

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:** V16  
**TRACT(S):** A portion of 6  
**LOCATION:** BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-95-0815-0511-04

**APPLICANTS:** CNX Gas Company LLC on behalf of Charles Hawkins, Joyce Hawkins Jones, Nancy Louise Agee, Phyllis McKeon

**HEARING DATE AND LOCATION:** On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.1-361.22:2. Effective date: July 1, 2015.

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

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 09/28/1995.
2. Modification Order -01 Executed 04/01/1996, Recorded on 04/08/1996, Deed Book/Instrument No. 447, Page 380.
3. Supplemental Order -01 Executed 07/07/1997, Recorded on 07/24/1997, Deed Book/Instrument No. 464, Page 757.
4. Supplemental Order Executed 07/07/1997, Recorded on 07/24/1997, Deed Book/Instrument No. 464, Page 757.

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5. Disbursement Order -02 Executed 09/30/2004, Recorded on 10/05/2004, Deed Book/Instrument No. 604, Page 46.
6. Disbursement Order -03 Executed 08/11/2005, Recorded on 08/18/2005, Deed Book/Instrument No. 050002461.

**NOTICE:**

- (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 6 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 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 § 45.1-361.22 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

- a. Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee is the gas claimant in Tracts 6. As such Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee are 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.
- b. 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.
- 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 § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- e. 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.
- f. 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 Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee 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:**

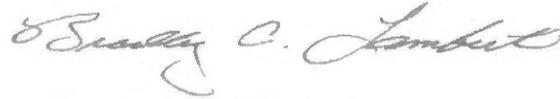
Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

**APPEALS:**

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 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 7 day of July, 2017 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 7 day of July, 2017 by Order of the Virginia Gas and Oil Board.



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

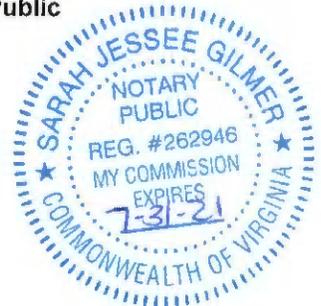
COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 7<sup>th</sup> day of July, 2017, 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, 2021



## BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 95-0815-0511-04

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 6 (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:** On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.1-361.22:2. Effective date: July 1, 2015.

DRILLING UNIT: V16

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 6, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee; (3) Dismissal of Coal Owner(s): H-W Financial LLC (previously Harrison-Wyatt LLC) (Royalties currently being paid under VP8SGU3, Docket #VGOB 06-0321-1598).

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)

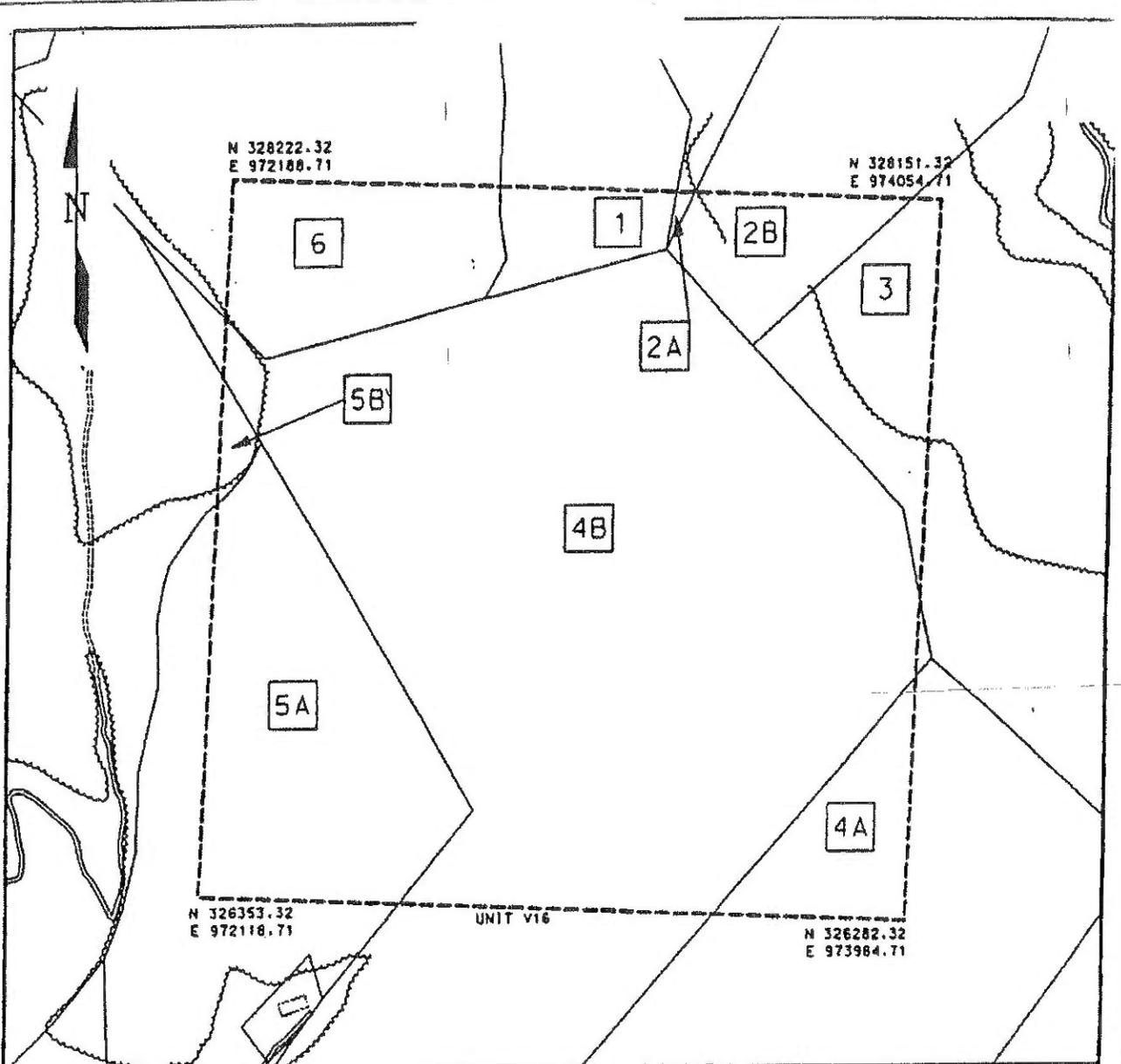
Coalbed Methane

5. Factual basis for relief requested

- a. Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee is the gas claimant in Tracts 6. As such Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee are 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.
- b. 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.
- 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 § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- e. 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.
- f. 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 Phyllis McKeon, Joyce Hawkins Jones, Charles Hawkins, Nancy Louise Agee 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.



**LEGEND**

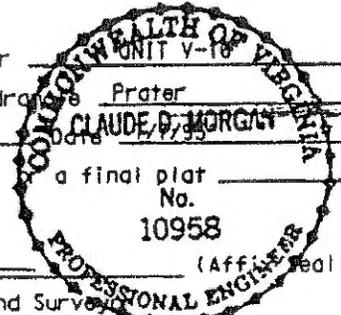
- ← TRACT LAND HOOK
- [2] TRACT LAND ID'S

**EXHIBIT A**  
**OAKWOOD FIELD UNIT V16**  
**FORCE POOLING**  
**VGOB-95/08/15-0511**

Company Consol Inc. Well Name and Number \_\_\_\_\_  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Prater  
 County Buchanan District Prater Scale: 1" = 400'  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*Claude D. Morgan*  
 Licensed Professional Engineer of Licensed Land Surveyors  
 (Affiliate Seal)



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CONSOL Inc.  
Well Plat Legend  
Property & Lease Information  
Unit: V-16

1. Donald & Anna Pearl Ratliff - Surface, Oil & Gas  
Big Axe Tr. 4 - Coal  
Wayles R. Harrison & Landon R. Wyatt, Jr. Trustee  
NONE OF RECORD - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Beatrice Pocahontas Company  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
2.176 acres - 2.72%
2. Big Axe Tr. 6 - Coal, Oil & Gas  
Wayles R. Harrison & Landon R. Wyatt, Jr., Trustees  
NONE OF RECORD - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Beatrice Pocahontas Company  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
3.193 acres - 3.99%
- 2A. Donald Ratliff - Surface  
2B. Donald Ratliff - Surface
3. Donald & Anna Pearl Ratliff - Surface, Oil & Gas  
Big Axe Tr. 5 - Coal  
Wayles R. Harrison & Landon R. Wyatt, Jr. Trustee  
NONE OF RECORD - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Beatrice Pocahontas Company  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
5.097 acres - 6.372%
4. Pobst & McGuire Tr. 2 - Coal, Oil & Gas  
Buchanan Production Company - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Permac, Inc.  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
50.635 acres - 63.294%

CONSOL Inc.  
Well Plat Legend  
Property & Lease Information  
Unit: V-16

- 4A. Jackson Heirs - Surface  
4B. Sammie Harris - Surface
5. Big Axe Tr. 7 - Coal, Oil & Gas  
Wayles R. Harrison & Landon R. Wyatt, Jr., Trustees  
NONE OF RECORD - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Beatrice Pocahontas Company  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
12.779 acres - 15.974%
- 5A. Elmer Brown - Surface  
5B. Tommie Rose - Surface
6. Jessie Childress Heirs - Surface, Oil & Gas  
Big Axe Tr. 4 - Coal  
Wayles R. Harrison & Landon R. Wyatt, Jr. Trustee  
NONE OF RECORD - Oil & Gas Lessee  
Island Creek Coal Company - Coal Lessee  
Beatrice Pocahontas Company  
Jewell Smokeless Coal Corporation  
Buchanan Production Company - CBM Lessee  
6.12 acres - 7.65%

Exhibit E  
 Unit V-16  
 Docket #VGOB 95-0818-0511-04  
 List of Owners that require escrow

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	Net Acres in Unit	Interest in Unit	Division of Interest in 3 East = 26.989%	Division of Interest in 4 East = 9.285%
<b><u>TRACT #6 - 6.120 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) H-W Financial, LLC P.O. Box 11000 Danville, VA 24543	6.12 acres	7.6500%	2.0647%	0.7103%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
(1) Jessie Childress Heirs, et al.	6.12 acres	7.6500%	2.0647%	0.7103%
(b) Eleanor Hawkins Heirs, Devisees, Successors or Assigns				
<i>W9/Affidavit not received</i>				
(b.1) Elvetta Hawkins 5843 Fairhill Lane Knoxville, TN 37918	0.1391 acres 1/44 of 6.120 acres	0.1739%	0.0469%	0.0161%
	<b>Acreage in Unit</b>	<b>0.1391</b>		
	<b>Percentage of Unit</b>		<b>0.1739%</b>	

Exhibit EE  
Unit V-16  
Docket #VGOB 95-0818-0511-04

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List of Conflicting Owners/Claimants with Royalty Splits/Court Orders/HB2058

	Net Acres in Unit	Interest in Unit	Division of Interest In 3 East = 26.989%	Division of Interest In 4 East = 9.285%	Percent of Escrow
<b>80</b>					
<b><u>Tract #1 - 2.176 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) H-W Financial, LLC P.O. Box 11000 Danville, VA 24543	2.176 acres	2.7200%	0.7341%	0.2526%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
(1) Donald & Anna Pearl Ratliff P.O. Box 359 Oakwood, VA 24631	2.176 acres	2.7200%	0.7341%	0.2526%	n/a
<b><u>Tract #3 - 5.097 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) H-W Financial, LLC P.O. Box 11000 Danville, VA 24543	5.097 acres	6.3713%	1.7195%	0.5916%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
(1) Donald & Anna Pearl Ratliff P.O. Box 359 Oakwood, VA 24631	5.097 acres	6.3713%	1.7195%	0.5916%	n/a
<b><u>TRACT #6 - 6.120 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) H-W Financial, LLC P.O. Box 11000 Danville, VA 24543	6.120 acres	7.6500%	2.0647%	0.7103%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
(1) Jessie Childress Heirs, et al. 33.34 acre tract	6.120 acres	7.6500%	2.0647%	0.7103%	
(a) Phyllis McKeon 4472 Dike Road Winter Park, FL 32792	0.4173 acres 3/44 of 4.51 acres	0.5216%	0.1408%	0.0484%	45.4545% HB2058
(b) Eleanor Hankins Heirs, Devisees Successors or Assigns					
(b.2) Joyce Hawkins Jones 840 Fairview School Road Blountville, TN 37617	0.1391 acres 1/44 of 6.120 acres	0.1739%	0.0469%	0.0161%	15.1515% HB2058
(b.3) Charles Hawkins 343 Glasgow Lane Blountville, TN 37617	0.1391 acres 1/44 of 4.51 acres	0.1739%	0.0469%	0.0161%	15.1515% HB2058
(c) Nancy Louise Agee 7601 Bull Run Road Manassas, VA 22110	0.0835 acres 3/220 of 4.51 acres	0.1043%	0.0282%	0.0097%	9.0909% HB2058
(d) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	5.2020 acres 17/20 of 4.51 acres	6.5025%	1.7550%	0.6038%	n/a
<b><u>TOTAL CONFLICTS RESOLVED:</u></b>					
	<b>Acreeage in Unit</b>	<b>13.2539</b>			
	<b>Percentage of Unit</b>		<b>16.5674%</b>		

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INSTRUMENT 170001576  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY CIRCUIT COURT ON  
July 31, 2017 AT 03:45 PM  
BEVERLY S. TILLER , CLERK  
RECORDED BY: GGB