

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.2-1628

BEFORE THE VIRGINIA GAS AND OIL BOARD

**RELIEF
SOUGHT:**

An Order for Disbursement of Escrowed Funds

JURISDICTION:

Code of Virginia § 45.2-1600 (et seq)

UNIT/WELL NAME: X9

TRACT(S): 1A, 1B, 6

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-92-1117-0292-03

APPLICANTS:

Pocahontas Gas LLC on behalf of Buchanan County Virginia, Commonwealth of VA
Department of Transportation, Harrison-Wyatt LLC

HEARING DATE AND LOCATION:

On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Gas and Oil Director the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.2-1624 Effective date: July 1, 2015.

APPEARANCES:

Mark A. Swartz on behalf of Pocahontas Gas LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 01/11/1993, Recorded on 01/26/1993, Deed Book/Instrument No. 463, Page 654, County BUCHANAN.
2. Supplemental Order Executed 01/11/1993, Recorded on 01/26/1993, Deed Book/Instrument No. 403, Page 652, County BUCHANAN.
3. Modification Order -02 Executed 07/29/2021, Recorded on 08/20/2021, Deed Book/Instrument No. 210001038, County BUCHANAN.

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4. Supplemental Order -02 Executed 10/25/2021, Recorded on 11/17/2021, Deed Book/Instrument No. 210001450, County BUCHANAN.

NOTICE:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1A, 1B, 6 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1A, 1B, 6 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 § 45.2-1622 AND § 45.2-1624.

Applicant has certified and represented to the Board that:

- a. County of Buchanan VA and VDOT are the gas claimant in Tracts 1A and 1B. As County of Buchanan VA and VDOT are entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.A.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has given the notice(s) required by § 45.2-1624.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. 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.
- d. That a detailed accounting in accordance with the applicable provisions of § 45.2-1624.A is submitted herewith and identified as Exhibit J.
- e. Harrison-Wyatt, LLC is entitled to 100% of the CBM royalties awarded under Case No. CL12-736, Opinion dated December 9, 2019. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE for Tract 6 annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.
- 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. § 45.2-1624.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant County of Buchanan VA and VDOT and not escrow same. See Exhibit EE annexed hereto.

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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 § 45.2-1609 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 10 day of March, 2022 by a majority of the Virginia Gas and Oil Board.



Interim Chairman, Donald L. Ratliff

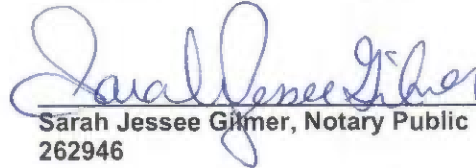
DONE AND PERFORMED this 10 day of March, 2022 by Order of the Virginia Gas and Oil Board.



James P. Skorupa
Principal Executive to the staff,
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 10th day of March, 2022, personally before me a notary public in and for the Commonwealth of Virginia, appeared Donald L. Ratliff, being duly sworn did depose and say that he is the Interim Chairman of the Virginia Gas and Oil Board and appeared James P. Skorupa, 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, 2025



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

GAS AND OIL PROGRAM

DOCKET NO: VGOB 92-1117-0292-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1A, 1B, 6 (2) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.2-1624.

HEARING DATE: On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Gas and Oil Director the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.2-1624. Effective date: July 1, 2015.

DRILLING UNIT: X9

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is Pocahontas Gas 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 Tracts 1A, 1B, & 6, as depicted upon the annexed table; and (2) Dismissal of Coal Owner: Harrison-Wyatt, LLC. (Royalties currently being paid under VP8SGU3, Docket #VGOB 06-0321-1598)

3. Legal Authority

Va. Code Ann. § 45.2-1600 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. County of Buchanan VA and VDOT are the gas claimant in Tracts 1A and 1B. As County of Buchanan VA and VDOT are entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.A.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has given the notice(s) required by § 45.2-1624.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. 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.
- d. That a detailed accounting in accordance with the applicable provisions of § 45.2-1624.A is submitted herewith and identified as Exhibit J.
- e. Harrison-Wyatt, LLC is entitled to 100% of the CBM royalties awarded under Case No. CL12-736, Opinion dated December 9, 2019. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE for Tract 6 annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.
- 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. § 45.2-1624.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant County of Buchanan VA and VDOT and not escrow same. See Exhibit EE annexed hereto.

6. Attestation

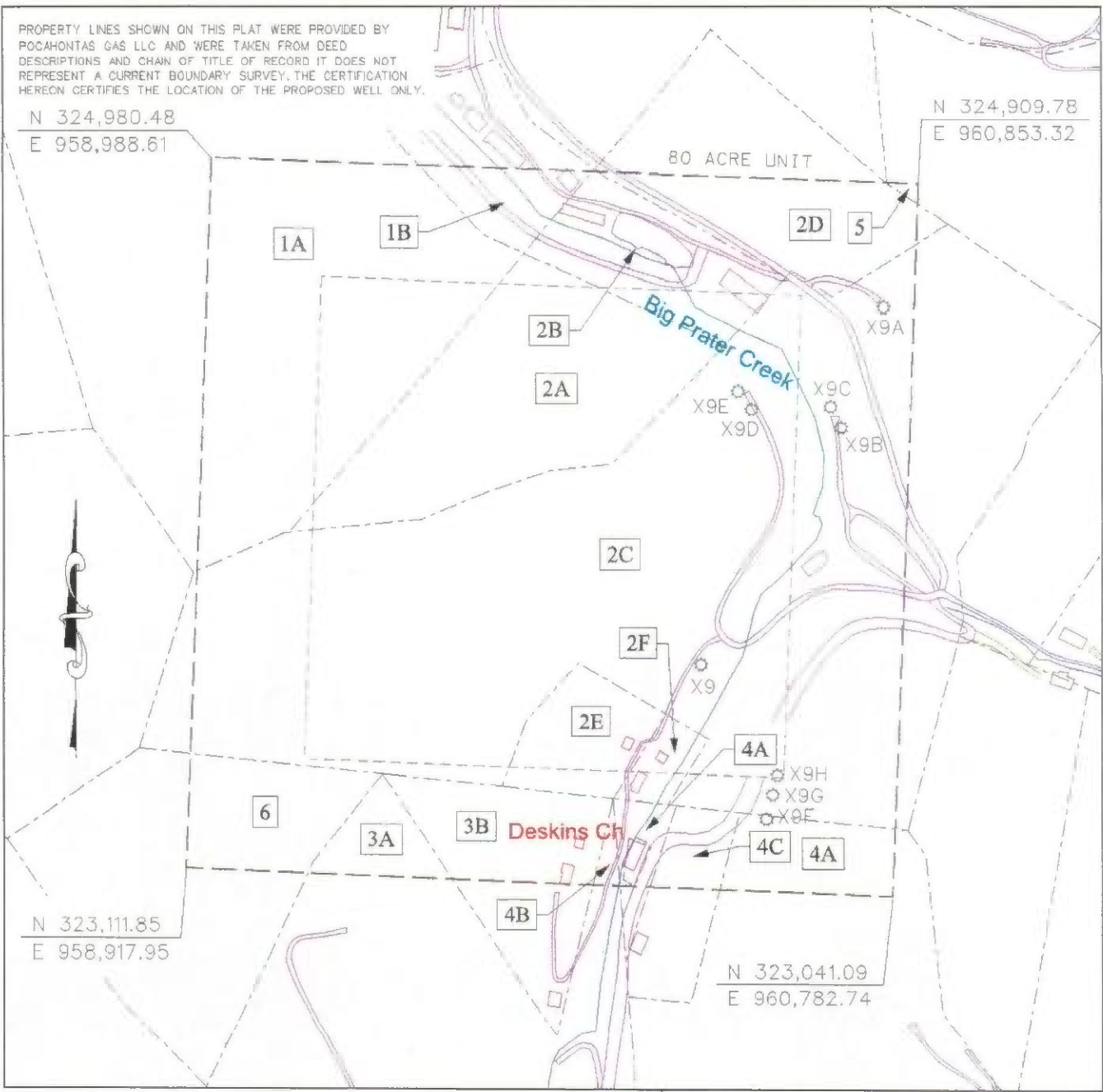
The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.

N 324,980.48
E 958,988.61

N 324,909.78
E 960,853.32

80 ACRE UNIT



N 323,111.85
E 958,917.95

N 323,041.09
E 960,782.74

EXHIBIT A
OAKWOOD FIELD
UNIT X-9
FORCE POOLING
VGOB-92-1117-0292-02

Company POCAHONTAS GAS LLC

Well Name and Number UNIT X9

Tract No. _____ Elevation _____

Quadrangle _____

County Buchanan District Prater

Scale: 1" = 40'

This plat is a new plat X



ALLEN MITCHELL
Date: **2021.07.06**

Digitally signed
by ALLEN MITCHELL

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

Date: **2021.07.06**
07:55:00 -04'00'

**Pocahontas Gas LLC
UNIT X9
Tract Identifications**

- 1A. Harrison-Wyatt, LLC (Big Axe) Tract 27 (205 acres) – Coal
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Buchanan County, VA – Surface, Oil, and Gas
12.89 Acres 16.1125%
- 1B. Harrison-Wyatt, LLC (Big Axe) Tract 27 (205 acres) – Coal
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Virginia Department of Transportation – Surface, Oil, and Gas
1.27 Acres 1.5785%
2. Harrison-Wyatt, LLC (Big Axe) Tract 40 (155 acres) – Mineral
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Pocahontas Gas LLC - Oil, Gas, and CBM Leased
55.53 Acres 69.4125%
- 2A. Buchanan County, VA - Surface
2B. Virginia Department of Transportation – Surface
2C. CNX Gas Company LLC
2D. Buchanan County, VA – Surface
2E. Unknown Surface Owner
2F. Unknown Surface Owner
- 3A. Harrison-Wyatt, LLC (Big Axe) Tract 38 (56 acres) – Coal
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Harrison-Wyatt, LLC or Martin Edd Boyd Heirs, et al – Oil, Gas, and CBM
Pocahontas Gas LLC - Oil, Gas, and CBM Leased
Martin Edd Boyd Heirs, et al - Surface
1.39 Acres 1.7375%
- 3B. Harrison-Wyatt, LLC (Big Axe) Tract 38 (56 acres) – Coal
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Harrison-Wyatt, LLC or Clayton Perkins, et al – Oil, Gas, and CBM
Pocahontas Gas LLC - Oil, Gas, and CBM Leased
Clayton Perkins, et al - Surface
2.75 Acres 3.4375%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

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Pocahontas Gas LLC
UNIT X9
Tract Identifications

4. Harrison-Wyatt, LLC (Big Axe) Tract 30 (140 acres) –Mineral
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Pocahontas Gas LLC – Oil, Gas, and CBM Leased
3.39 Acres 4.2375%
- 4A. Unknown Surface Owner
4B. Unknown Surface Owner
4C. Unknown Surface Owner
5. Harrison-Wyatt, LLC (Big Axe) Tract 31 (450 acres) – Coal
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Pocahontas Gas LLC – Oil, Gas, and CBM
CNX Gas Company LLC - Surface
0.04 Acres 0.0500%
6. Harrison-Wyatt, LLC (Big Axe) Tract 37 (105 acres) – Mineral
Island Creek Coal Company or CONSOL Mining Company – Coal Below Tiller Leased
Revelation Energy, LLC – Coal Above Drainage Leased
Pocahontas Gas LLC – Oil, Gas, and CBM Leased
Theresa Brents - Surface
2.74 Acres 3.4250%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

Exhibit E
Unit X-9

220000382

Prior Docket(s) #VGOB 90-1010-0030 & 93-0420-0351
Re-Pooling Docket #VGOB 92-1117-0292-03
List of Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Interest in 5-West 10.8453%	Interest in 6-West 10.1384%
Tract #3A, 1.39 Acres				
COAL OWNERSHIP				
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543-5017	1.39 acres	1.7375%	0.1884%	0.1762%
OIL & GAS OWNERSHIP				
Pending Litigation - Case #875-15 filed by Harrison-Wyatt - escrow until resolved				
(1) Martin Edd Boyd Heirs, et al	1.39 acres	1.7375%	0.1884%	0.1762%
(a) Martin Edd Boyd Heirs, Devisees, Successors or Assigns				
(a.1) Virginia Ratliff Boyd Heirs, Devisees, Successors, or Assigns				
(a.1.1) Dreama B. Melton PO Box 16581 Bristol, VA 24209	0.32 acres 7/30 of 1.39 acres	0.4054%	0.0440%	0.0411%
(a.1.2) Audrey A. Perkins 1023 Perkins Hill Vansant, VA 24656	0.32 acres 7/30 of 1.39 acres	0.4054%	0.0440%	0.0411%
(a.1.3) Regina B. O'Quinn PO Box 1031 Vansant, VA 24656	0.32 acres 7/30 of 1.39 acres	0.4054%	0.0440%	0.0411%
(b) Clayton Perkins 1023 Perkins Hill Vansant, VA 24656	0.14 acres 1/10 of 1.39 acres	0.1738%	0.0188%	0.0176%
(c) Eva Singleton Heirs, Devisees, Successors, or Assigns				
(c.1) Bernice S. Etter Heirs, Devisees, Successors, or Assigns <i>(Documentation Pending)</i>	0.07 acres 1/20 of 1.39 acres	0.0869%	0.0094%	0.0088%
(c.2) Lema O. Meadows Heirs, Devisees, Successors, or Assigns				
(c.2.1) Andy G. Meadows Heirs, Devisees, Successors, or Assigns				
(c.2.1.1) Judie Deane White 3909 E. Bluegrass Trail Bland, VA 24315	0.02 acres 1/60 of 1.39 acres	0.0290%	0.0031%	0.0029%
(c.2.1.2) Donnie Lee Meadows 17349 Mahogany Drive Abingdon, VA 24210	0.02 acres 1/60 of 1.39 acres	0.0290%	0.0031%	0.0029%
(c.2.1.3) Janice Meadows Stowers 310 Circle Road Bluefield, VA 24605	0.02 acres 1/60 of 1.39 acres	0.0290%	0.0031%	0.0029%
(c.3) Estel Darnel Singleton Heirs, Devisees, Successors or Assigns				
(c.3.1) Estel D. Singleton, Jr. 4819 Lange Lane Roanoke, VA 24018	0.03 acres 1/40 of 1.39 acres	0.0434%	0.0047%	0.0044%

Exhibit E
Unit X-9
Prior Docket(s) #VGOB 90-1010-0030 & 93-0420-0351
Re-Pooling Docket #VGOB 92-1117-0292-03
List of Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Interest in 5-West 10.8453%	Interest in 6-West 10.1384%
(c.3.2) James M. Singleton 285 Parker Place Orange, VA 22960	0.03 acres 1/40 of 1.39 acres	0.0434%	0.0047%	0.0044%
(c.4) Vicky Lynn Singleton Cruet 49 Boileau Court Middleton, MD 21769	0.07 acres 1/20 of 1.39 acres	0.0869%	0.0094%	0.0088%
-OR-				
(1) Harrison-Wyatt LLC P.O. Box 11000 Danville, VA 24543	1.39 acres	1.7375%	0.1884%	0.1762%

Tract #3B, 2.75 Acres

COAL OWNERSHIP

(1) Harrison-Wyatt LLC P.O. Box 11000 Danville, VA 24543-5017	2.75 acres	3.4375%	0.3728%	0.3485%
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OIL & GAS OWNERSHIP

Pending Litigation - Case #875-15 filed by Harrison-Wyatt - escrow until resolved

(1) Clayton Perkins, et al	2.75 acres	3.4375%	0.3728%	0.3485%
(a) Clayton & Audrey Perkins, TE 1023 Perkins Hill Vansant, VA 24656	2.200 acres 4/5 of 2.75 acres	2.7500%	0.2982%	0.2788%
(b) Eva Singleton Heirs, Devisees, Successors, or Assigns				
(b.1) Bernice S. Etter Heirs, Devisees, Successors, or Assigns <i>(Documentation Pending)</i>	0.14 acres 1/20 of 2.75 acres	0.1719%	0.0186%	0.0174%
(b.2) Lema O. Meadows Heirs, Devisees, Successors, or Assigns				
(b.2.1) Andy G. Meadows Heirs, Devisees, Successors, or Assigns				
(b.2.1.1) Judie Deane White 3909 E. Bluegrass Trail Bland, VA 24315	0.05 acres 1/60 of 2.75 acres	0.0573%	0.0062%	0.0058%
(b.2.1.2) Donnie Lee Meadows 17349 Mahogany Drive Abingdon, VA 24210	0.05 acres 1/60 of 2.75 acres	0.0573%	0.0062%	0.0058%
(b.2.1.3) Janice Meadows Stowers 310 Circle Road Bluefield, VA 24605	0.05 acres 1/60 of 2.75 acres	0.0573%	0.0062%	0.0058%
(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 2.75 acres	0.0859%	0.0093%	0.0087%
(b.3.2) James M. Singleton 285 Parker Place Orange, VA 22960	0.07 acres 1/40 of 2.75 acres	0.0859%	0.0093%	0.0087%

Exhibit E
 Unit X-9
 Prior Docket(s) #VGOB 90-1010-0030 & 93-0420-0351
 Re-Pooling Docket #VGOB 92-1117-0292-03
 List of Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Interest in 5-West 10.8453%	Interest in 6-West 10.1384%
(b.4) Vicky Lynn Singleton Cruay 49 Boileau Court Middleton, MD 21769	0.14 acres 1/20 of 2.75 acres	0.1719%	0.0186%	0.0174%
-OR-				
(1) Harrison-Wyatt LLC P.O. Box 11000 Danville, VA 24543	2.75 acres	3.4375%	0.3720%	0.3485%

TOTALS:

Escrowed Acres	4.1400
Escrowed Percentage	5.1750%

Exhibit EE
Unit X-9

Prior Docket(s) #VGOB 90-1010-0030 & 93-0420-0351

Re-Pooling Docket #VGOB 92-1117-0292-03

List of Conflicting Owners with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Interest in 5-West 10.8453%	Interest in 5-West 10.1384%	Percent of Escrow
Tract #1A, 12.89 Acres					
COAL OWNERSHIP					
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543	12.89 acres	16.1125%	1.7474%	1.6335%	n/a
OIL & GAS OWNERSHIP					
(1) Buchanan County P.O. Box 1056 Grundy, VA 24614	12.89 acres	16.1125%	1.7474%	1.6335%	61.2643% HB2058
Tract #1B, 1.27 Acres					
COAL OWNERSHIP					
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543	1.27 acres	1.5875%	0.1722%	0.1609%	n/a
OIL & GAS OWNERSHIP					
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd Bristol, VA 24201	1.27 acres	1.5875%	0.1722%	0.1609%	6.0364% HB2058
Tract #5, 0.04 Acres					
COAL OWNERSHIP					
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543	0.04 acres	0.0500%	0.0054%	0.0051%	n/a
OIL & GAS OWNERSHIP					
(1) Pocahontas Gas LLC 1000 Consol Energy Drive Canonsburg, PA 15314	0.04 acres	0.0500%	0.0054%	0.0051%	n/a
Tract #6, 2.74 Acres					
COAL OWNERSHIP					
(1) Harrison-Wyatt LLC P.O. Box 11000 Danville, VA 24543-5017	2.74 acres	3.4250%	0.3715%	0.3472%	n/a
OIL & GAS OWNERSHIP					
(1) Harrison-Wyatt LLC P.O. Box 11000 Danville, VA 24543	2.74 acres	3.4250%	0.3715%	0.3472%	13.0228% HB2058
Prevailing plaintiff under Case No. CL12-736					
<i>Property was previously approved for release from escrow via Board Hearing March 17, 2020, an additional hearing is not needed, escrow can be released via HB2058.</i>					
TOTAL CONFLICTS RESOLVED					
	Acres in Unit	16.9400			
	Percentage in Unit		21.1750%		