

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:** S17

**TRACT(S):** 6

**LOCATION:** BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-98-0120-0617-04

**APPLICANTS:** Pocahontas Gas LLC on behalf of Elvetia 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 04/15/1998, Recorded on 04/29/1998, Deed Book/Instrument No. 475, Page 276, County BUCHANAN.
2. Supplemental Order Executed 05/03/1999, Recorded on 05/12/1999, Deed Book/Instrument No. 491, Page 636, County BUCHANAN.
3. Disbursement Order -01 Executed 10/13/2005, Recorded on 10/14/2005, Deed Book/Instrument No. 3115, County BUCHANAN.
4. Disbursement Order -02 Executed 03/31/2016, Recorded on 04/19/2016, Deed Book/Instrument No. 160000697, County BUCHANAN.

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5. Disbursement Order -03 Executed 10/28/2016, Recorded on 11/08/2016, Deed Book/Instrument No. 160002066, County BUCHANAN.

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**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 98-0120-0617-02, 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

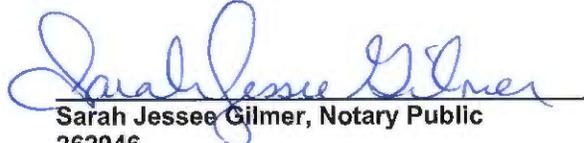
DONE AND PERFORMED this 19 day of September, 2019 by Order of the Virginia Gas and Oil Board.



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 98-0120-0617-04

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 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:** S17

**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.

**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)**

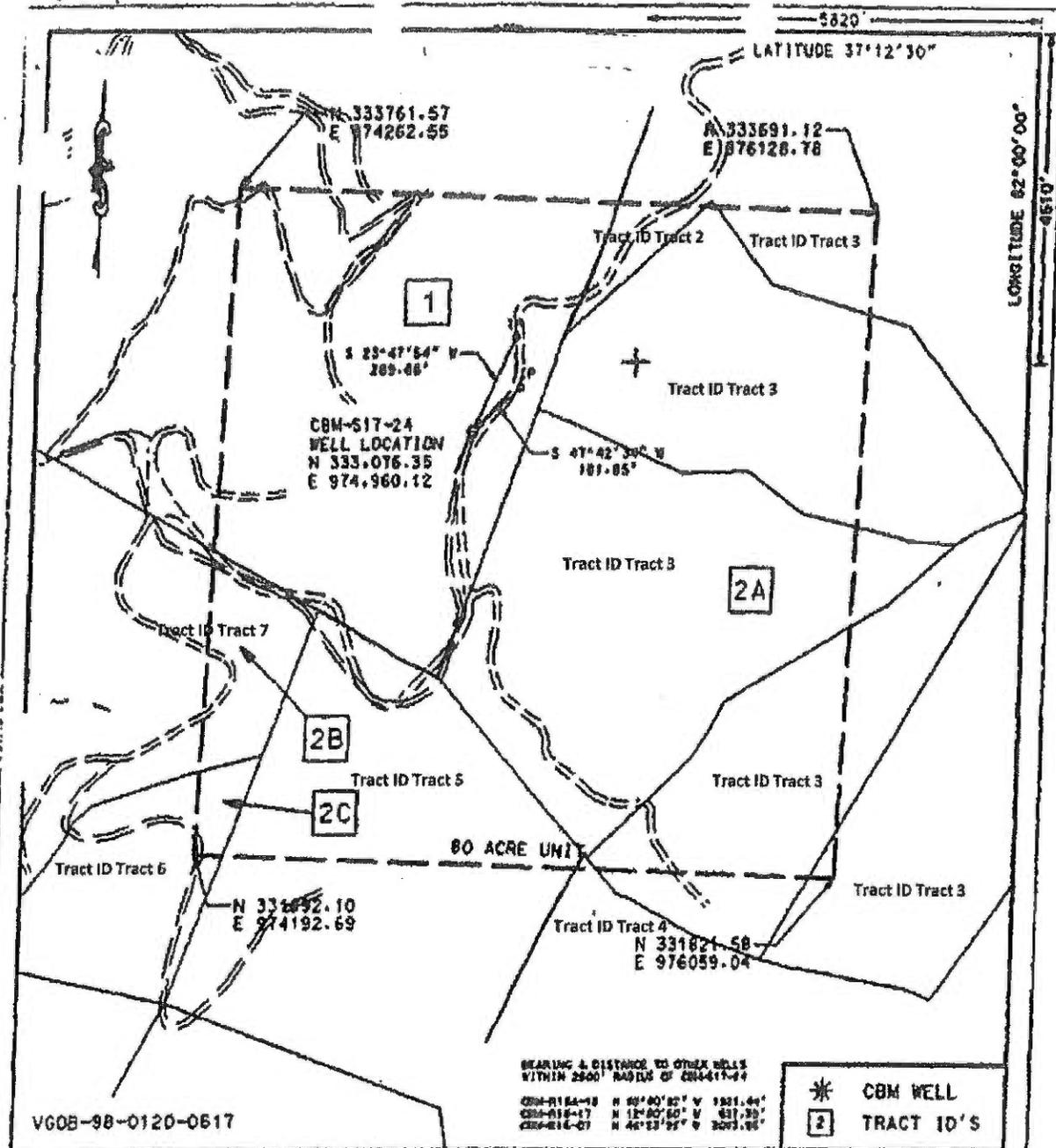
Coalbed Methane

**5. Factual basis for relief requested**

- a. 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 98-0120-0617-02, 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.



**WELL LOCATION PLAT**

Company CONSOL Inc. Well Name and Number UNIT 517  
 Tract No. Big Vein 128 Elevation 2415.35' Quadrangle Consent  
 County Buchanan District Garden Scale: 1" = 400' Date 10/27/98  
 This plat is a new plat    ; an updated plat    ; or a final plat X

+ Denotes the location of a well on an United States Topographic Map, scale 1:24,000. latitude and longitude lines being represented by border lines as shown.

Form DGG-GD-7 Charles D. Meyer 10558  
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

For consistency, CNX is including the plat that was recorded with all prior proceedings related to Unit 517, Docket #98-0120-0617. As clarification, the corresponding Tract ID numbers are being shown on the plat as well.

**CONSOL Inc.**  
**Property and Lease Information**  
**Unit S-17**

1. Yukon Pocahontas Coal Company, et al - Coal, Oil & Gas  
 Big Vein Tr. 128  
 Island Creek Coal Company - Coal Lessee  
 Jewell Smokeless Coal Corporation  
 Buchanan Production Company - CBM Lessee  
 26.34 acres                      32.9250%
  
2. Yukon Pocahontas Coal Company, et al - Coal, Oil & Gas  
 Big Vein Tr. 115  
 Island Creek Coal Company - Coal Lessee  
 Jewell Smokeless Coal Corporation  
 Buchanan Production Company - CBM Lessee  
 0.61 acres                      0.7625%
  
3. Yukon Pocahontas Coal Company, et al - Coal, Oil & Gas  
 Big Vein Tr. 3  
 Island Creek Coal Company - Coal Lessee  
 Jewell Smokeless Coal Corporation  
 Buchanan Production Company - CBM Lessee  
 39.52 acres                      49.4000%
  
4. Yukon Pocahontas Coal Company, et al - Coal, Oil & Gas  
 Big Vein Tr. 116  
 Island Creek Coal Company - Coal Lessee  
 Jewell Smokeless Coal Corporation  
 Buchanan Production Company - CBM Lessee  
 0.07 acres                      00.0875%
  
5. Big Axe Land Company Tr. 6 - Coal, Oil & Gas  
 Wayles R. Harrison & Landon R. Wyatt, Jr., Trustees  
 Island Creek Coal Company - Coal Lessees  
 Jewell Smokeless Coal Corporation  
 Buchanan Production Company - Oil & Gas Lessee  
 Buchanan Production Company - CBM Lessee  
 Jessie Childress Heirs, Et al. - Surface  
 10.26 acres                      12.8250%

190001397

6. **Big Axe Land Company Tr. 4 - Coal**  
**Wayles R. Harrison & Landon R. Wyatt, Jr., Trustees**  
**Island Creek Coal Company - Coal Lessees**  
**Jewell Smokeless Coal Corporation**  
**Buchanan Production Company - CBM Lessee**  
**Jessie Childress Heirs, Et al. - Surface, Oil & Gas**  
0.73 acres                      0.9125%
  
7. **Big Axe Land Company Tr. 4 - Coal**  
**Wayles R. Harrison & Landon R. Wyatt, Jr., Trustees**  
**Island Creek Coal Company - Coal Lessees**  
**Jewell Smokeless Coal Corporation**  
**Buchanan Production Company - CBM Lessee**  
**Jerry Raines - Surface, Oil & Gas**  
2.47 acres                      3.0875%

Exhibit E  
Oakwood Field Unit S-17  
Docket #VGOB 98-0120-0617-04  
List of Owners/Claimants requiring Escrow

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Acres in Unit	Percent of Unit
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*Escrowing no longer required*

Exhibit EE  
 Oakwood Field Unit S-17  
 Docket #VGOB 98-0120-0617-04  
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058

190001397

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>TRACT #6 - 0.73 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) H-W Financial, L.L.C. P.O. Box 11000 Danville, VA 24543	0.73 acres	0.9125%	
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Jessie Childress Heirs, et al <i>5.00 acre tract</i>	0.73 acres	0.9125%	
(a) Phyllis Everett McKeon 4472 Dike Road Winter Park, FL 32792	0.0442 acres 2/33 of 0.73 acres	0.0553%	n/a
(b) Eleanor Hankins Heirs, Devisees, Successors or Assigns			
(b.1) Robert B. Hawkins, Jr. Heirs, Devisees, Successors or Assigns			
(b.1.1) Elvetta Wood Hawkins 5843 Fairhill Lane Knoxville, TN 37918	0.0147 acres 2/99 of 0.73 acres	0.0184%	100.0000% HB2058
(b.1.2) Joyce Hawkins Jones 840 Fairview School Rd Blountville, TN 37617	0.0147 acres 2/99 of 0.73 acres	0.0184%	n/a
(b.1.3) Charles Hawkins 343 Glasgow Lane Blountville, TN 37617	0.0147 acres 2/99 of 0.73 acres	0.0184%	n/a
(c) Pinkie Edna Kitts Heirs, Devisees, Successors or Assigns			
(c.1) Louise Agee 7601 Bull Run Road Manassas, VA 22110	0.0088 acres 2/165 of 0.73 acres	0.0111%	n/a
(d) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	0.6327 acres 143/165 of 0.73 acres	0.7908%	n/a
<b>Total Tract Acres</b>	0.7300		
<b>Total Tract Percentage</b>	0.9125%		

**TRACT #7 - 2.47 acres**

**COAL OWNERSHIP**

(1) H-W Financial, L.L.C. P.O. Box 11000 Danville, VA 24543	2.47 acres	3.0875%
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**OIL & GAS OWNERSHIP**

(1) Jerry Raines P. O. Box 132 Oakwood, VA 24631	2.47 acres	3.0875%	n/a
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<b>Total Acres Resolved</b>	3.2000
<b>Total Percentage Resolved</b>	4.0000%

INSTRUMENT 190001397  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY CIRCUIT COURT ON  
 SEPTEMBER 30, 2019 AT 01:22 PM  
 BEVERLY S. TILLER, CLERK 9/9/2019  
 RECORDED BY: VAH