

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: Y8

TRACT(S): 3

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-92-1117-0291-02

APPLICANTS:

CNX Gas Company LLC on behalf of Harrison Wyatt LLC, Robert Russell & Lynette B. Rash

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 02/05/1993, Recorded on 02/17/1993, Deed Book/Instrument No. 404, Page 627.
2. Supplemental Order Executed 07/21/1993, Recorded on 07/29/1993, Deed Book/Instrument No. 412, Page 135.
3. Disbursement Order -01 Executed 10/24/2001, Recorded on 07/25/2002, Deed Book/Instrument No. 551, Page 721.

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:

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(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 3 identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 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:

Harrison-Wyatt, LLC and Robert Russell & Lynette B. Rash have entered into royalty split 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.

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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

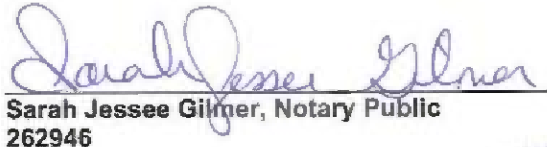
DONE AND PERFORMED this 11 day of May, 2016 by Order of the Virginia Gas and Oil Board.



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 92-1117-0291-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 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: Y8

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 the parties to the royalty split between Harrison-Wyatt, LLC and Robert Russell & Lynette B. Rash.

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 Robert Russell & Lynette B. Rash have entered into royalty split 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.

6. Attestation

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

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PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, INC. AND WERE NOT SURVEYED.

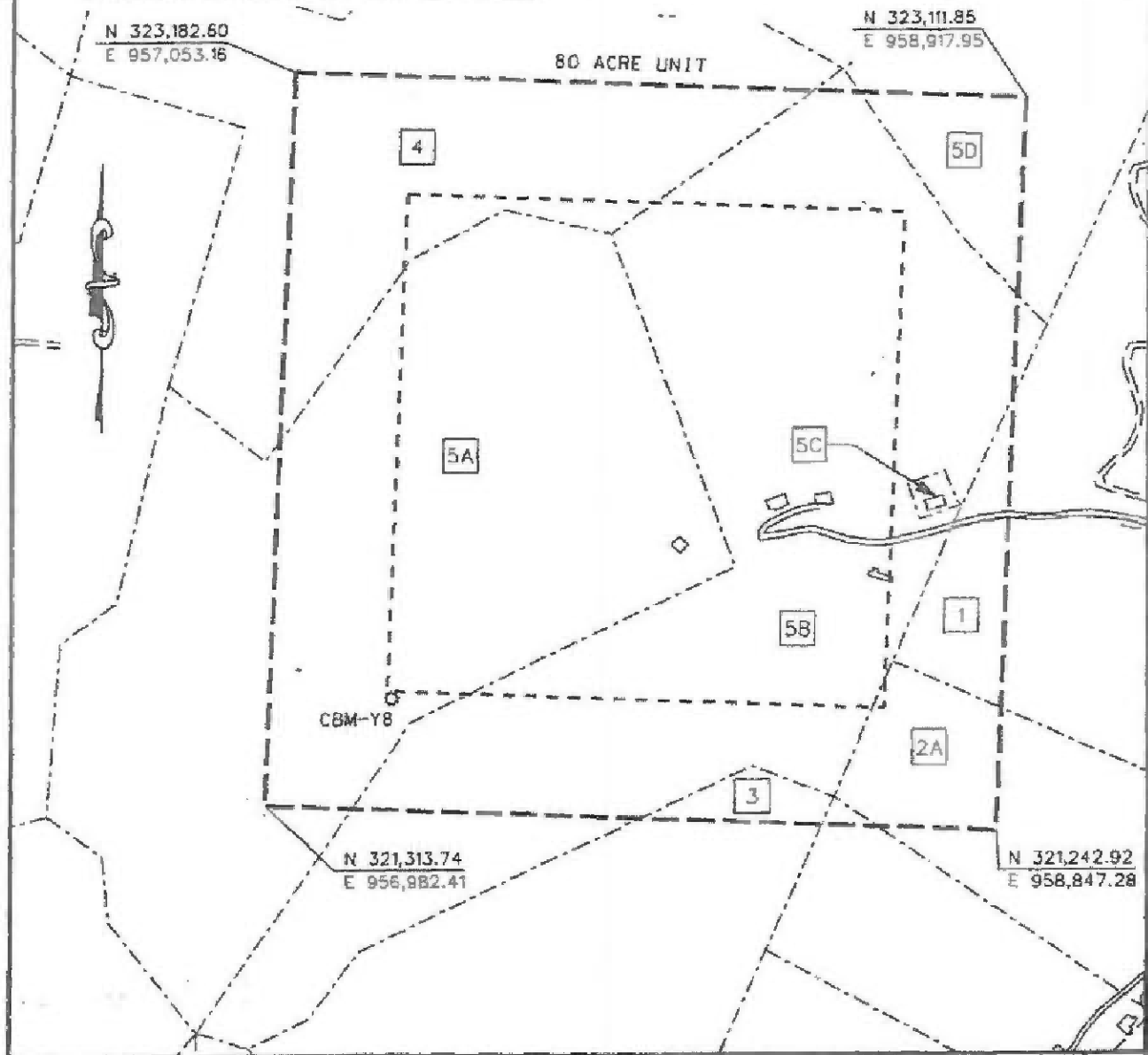


EXHIBIT A
OAKWOOD FIELD UNIT Y-8
FORCE POOLING
VGOB-92-1117-0291-01

Company CONSOL Energy Inc. Well Name and Number UNIT Y8
Tract No. _____ Elevation _____ Quadrangle Vansant
County Buchanan District Prater Scale: 1" = 400' Date 7/14/01
This plot is a new plat X ; an updated plat _____ ; or a final plat _____

Form DCD-GD-7
Rev. 9/91

Claude O. Moynihan
Licensed Professional Engineer or Licensed Land Surveyor

CONSOL Energy Inc.**UNIT Y-8****Tract Identifications**

1. Harrison-Wyatt, L.L.C. (Big Axe) Tr. 38 - Coal
 Island Creek Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Co. - Coal Above Jawbone Seam Leased
 Wellmore Coal Co. - Jawbone and Tiller Seams Leased
 Buchanan Production Co. - CBM Leased
 Eva Singleton, et al. - Oil & Gas
 Buchanan Production Co. - Oil, Gas & CBM Leased
 Drema Melton - Surface
 2.62 acres 3.2750 %

2. Harrison-Wyatt, L.L.C. (Big Axe) Tr. 51 - Coal, Oil & Gas
 Island Creek Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Co. - Coal Above Jawbone Leased
 Wellmore Coal Co. - Jawbone and Tiller Seams Leased
 Buchanan Production Co. - CBM Leased
 Buchanan Production Co. - Oil & Gas Leased
 3.14 acres 3.9250 %

- 2A. Unknown Surface Owner
- 2B. Unknown Surface Owner

3. Harrison-Wyatt, L.L.C. (Big Axe) Tr. 39 - Coal
 Island Creek Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Co. - Coal Above Jawbone Leased
 Wellmore Coal Co. - Jawbone and Tiller Seams Leased
 Buchanan Production Co. - CBM Leased
 Robert A. Rash - Oil & Gas
 Buchanan Production Co. - Oil, Gas & CBM Leased
 Unknown Surface Owner
 0.93 acres 1.1625 %

4. Harrison-Wyatt, L.L.C. (Big Axe) Tr. 27 - Coal
 Island Creek Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Co. - Coal Above Jawbone Leased
 Wellmore Coal Co. - Jawbone and Tiller Seams Leased
 Buchanan Production Co. - CBM Leased
 Hubert and Evelyn Sue Vance Keen - Surface, Oil & Gas
 Buchanan Production Co. - Oil, Gas & CBM Leased
 11.61 acres 14.5125 %

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CONSOL Energy Inc.
UNIT Y-8
Tract Identifications

5. Harrison-Wyatt, L.L.C. (Big Axe) Tr. 37 - Coal
Island Creek Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Co. - Coal Above Jawbone Leased
Wellmore Coal Co. - Jawbone and Tiller Seams Leased
Buchanan Production Co. - CBM Leased
Heirs, devisees, Successors or Assigns of Frank Howard - Oil & Gas (50%)
Heirs, devisees, Successors or Assigns of James A. Tiller - Oil & Gas (50%)
61.70 acres 77.1250 %
- 5A. Riddle Colley Heirs - Surface
5B. Unknown Surface Owner
5C. Unknown Surface Owner
5D. Ronald Brents - Surface

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Exhibit E
Unit Y-8
Docket# VGOB 92-1117-0291-02
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #1 - 2.62 acres</u>		
<u>Pending Litigation Case #875-15</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.38 P.O. Box 11000 Danville, VA 24543	2.62 acres	3.275%
<u>OIL & GAS OWNERSHIP</u>		
(1) Clayton Perkins, et al <i>(previously Eva Singleton, et al)</i>	2.62 acres	3.2750%
(a) Clayton & Audrey Perkins Rt 1 Box 104 Vansant, VA 24656	2.10 acres 4/5 of 2.62 acres	2.6200%
(b) Eva Singleton Heirs, Devisees, Successors or Assigns		
(b.1) Bernice S. Etter 3100 Ann St. Middleton, MD 21769	0.13 acres 1/20 of 2.62 acres	0.1638%
(b.2) Lema O. Meadows 310 Circle Dr. Bluefield, VA 24805	0.13 acres 1/20 of 2.62 acres	0.1638%
(b.3) Estel Darnel Singleton Heirs, Devisees, Successors or Assigns		
(b.3.1) Estel D. Singleton, Jr. 4819 Lange Lane Roanoke, VA 24018	0.07 acres 1/40 of 2.62 acres	0.0819%
(b.3.2) James M. Singleton <i>Address Unknown</i>	0.07 acres 1/40 of 2.62 acres	0.0819%
(c) Bernice S. Etter, Trustee (for Benefit of Vicky Lynn Singleton Cruay) 3100 Ann St. Middleton, MD 21769	0.13 acres 1/20 of 2.62 acres	0.1638%
<u>Tract #5 - 61.70 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.37 P.O. Box 11000 Danville, VA 24543	61.70 acres	77.1250%
<u>OIL & GAS OWNERSHIP</u>		
<i>The ownership listed below is currently being reviewed and documentation is being requested to verify it</i>		
Frank Howard Heirs, et al.	61.70 acres	77.1250%
(1) Frank Howard Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	30.85 acres 1/2 of 61.70 acres	38.5625%
(2) James A. Tiller Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	30.85 acres 1/2 of 61.70 acres	38.5625%
<u>TOTALS:</u>		
Total Acreage Remaining in Unit	64.3200	
Total Percentage Remaining of Unit		80.4000%

Exhibit EE
Unit Y-8
Docket# VGOB 92-1117-0291-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

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	Acres in Unit	Percent of Unit	Percent of Escrow
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Tract #3 - 0.93 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C., Tr.39 P.O. Box 11000 Danville, VA 24543	0.93 acres	1.1625%	0.7126% Royalty Split
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OIL & GAS OWNERSHIP

(1) Robert A. Rash *Conveyed by Deed dated 7/14/2004, under Document #050002890*

(a) Robert Russell Rash *Conveyed by Deed dated 3/7/2010, under Document #130001027*

(a.1) Robert Russell & Lynette B. Rash 117 Richardson Dr Tazewell, VA 24851	0.93 acres	1.1625%	0.7126% Royalty Split
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Tract #4 - 11.61 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C., Tr.27 P.O. Box 11000 Danville, VA 24543	11.61 acres	14.5125%	n/a
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OIL & GAS OWNERSHIP

(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	11.61 acres	14.5125%	n/a
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Note: Tr. 4 was previously shown on the exhibit E. This tract was sold to CNX which has a royalty split with Harrison-Wyatt, LLC. Once Royalty split was processed this tract was placed on pay immediately.

TOTALS:

Total Acreage Resolved in Unit	11.6100	
Total Percentage Resolved of Unit		15.6750%

INSTRUMENT #160000879
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 19, 2016 AT 04:05PM

BEVERLY S. TILLER, CLERK
RECORDED BY: SLP