1848%	0.0650%
<u>OIL & GAS OWNERSHIP</u>				
<i>The ownership listed below is currently being reviewed and documentation is being requested to verify title</i>				
(1) Clayton Perkins Heirs, Devisees, Successors or Assigns	0.59 acres	0.7375%	0.1848%	0.0650%
(a) Clayton Perkins Rt. 1, Box 104 Clayton Perkins	0.472 acres 4/5 of 0.59 acres	0.5900%	0.1478%	0.0520%
(b) Eva Singleton Heirs, Devisees, Successors or Assigns				
(b.1) Bernice S. Etter Address Unknown	0.0295 acres 1/20 of 0.59 acres	0.0369%	0.0092%	0.0033%
(b.2) Lema O. Meadows Address Unknown	0.0295 acres 1/20 of 0.59 acres	0.0369%	0.0092%	0.0033%
(b.3) Estel Damell Singleton Address Unknown	0.0295 acres 1/20 of 0.59 acres	0.0369%	0.0092%	0.0033%
(b.4) Bernice S. Etter, Trustee (for benefit of Vicky Lynn Singlet Address Unknown	0.0295 acres 1/20 of 0.59 acres	0.0369%	0.0092%	0.0033%
	Acreage in tract	0.5900		
	Percentage in tract	0.7375%		
<u>TOTAL REMAINING IN ESCROW:</u>				
	Acreage in Unit	0.5932		
	Percentage of Unit	0.7416%		

**Exhibit EE
Oakwood Field Unit Z-10
VGOB 91-0521-0121-01**

160001176

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

	Net Acres in Unit	Interest in Unit	Division of Interest in 8-West 25.0541%	Division of Interest in 9-West 8.8171%	Percent of Escrow
<u>Tract #4 - 0.35 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Harrison-Wyatt, L.L.C. Big Axe Tr. 22 P.O. Box 11000 Danville, VA 24543	0.35 acres	0.4375%	0.1096%	0.0386%	9.8267% Royalty Split
<u>OIL & GAS OWNERSHIP</u>					
(1) D.W. Price Heirs, Devisees, Successors or Assigns	0.35 acres	0.4375%	0.1096%	0.0386%	
(a) Elizabeth Newberry Heirs, Devisees, Successors or Assigns					
(a.1) Ronald Newberry PO Box 100 Doran, VA 24612	0.0583 acres 1/6 of 0.35 acres	0.0729%	0.0183%	0.0064%	3.1828% Royalty Split
(a.2) Mildred Miller Heirs, Devisees Successors or Assigns					
(a.2.1) Roger L. Miller 3258 Mill Creek Rd. Raven, VA 24639	0.0583 acres 1/6 of 0.35 acres	0.0729%	0.0183%	0.0064%	3.1828% Royalty Split
(a.3) Shirley Blair Heirs, Devisees Successors or Assigns					
(a.3.1) Teresa McGlothlin 757 Barnette St. Richlands, VA 24641	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	1.5514% Royalty Split
(a.3.2) Sherrie Boyd Street 216 Brown Bottom Lan Cedar Bluff, VA 24609	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	1.5514% Royalty Split
(b) Carl V. Price Heirs, Devisees, Successors or Assigns					
(b.1) Hattie Price	<i>Deceased extinguishing life estate</i>				
(b.2) David Price PO Box 871 Honaker, VA 24260 <i>Represented by T. Shea Cook</i>	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	3.1028% HB2058
(b.3) Michael W. Price, Sr. 12240 Brent Town Road Midland, VA 22728 <i>Represented by T. Shea Cook</i>	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	3.1028% HB2058
(b.4) Junior Vidis Price Heirs, Devisees, Successors or Assigns					
(b.4.1) Barbara G. Price PO Box 304 Honaker, VA 24260	0.0097 acres 1/36 of 0.35 acres	0.0122%	0.0030%	0.0011%	0.5171% Royalty Split
(b.4.2) Kermit Price 306 Burr Dr. Ruther Glen, VA 22546	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%	0.3448% HB2058

**Exhibit EE
Oakwood Field Unit Z-10
VGOB 91-0521-0121-01**

160001176

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

	Net Acres in Unit	Interest in Unit	Division of Interest in 8-West 25.0541%	Division of Interest in 9-West 8.8171%	Percent of Escrow
(b.4.3) Kelvin Price 1068 Glade Hill Dr. Lebanon, VA 24266-6766 <i>Represented by T. Shea Cook</i>	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%	0.3448% HB2058
(b.4.5) Wilma Diane Taylor PO Box 1616 Honaker, VA 24260 <i>Represented by T. Shea Cook</i>	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%	0.3448% HB2058
(b.4.6) Teresa Stevens PO Box 76 Rosedale, VA 24280 <i>Represented by T. Shea Cook</i>	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%	0.3448% HB2058
(b.4.7) Leila Juanita Elizabeth Pt PO Box 304 Swords Creek, VA 24649	0.0032 acres 1/108 of 0.35 acres	0.0041%	0.0010%	0.0004%	0.3448% HB2058
(b.5) Russell E. Price 13 Crater Lane Stafford, VA 22556 <i>Represented by T. Shea Cook</i>	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	3.1028% HB2058
(b.6) Mary Elizabeth (aka Marie E) Shi P.O. Box 793 Honaker, VA 24260 <i>Represented by T. Shea Cook</i>	0.0292 acres 1/12 of 0.35 acres	0.0365%	0.0091%	0.0032%	3.1028% HB2058
(b.7) Dorothy Musick Heirs, Devisees, Successors or Assigns					
(b.7.1) Edna Gail Musick Faw 13264 Ritchie Rd. Meadowview, VA 24361	0.0097 acres 1/36 of 0.35 acres	0.0122%	0.0030%	0.0011%	1.0343% HB2058
(b.7.2) Tena Dingus 388 Clairmont Circle Castlewood, VA 24224	0.0097 acres 1/36 of 0.35 acres	0.0122%	0.0030%	0.0011%	1.0343% HB2058
(b.7.3) Charles Rexford Musick 3329 Carney Farm Lane Portsmouth, VA 23701	0.0097 acres 1/36 of 0.35 acres	0.0122%	0.0030%	0.0011%	1.0343% HB2058
<u>TOTAL RESOLVED:</u>					
	Acreage in Unit	0.3468			
	Percentage of Unit	0.4334%			

INSTRUMENT #160001176
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JULY 7, 2016 AT 08:51AM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB