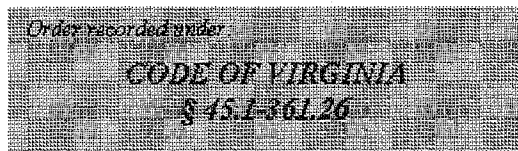


130000479



BEFORE THE VIRGINIA GAS AND OIL BOARD

**RELIEF
SOUGHT:**

An Order for Disbursement of Escrowed Funds

JURISDICTION:

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

UNIT/WELL NAME: U-13

TRACT(S): 2

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-92-1117-0285-01

APPLICANTS: CNX Gas Company LLC on behalf of Garden Realty Corporation, Harrison-Wyatt, LLC

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
December 18, 2012

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 01/11/1993, Recorded on 01/26/1993, Deed Book/Instrument No. 403, Page 634.
2. Supplemental Order Executed 12/01/1993, Recorded on 12/03/1993, Deed Book/Instrument No. 416, Page 326.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the December 18, 2012 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) 2 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 2 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 Garden Realty Corporation have entered into a 50/50 CMB deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the parties.

RELIEF GRANTED:

VG08 Disbursement
Unit U-13
VG08-92-1117-0285-01

Table 1
Tracts: 2

			Fractional	Net Acreage	Royalty	Escrowed	Percent of
			Ownership	Ownership	Split	Acres	Escrowed Funds
			In Tract	In Tract	Agreement	Disbursed	Disbursed
Item	Tract	Disbursement Table					
		Total acreage in escrow before disbursement				34.75000	
2 Tract 2 (total acreage)			22.22				
1	2	Harrison-Wyatt, LLC/R. O. Box 11000, Danville, VA 24543	1/1	22.2200	50.00%	11.1100	31.9712%
2	2	Garden Realty Corporation/c/o Margaret Burns, 108 Bexley Road, Mooresville, NC 28117	1/1	22.2200	50.00%	11.1100	31.9712%

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.

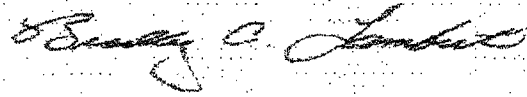
CONCLUSION:

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.

DONE AND EXECUTED this 20 day of February, 2013 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

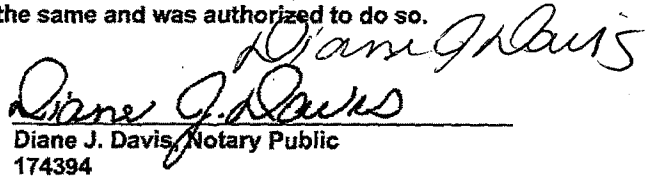
DONE AND PERFORMED this 20 day of February, 2013 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSEL)

Acknowledged on this 20th day of February 2013 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.


Diane J. Davis, Notary Public
174394

My Commission expires: September 30, 2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 92-1117-0285-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2**

HEARING DATE: December 18, 2012

DRILLING UNIT: U-13

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

A petition from CNX Gas Company, LLC for disbursement of funds from escrow from Tract 2 for Unit U-13, Hurricane District, Buchanan County, Virginia.

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)

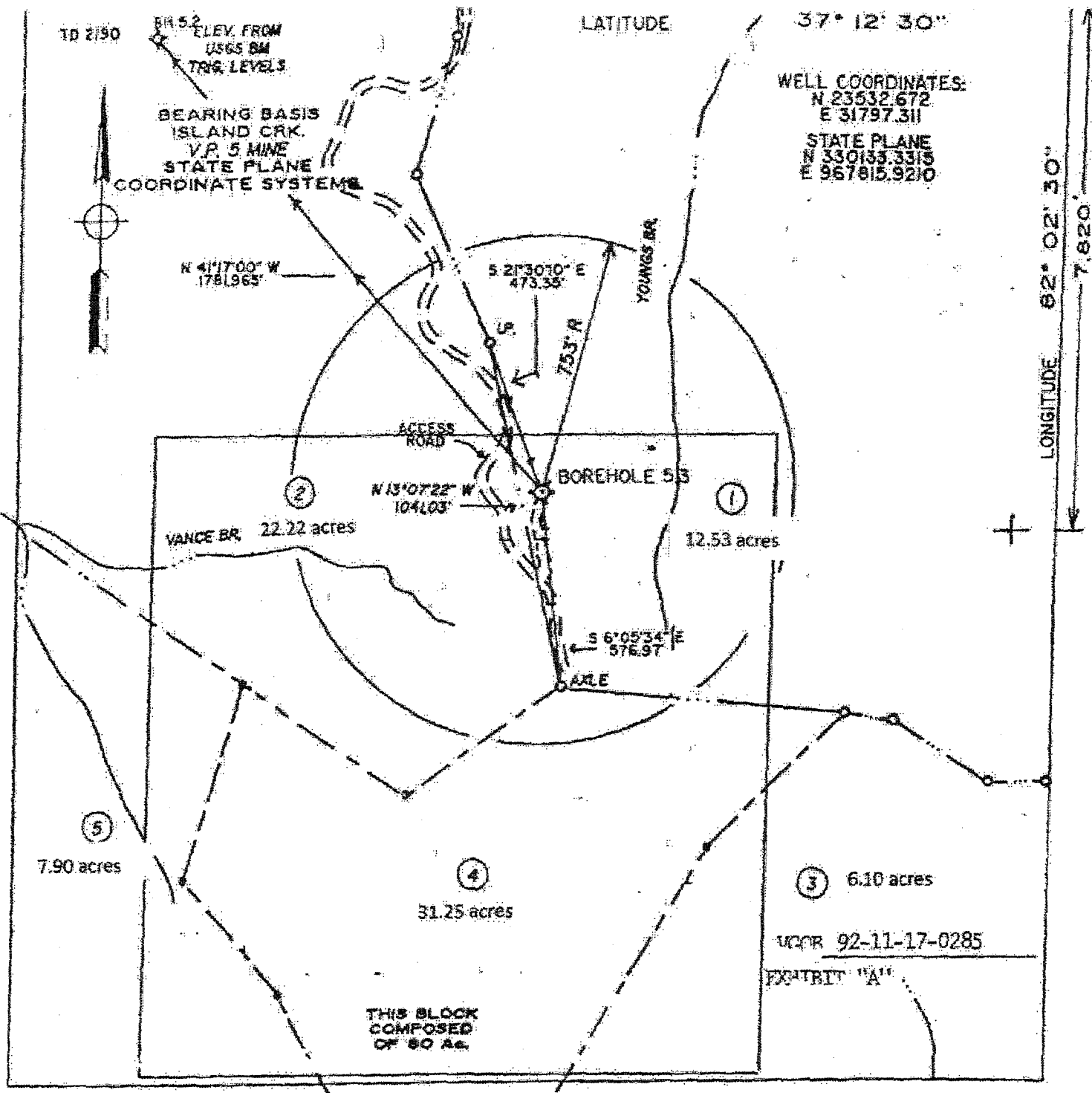
Coalbed Methane

5. Factual basis for relief requested

Harrison-Wyatt, LLC and Garden Realty Corporation have entered into a 50/50 CMB deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the parties.

6. Attestation

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



COMPANY OXY USA Inc. WELL NAME and No. U-13

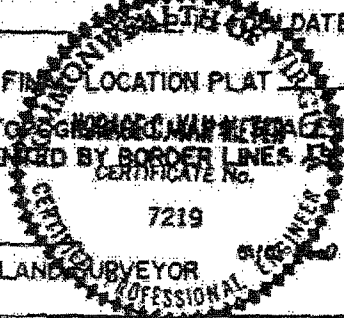
TRACT No. BIG AXE TR. 8 ELEVATION 2483.09 QUADRANGLE VANSANT

COUNTY BUCHANAN DISTRICT HURRICANE DATE 6-26-92

THIS PLAT IS A NEW PLAT X; AN UPDATED PLAT _____; OR A FINAL LOCATION PLAT _____

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

H.C. Van Meter



VGOB Disbursement
Unit U-13
VGOB-92-1117-0285-01

Table 1
2

			Fractional	Net Acreage	Royalty	Escrowed	Percent of	Disbursement
			Ownership	Ownership	Split	Acres	Escrowed Funds	
			in Tract	in Tract	Agreement	Disbursed	Disbursed	
Item	Tract	Disbursement Table						
		Total acreage in escrow before disbursement				34.75000		
2 Tract 2 (total acreage)			22.22					
1	2	Harrison-Wyatt, LLC/P. O. Box 11000, Danville, VA 24543	1/1	22.2200	50.00%	11.1100	31.9712%	\$19,626.75
2	2	Garden Realty Corporation/c/o Margaret Burns, 108 Bexley Road, Mooresville, NC 28117	1/1	22.2200	50.00%	11.1100	31.9712%	\$19,626.75

Wells contributing to the escrow account: Borehole 5.2

Exhibit E
UNIT U-13
Docket # VGOB 92-1117-0285-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #1 - 12.53 acres</u>		
Escrow due to surface owner claim to the CBM		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC Oxy Tr 33 / Big Axe Tr 8 (272.00 acre tract) P.O. Box 11000 Danville, VA 24543	12.53 acres	15.6625%
<u>OIL & GAS OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC Oxy Tr 33 / Big Axe Tr 8 (272.00 acre tract) P.O. Box 11000 Danville, VA 24543	12.53 acres	15.6625%
(Surface Owner - CBM Claimant)		
W.W. McGlothlin, et al. (B.F. & Annie McGlothlin - 40 Acre Tract)	12.53 acres	15.6625%
B. F. & Annie McGlothlin Heirs, Devisees, Successors or Assigns		
(1) E.P. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Benny McGlothlin Heirs, Devisees, Successors or Assigns (1/33)		
(a.1) Shauna Condry 4162 Ridge Rd. Kingsport, TN 37660	0.127 acres 1/99 of 12.53 acres	0.1582%
(a.2) Jon McGlothlin 1605 Seaver Road Kingsport, TN 37660	0.127 acres 1/99 of 12.53 acres	0.1582%
(a.3) Logan McGlothlin 224 Legion Street Weber City, VA 24290	0.127 acres 1/99 of 12.53 acres	0.1582%
(b) Bonnie McGlothlin 2267 Roberts Creek Road Hiltons, VA 24258	0.380 acres 1/33 of 12.53 acres	0.4746%
(c) Ralph Edward McGlothlin 94 Collins Crest Cedar Bluff, VA 24609	0.380 acres 1/33 of 12.53 acres	0.4746%
(2) H.L. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Robert D. McGlothlin Heirs, Devisees, Successors or Assigns		

Exhibit E
UNIT U-13

Docket # VGOB 92-1117-0285-01

List of Conflicting Owners/Claimants that require escrow.

	Acres in Unit	Percent of Unit
(a.1) Patricia S. McGlothlin 6293 Wildemess Road Dublin, VA 24084	0.570 acres 1/22 of 12.53 acres	0.7119%
(b) Harold McGlothlin Heirs, Devisees, Successors or Assigns		
(b.1) Ruby B. McGlothlin Heirs, Devisees, Successors or Assigns - Documentation Pending		
(b.1.1) Ann Lilly 16540 Heron Coach Way #406 Fort Myers, FL 33908	0.570 acres 1/22 of 12.53 acres	0.7119%
(3) Helen E. Counts Heirs, Devisees, Successors or Assigns (1/11)		
(a) Bascom "Buddy" B. B. Mainey 4841 25th Road Nth Arlington, VA 22207-2648	0.380 acres 1/33 of 12.53 acres	0.4746%
(b) Helen Carol Mamone 600 Alexandria Circle Bluefield, VA 24605-9241	0.380 acres 1/33 of 12.53 acres	0.4746%
(c) Ann C. Rauehauser 28 Bog Meadow Road Sharon, CT 06069	0.380 acres 1/33 of 12.53 acres	0.4746%
(4) B.F. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Joseph Blair McGlothlin P. O. Box 71 Cedar Bluff, VA 24609	0.570 acres 1/22 of 12.53 acres	0.7119%
(b) Katherine M. & John Warren 2206 Wingfield Road Charlottesville, VA 22901	0.570 acres 1/22 of 12.53 acres	0.7119%
(5) Nannie P. Lockhart Heirs, Devisees, Successors or Assigns (1/11)		
(a) Violet Doris Smith 9625 Alfaree Road North Chesterfield, VA 23237	0.570 acres 1/22 of 12.53 acres	0.7119%
(b) Fred Presley 6814 Pounding Mill Branch Road Pounding Mill, VA 24637	0.570 acres 1/22 of 12.53 acres	0.7119%
(6) J.S. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Donald S. McGlothlin, Sr. Heirs Devisees, Successors or Assigns		
(a.1) Mary McGlothlin P.O. Box 909 Grundy, VA 24614	0.380 acres 1/33 of 12.53 acres	0.4746%

Exhibit E
UNIT U-13

Docket # VGOB 92-1117-0285-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(b) Billy Sue Dixon Heirs, Devisees, Successors or Assigns		
(b.1) Hobart Dixon Heirs, Devisees, Successors or Assigns (1/33)		
(b.1.1) Kenna Dixon Moose 309 Lindsey Street Bristol, VA 24201	0.190 acres 1/66 of 12.53 acres	0.2373%
(b.1.2) Michael Mckenley Dixon 14121 Heather Drive Bristol, VA 24202	0.190 acres 1/66 of 12.53 acres	0.2373%
(c) Peggy & Henry Durham 607 S. Westland Avenue Tampa, FL 33606	0.380 acres 1/33 of 12.53 acres	0.4746%
(7) Rose Myrtle Wampler Heirs, Devisees, Successors or Assigns (1/11) - Documentation Pending		
(a) Sherry W. Bennett 155 Mountain Ave Rocky Mount, VA 24151	0.380 acres 1/33 of 12.53 acres	0.4746%
(b) Pauline W. Shortridge 9217 Brentsville Road Manassas, VA 20112	0.380 acres 1/33 of 12.53 acres	0.4746%
(c) Floyd Edmund Wampler 5124 Garden Place Court Rock Hill, SC 29732	0.380 acres 1/33 of 12.53 acres	0.4746%
(8) Woodrow McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Trustee Woodrow McGlothlin Trust c/o Thomas D. McGlothlin, Executor 1005 Glenway Avenue Bristol, VA 24201	1.139 acres 1/11 of 12.53 acres	1.4239%
(9) John W. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Francis Ann Borkey 9808 Gaslight Place Richmond, VA 23229	0.163 acres 1/77 of 12.53 acres	0.2034%
(b) James Lloyd McGlothlin 998 Glenwood Street Cedar Bluff, VA 24609	0.163 acres 1/77 of 12.53 acres	0.2034%
(c) Una Lee Mulligan Bailey Box 51 Richlands, VA 24641	0.163 acres 1/77 of 12.53 acres	0.2034%
(d) Cecil Earl McGlothlin Heirs, Devisees, Successors or Assigns		

Exhibit E
UNIT U-13
Docket # VGOB 92-1117-0285-01
List of Conflicting Owners/Claimants that require escrow.

	Acres in Unit	Percent of Unit
(d.1) McGlothlin Living Trust Joyce McGlothlin, Trustee P.O. Box 2417 Cookeville, TN 38502	0.163 acres 1/77 of 12.53 acres	0.2034%
(e) Norman L. McGlothlin 6239 Oakleaf Lane N. Fayetteville, PA 17222	0.163 acres 1/77 of 12.53 acres	0.2034%
(f) Ernest McGlothlin Heirs, Devisees, Successors or Assigns:		
(f.1) Doris Ann McGlothlin P. O. Box 428 Raven, VA 24639	0.325 acres 2/77 of 12.53 acres	0.4068%
(g) Thurman McGlothlin	(Deceased his 1/77th interest to Ernest McGlothlin)	
(10) Harvey G. McGlothlin Heirs, Devisees, Successors or Assigns (1/11)		
(a) Dorothy Mullins Heirs, Devisees, Successors or Assigns (1/33)		
(a.1) Ann Mullins Washburn 3343 Nottingham Drive Tallahassee, FL 32312	0.190 acres 1/66 of 12.53 acres	0.2373%
(a.2) Michael M. Mullins 1445 Westerly Terrace Los Angeles, CA 90026	0.190 acres 1/66 of 12.53 acres	0.2373%
(b) Charles Robert Dixon Heirs, Devisees, Successors or Assigns		
(b.1) Charleen Dixon Seale 2653 Suffolk Street Kingsport, TN 37680	0.380 acres 1/33 of 12.53 acres	0.4746%
(c) Gladys Jesse 413 North Street Richlands, VA 24641	0.380 acres 1/33 of 12.53 acres	0.4746%
(11) Frankie Mae Street Heirs, Devisees, Successors or Assigns (1/11)		
(a) W.A. Street Heirs Trust (1/11)		
(a.1) W.A. Street Heirs Trust c/o Hiram A. Street 4601 Gulf Shore Blvd., North Enclave No. 10 Naples, FL 33910	0.285 acres 1/44 of 12.53 acres	0.3560%
(a.2) W.A. Street Heirs Trust c/o Nicholas D. Street 101 Lick Branch Rd. Bristol, TN 37620	0.285 acres 1/44 of 12.53 acres	0.3560%

Exhibit E
UNIT U-13
Docket # VGOB 92-1117-0285-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(a.3) W.A. Street Heirs Trust c/o James H. Street PO Box 2100 Grundy, VA 24614	0.285 acres 1/44 of 12.53 acres	0.3560%
(a.4) W.A. Street Heirs Trust c/o Daniel Street PO Box 2100 Grundy, VA 24614	0.285 acres 1/44 of 12.53 acres	0.3560%
	Acreage in Unit	12.53
	Percentage of Unit	15.6625%

Exhibit EE
Unit U-13
VGOB 92-1117-0285-01
List of all Owners/Claimants with CBM Deeds or Royalty Division Agreements
82.00 Acres

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2 - 22.22 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC Oxy Tr 41 / Big Axe Tr 1 (274.00 acre tract) P.O. Box 11000 Danville, VA 24543	22.22 acres	27.7750%	31.9712%
<u>OIL & GAS OWNERSHIP</u>			
(1) Garden Realty Corporation c/o Margaret Burns 108 Bexley Road Mooresville, NC 28117	22.22 acres	27.7750%	31.9712%

INSTRUMENT #130000479
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 19, 2013 AT 09:48AM
BEVERLY S. TILLER, CLERK
RECORDED BY: GGB