

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

**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):** 6

**LOCATION:** BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-95-0815-0511-05

**APPLICANTS:**

Pocahontas Gas LLC on behalf of Elvetta Wood Hawkins

**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 Pocahontas Gas LLC

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 09/28/1995, Recorded on 10/05/1995, Deed Book/Instrument No. 440, Page 810, County BUCHANAN.
2. Modification Order -01 Executed 04/01/1996, Recorded on 04/08/1996, Deed Book/Instrument No. 447, Page 380, County BUCHANAN.
3. Supplemental Order -01 Executed 07/07/1997, Recorded on 07/24/1997, Deed Book/Instrument No. 464, Page 757, County BUCHANAN.
4. Supplemental Order Executed 07/07/1997, Recorded on 07/24/1997, Deed Book/Instrument No. 464, Page 757, County BUCHANAN.

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- 5. Disbursement Order -02 Executed 09/30/2004, Recorded on 10/05/2004, Deed Book/Instrument No. 604, Page 46, County BUCHANAN.
- 6. Disbursement Order -03 Executed 08/11/2005, Recorded on 08/18/2005, Deed Book/Instrument No. 050002461, County BUCHANAN.
- 7. Disbursement Order -04 Executed 07/07/2017, Recorded on 07/31/2017, Deed Book/Instrument No. 170001576, 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) 6 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 6 relative to the interests of the Applicants identified in the attached petition.
- (3) Close 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. Elvetta Wood Hawkins is the gas claimants Tract(s) 6. As such Elvetta Wood Hawkins is entitled to 100% of the CBM royalties attributable to their gas claims that are now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- b. That Pocahontas Gas LLC(formerly CNX Gas Company LLC) has previously given the notice(s) required by § 45.1-361.22:2.A to all conflicting coal claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 95-0815-0511-04, it dismissed the coal claimant(s) H-W Financial, LLC (Formerly Harrison-Wyatt, LLC) as a Respondent to these proceedings. Accordingly, H-W Financial, LLC (Formerly Harrison-Wyatt, LLC) was not provided further notice under § 45.1-361.19 and 22 of the hearing set on this Petition.
- 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 Elvetta Wood Hawkins and shall not escrow same. See Exhibit EE annexed hereto.



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 close 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:**

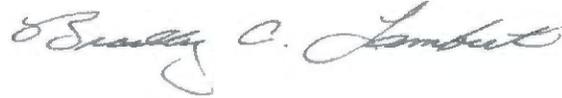
Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

**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 19 day of September, 2019 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 19 day of September, 2019 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 19<sup>th</sup> day of September, 2019, 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: Pocahontas Gas LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 95-0815-0511-05

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 6 (2) 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 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 Tract 6, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Elvetta Wood Hawkins. (Inactive Unit, royalty currently paying under VP8SGU3)

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

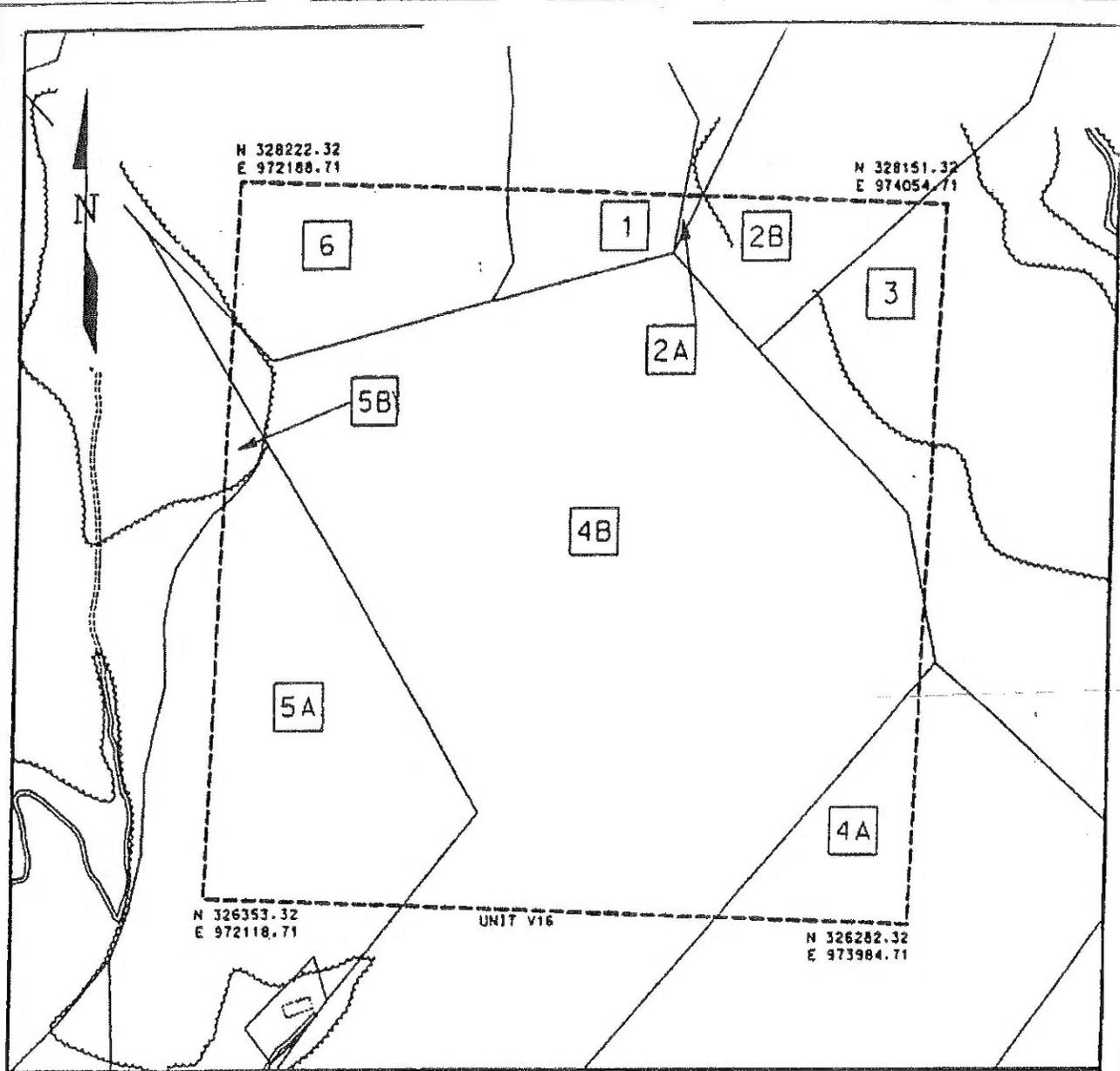
5. Factual basis for relief requested

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- a. Elvetta Wood Hawkins is the gas claimants Tract(s) 6. As such Elvetta Wood Hawkins is entitled to 100% of the CBM royalties attributable to their gas claims that are now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- b. That Pocahontas Gas LLC(formerly CNX Gas Company LLC) has previously given the notice (s) required by § 45.1-361.22:2.A to all conflicting coal claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 95-0815-0511-04, it dismissed the coal claimant(s) H-W Financial, LLC (Formerly Harrison-Wyatt, LLC) as a Respondent to these proceedings. Accordingly, H-W Financial, LLC (Formerly Harrison-Wyatt, LLC) was not provided further notice under § 45.1-361.19 and 22 of the hearing set on this Petition.
- 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 Elvetta Wood Hawkins and shall 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
- TRACT LAND ID'S

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

Company Consol Inc. Well Name and Number \_\_\_\_\_

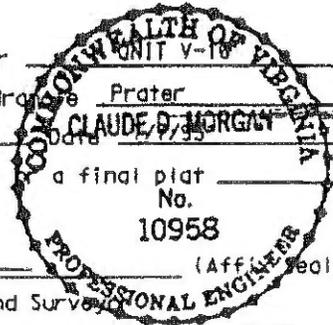
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Prater

County Buchanan District Prater Scale: 1" = 400' Date 12/7/95

This plat is a new plat  ; an updated plat \_\_\_\_\_ ; a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*Claude D. Morgan*  
 Licensed Professional Engineer of Licensed Land Surveyors (Aff. 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%

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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 95-0815-0511-05  
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%
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*Escrowing no longer required*

Exhibit EE  
Unit V-16  
Docket #VGOB 95-0815-0511-05  
List of Respondents with Royalty Splits/Court Orders/HB2058

190001395

	Net Acres in Unit	Interest in Unit	Division of Interest in 3 East = 26.989% 80	Division of Interest in 4 East = 9.285%	Percent of Escrow
<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%	n/a
(b) Eleanor Hankins Heirs, Devisees Successors or Assigns					
(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%	100.0000% HB2058
(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%	n/a
(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%	n/a
(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%	n/a

Exhibit EE  
 Unit V-16  
 Docket #VGOB 95-0815-0511-05  
 List of Respondents with Royalty Splits/Court Orders/HB2058

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	Net Acres in Unit	Interest in Unit	Division of Interest in 3 East = 26.989% 80	Division of Interest in 4 East = 9.285%	Percent of Escrow
(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>					
	Acreage in Unit	13.2539			
	Percentage of Unit		16.7413%		

INSTRUMENT 190001395  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY CIRCUIT COURT ON  
 SEPTEMBER 30, 2019 AT 01:19 PM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: VAH