

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: V20

TRACT(S): A portion of 3C

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-92-0721-0243-03

APPLICANTS:

CNX Gas Company LLC on behalf of Barbara Cook, Betty Lawonne Gibson, Francis C.
Hinchee Stearns, Harold V. Cook, Kathy Diane Murray, Leslie K. Cook, Mamie K. Cook, Mary
Ann Bartram, Nancy C. Duty, Thelma Jean Kline, Torch Oil and Gas Company c/o Sue Ann
Craddock

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia
January 19, 2016

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 08/14/1992, Recorded on 08/17/1992, Deed Book/Instrument No.
396, Page 537.
2. Disbursement Order -01 Executed 09/30/2004, Recorded on 10/05/2004, Deed Book/Instrument
No. 604, Page 70.
3. Disbursement Order -02 Executed 08/11/2005, Recorded on 08/18/2005, Deed Book/Instrument
No. 050002459.

NOTICE:

1600000148

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the January 19, 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 3C identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 3C 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. Torch Oil and Gas Company & Mary Ann Bartram, Thelma Jean Kline, Mamie K. Cook, Betty Lawonne Gibson, Kathy Diane Murray, Harold V. Cooke & Francis C. Hinchee Stearns have entered into royalty agreement(s). Said royalty split agreement 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.
- b. Leslie K. Cook, Barbara Cook, & Nancy C. Duty are the gas claimants in Tract 3C 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 and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

160000148

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.

DONE AND EXECUTED this 20 day of January, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

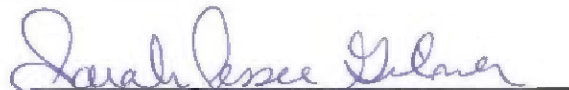
DONE AND PERFORMED this 20 day of January, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 20th day of January, 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 92-0721-0243-03**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 3C (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES****HEARING DATE:** January 19, 2016**DRILLING UNIT:** V20**BUCHANAN COUNTY, VIRGINIA****PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS****1. Petitioner and its counsel**

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mall Road, Cedar Bluff, VA 24609, (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 3C, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the following parties: Mary Ann Bartram, Thelma Jean Kline, Leslie K. Cook, Mamie K. Cook, Nancy C. Duty, Betty Lawonne Gibson, Kathy Diane Murray, Francis C. Hinchee Stearns, Harold V. Cooke and Torch Oil and Gas Company.

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

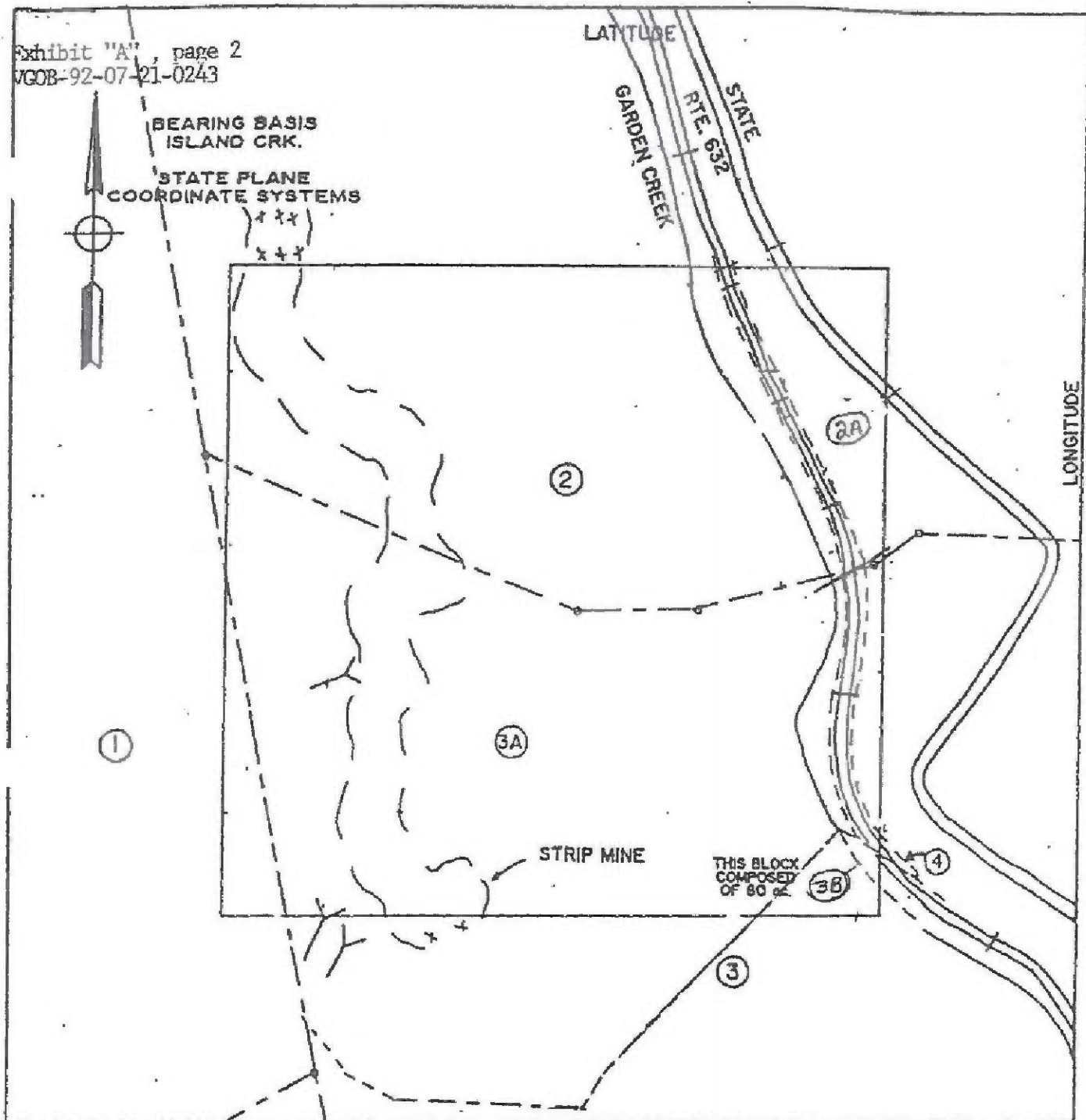
5. Factual basis for relief requested

- a. Torch Oil and Gas Company & Mary Ann Bartram, Thelma Jean Kline, Mamie K. Cook, Betty Lawonne Gibson, Kathy Diane Murray, Harold V. Cooke & Francis C. Hinchee Steams have entered into royalty agreement(s). Said royalty split agreement 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.
- b. Leslie K. Cook, Barbara Cook, & Nancy C. Duty are the gas claimants in Tract 3C 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 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.

Exhibit "A", page 2
VGOB-92-07-21-0243



WELL LOCATION PLAT

COMPANY OXY USA INC. WELL NAME and No. UNIT V-20/B
TRACT No. NA ELEVATION NA QUADRANGLE VANBANT-KEEN MTH
COUNTY BUCHANAN DISTRICT GARDEN-HURRICANE SCALE: 1"=400' DATE 6/4/92

THIS PLAT IS A NEW PLAT ☒ REPLACED PLAT FOR A FINAL LOCATION PLAT

+ DENOTES THE LOCATION OF A WELL ON UNITED STATES TOPOGRAPHIC MAPS, SCALE 1 TO 24,000, LATITUDE AND LONGITUDE LINES BEING REPRESENTED BY BORDER LINES AS SHOWN.

FORM DGO-60-7
REV. 9/91

LICENSED PROFESSIONAL H. C. VAN METER LICENSED LAND SURVEYOR

(Affix Seal)

Well Plat Legend
Property and Lease Information
Well Unit -- V-20

1. Coal Landon R. Wyatt, Jr., Wayles R. Harrison, Jr.,
 Trustees. Big Axe Tract 32
 Oil & Gas Dianna L. Graham
 Oil & Gas Lessee No Lease of record.
 Coal Lessee Island Creek Coal Company
 Permac, Inc.
 Coalbed Methane Lessee Buchanan Production Company

1 = 2.71% - 2.17 Acres

2. Coal, Oil & Gas Yukon Pocahontas Coal Company, et al.
 BVP 116
 Oil & Gas Lessee Cabot Oil & Gas Corporation
 Coal Lessee Island Creek Coal Company
 Permac, Inc.
 Coalbed Methane Lessee Buchanan Production Company

2 = 44.11% - 35.29 Acres

3. Coal Hugh Macrae Land Trust, Tract 11
 Oil & Gas Permac, Inc.
 Oil & Gas Lessee No Lease of Record
 Coal Lessee Consolidation Coal Company
 Island Creek Coal Company
 Permac, Inc.
 Coalbed Methane Lessee Pocahontas Gas Partnership

3 = 1.34% - 1.07 Acres

- 3A. Coal Hugh Macrae Land Trust, Tract 11
 Oil & Gas W. S. Ellis, Heirs
 Oil & Gas Lessee No Lease of Record
 Coal Lessee Consolidation Coal Company
 Island Creek Coal Company
 Permac, Inc.
 Coalbed Methane Lessee Pocahontas Gas Partnership

3A = 47.07% - 37.65 Acres

- 3B. Coal, Oil & Gas Norfolk & Western Railroad
 Oil & Gas Lessee No Lease of Record
 Coal Lessee Island Creek Coal Company
 Coalbed Methane Lessee No Lease of Record

3B. 0.23% - 0.18 Acres

- 3C. Coal Hugh Macrae Land Trust, Tract 11
 Oil & Gas Gaston Cook, Heirs
 Oil & Gas Lessee No Lease of Record
 Coal Lessee Consolidation Coal Company
 Island Creek Coal Company
 Permac, Inc.
 Coalbed Methane Lessee Pocahontas Gas Partnership

3C. 1.41% - 1.14 Acres

4. Coal Norfolk & Western Railroad
 Oil & Gas W. S. Ellis, Heirs
 Oil & Gas Lessee No Lease of Record
 Coal Lessee Island Creek Coal Company
 Coalbed Methane Lessee No Lease of Record

4 = 3.13% - 2.50 Acres

Exhibit E
Unit V-20
Docket #VGOB 92-0721-0243-03
List of Respondents that require escrow

160000148

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 1.116%	Division of 4 - Panel 6.250%	Division of 5 - Panel 5.076%
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Tract #3A - 37.65 acres

COAL OWNERSHIP

(1)	Hugh MacRae Land Trust c/o Alan Siegel Esq. Gump, Strauss, Akin LLP 1 Bryant Park New York, NY 10036-6715	37.65 acres	47.0625%	0.525%	2.841%	2.389%
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By Assignment and Bill of Sale, HMLT devised all of its right, title and interest (other than "Excluded Assets") to Torch Energy Advisors Inc. effective September 4, 1991 and recorded in Buchanan County under DB474 / PG384.

Torch Oil & Gas Company
c/o Sue Ann Craddock
670 Dona Ana Road SW

OIL & GAS OWNERSHIP

(1)	W.S. Ellis Heirs, Devisees, Successors or Assigns c/o James W. Huffman, Agent 296 Timberleaf Beavercreek, OH 45430	37.65 acres	47.0625%	0.525%	2.941%	2.389%
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*Prevailing plaintiff under Case No. 12-294
Awarded 100% of the CBM royalty.*

James W. Huffman needs to prove Agency Agreement for all of the W.S. Ellis Heirs

Tract #4 - 2.50 acres

COAL OWNERSHIP

(1)	Norfolk Southern Corporation	2.50 acres	3.1250%	0.035%	0.195%	0.159%
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Royalties paid to:
Pocahontas Land Corporation
Treasurer, Pocahontas Land Corporation
P. O. Box 1517
Bluefield, WV 24701

OIL & GAS OWNERSHIP

(1)	W.S. Ellis Heirs, Devisees, Successors or Assigns c/o James W. Huffman, Agent 296 Timberleaf Beavercreek, OH 45430	2.50 acres	3.1250%	0.035%	0.195%	0.159%
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James W. Huffman needs to prove Agency Agreement for all of the W.S. Ellis Heirs

Exhibit EE
Unit V-20
Docket #VGOB 92-0721-0243-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

160000148

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 1.116%	Division of 4 - Panel 6.250%	Division of 5 - Panel 5.076%	Percent of Escrow	
<u>Tract #1 - 2.17 acres</u>							
<u>COAL OWNERSHIP</u>							
(1) Harrison-Wyatt, L.L.C. P.O. Box 11000 Danville, VA 24543	2.17 acres	2.7125%	0.030%	0.170%	0.138%	n/a	
<u>OIL & GAS OWNERSHIP</u>							
(1) Dianna Graham P. O. Box 255 Aylett, VA 23009	2.17 acres	2.7125%	0.030%	0.170%	0.138%	n/a	
<u>Tract #2 - 1.07 acres</u>							
<u>COAL OWNERSHIP</u>							
(1) Hugh MacRae Land Trust c/o Alan Siegel Esq. Gump, Strauss, Akin LLP 1 Bryant Park New York, NY 10036-6715	1.07 acres	1.3375%	0.015%	0.084%	0.068%	n/a	
<i>By Assignment and Bill of Sale, HMLT devised all of its right, title and interest (other than "Excluded Assets") to Torch Energy Advisors Inc. effective September 4, 1991 and recorded in Buchanan County under DB474 / PG384.</i>							
Torch Oil & Gas Company c/o Sue Ann Craddock 670 Dona Ana Road SW							
<u>OIL & GAS OWNERSHIP</u>							
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously Consolidation Coal Company</i>	1.07 acres	1.3375%	0.015%	0.084%	0.068%	n/a	
<u>Tract #3C - 1.14 acres</u>							
<u>COAL OWNERSHIP</u>							
(1) Hugh MacRae Land Trust c/o Alan Siegel Esq. Gump, Strauss, Akin LLP 1 Bryant Park New York, NY 10036-6715	1.14 acres	1.4250%	0.016%	0.089%	0.072%	0.3283%	50%
<i>By Assignment and Bill of Sale, HMLT devised all of its right, title and interest (other than "Excluded Assets") to Torch Energy Advisors Inc. effective September 4, 1991 and recorded in Buchanan County under DB474 / PG384.</i>							
Torch Oil & Gas Company c/o Sue Ann Craddock 670 Dona Ana Road SW							
<u>OIL & GAS OWNERSHIP</u>							
(1) Gaston Cook Heirs, Devisees, Successors or Assigns	1.14 acres	1.4250%	0.016%	0.089%	0.072%		
(a) Mary Ann Bartram 5321 Leavers Ct Rosedale, MD 21237-4953	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%
(b) Thelma Jean Kline 3707 Overview Drive Fredericksburg, VA 22408	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%
(c) Harold V. Cooke P.O. Box 305 Oakwood, VA 24631	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.2761% HB2058	100%
(d) Leslie K. Cook 6086 Douneray Loop Crystal River, FL 34429	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.2761% HB2058	100%

Exhibit EE
Unit V-20
Docket #VGOB 92-0721-0243-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

160000148

	Net Acres in Unit	Interest in Unit	Division of 3 - Panel 1.116%	Division of 4 - Panel 6.250%	Division of 5 - Panel 5.076%	Percent of Escrow	
(e) Mamie K. Cook 140505 Watson Lane #1 Woodbridge, VA 22193	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%
(f) Robert B. Cook Heirs, Devisees, Successors, or Assigns							
(f.1) Barbara Cook 132 Autumn Chase Road Lebanon, VA 24266-4545	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.2761% HB2058	100%
(g) Nancy C. Duly P.O. Box 818 Grundy, VA 24614	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.2761% HB2058	100%
(h) Betty Lawonne Gibson 2117 Old York Road York, SC 29745	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%
(i) Kathy Diane Murray 141 Pine Drive Mt. Airy, NC 27030	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%
(j) Francis C. Hinchee Stearns 14411 North Fairview Lane Woodbridge, VA 22191	0.114 acres 1/10 of 1.14 acres	0.1425%	0.002%	0.009%	0.007%	0.1380%	50%

Note: Hazel Hart has no claim to the CBM, she should have never been in the heirship

INSTRUMENT #160000148
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
FEBRUARY 2, 2016 AT 02:58PM
BEVERLY S. TILLER, CLERK
RECORDED BY: SLP