

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: Z38

TRACT(S): 1, 1D

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-98-0324-0634-01

APPLICANTS: CNX Gas Company LLC on behalf of Doris Betty Addison, Elmer Burke

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
December 15, 2015

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 05/26/1998, Recorded on 06/05/1998, Deed Book/Instrument No. 476, Page 830.
2. Supplemental Order Executed 08/28/1998, Recorded on 09/02/1998, Deed Book/Instrument No. 481, Page 132.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the December 15, 2015 hearing and considered whether to:

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

150002114

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1, 1D 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:

(s) 1 & 1D as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the following parties: Doris Betty Addison & Elmer Lee Burke

RELIEF GRANTED:

VGOB Disbursement
Unit Z38

VGOB-98-0324-0634-01

Table 1

Tracts: 1, 1D

[illegible]

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.

150002114

DONE AND EXECUTED this 16 day of December, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

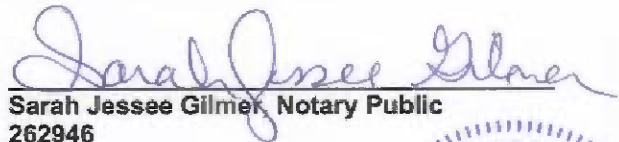
DONE AND PERFORMED this 16 day of December, 2015 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 16th day of December 2015, 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 98-0324-0634-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1, 1D (2) AND
AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: December 15, 2015

DRILLING UNIT: Z38

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mail Road, Cedar Bluff, VA 24609, (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 1 & 1D, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the following parties; Doris Betty Addison & Elmer Lee Burke.

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)

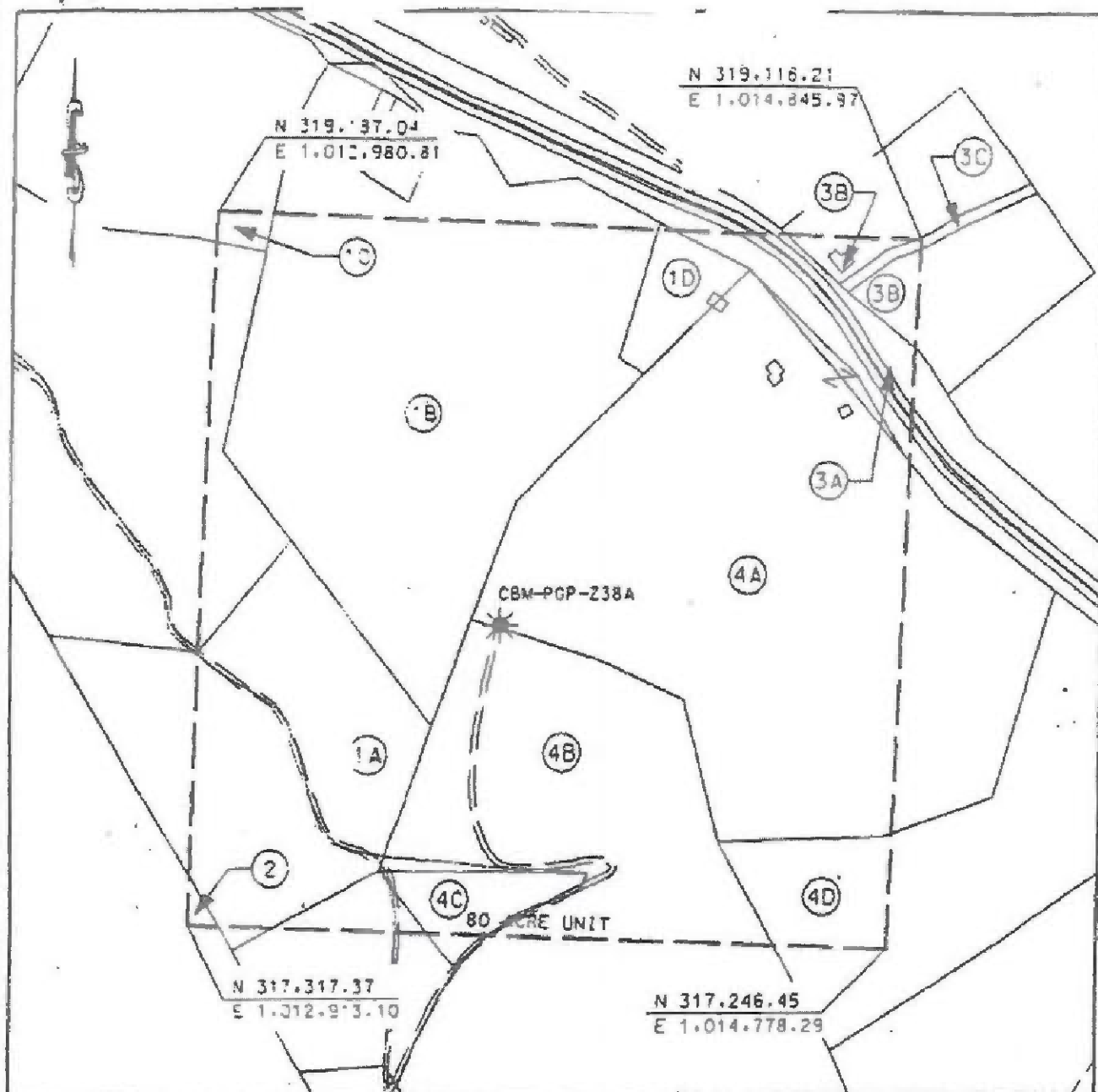
Coalbed Methane

5. Factual basis for relief requested

: (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1 & 1D as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the following parties; Doris Betty Addison & Elmer Lee Burke

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 Z-38
FORCE POOLING
VGQB-98-0324-0634

Company Poconantas Gas Partnership Well Name and Number UNIT Z38
 Tract No. _____ Elevation _____ Quadrangle Keen-Mountain
 County Buchanan District Garden Scale: 1" = 400' Date 2/4/98
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-60-7
 Rev. 9/91

Charles D. Morgan
 Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP

UNIT Z-38

Tract Identifications

1. Commonwealth Coal Co. Tr 3 - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Betty Addison - Surface, Oil & Gas
12.80 acres 16.0000%

- 1B. Commonwealth Coal Co. Tr 3 - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Curtis Wade - Surface, Oil & Gas
20.98 acres 26.2250%

- 1C. Commonwealth Coal Co. Tr 3 - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Gerald Shortt - Surface, Oil & Gas
0.28 acres 0.3500%

- 1D. Commonwealth Coal Co. Tr 3 - Coal
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Pocahontas Gas Partnership - CBM Lessee
Elmer Burke - Surface, Oil & Gas
1.42 acres 1.7750%

2. Commonwealth Coal Co. Tr 2 - Fee
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Consolidation Coal Co. - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
0.10 acres 0.1250%

3. Commonwealth Coal Co. Tr 4 - Coal, Oil & Gas
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Consolidation Coal Co. - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
3.70 acres 4.6250%

- 3A. VDOT - Surface
- 3B. Peggy Lane - Surface
- 3C. Harold Altizer - Surface (30' R/W)

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- 4. Commonwealth Coal Co. Tr 5 - Coal & Gas
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Consolidation Coal Co. - Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
40.72 acres 50.9000%
- 4A. Mitchell Counts - Surface & Oil
- 4B. Danny Clevinger et al. - Surface & Oil
- 4C. Joe Deel - Surface & Oil
- 4D. Joseph Turley - Surface & Oil

Exhibit E
Unit Z-38
Docket #VGOB-98-0324-0634-01
List of Respondents that require escrow

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	Net Acres in Unit	Interest in Unit
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TRACT #1B - 20.98 acres

COAL OWNERSHIP

(1)	Commonwealth Coal Company, Tr. 3 (Newell Short 87.13 Acre Tract) P.O. Box 1269 Bristol, VA 24203	20.98 acres	26.2250%
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OIL & GAS OWNERSHIP

The ownership listed below is currently being reviewed and documentation is being requested to verify title.

(1)	Curtis Wade Heirs, Devisees, Successors or Assigns Heirship Pending	20.98 acres	26.2250%
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TRACT #1C - 0.28 acres

COAL OWNERSHIP

(1)	Commonwealth Coal Company, Tr. 3 (Newell Short 87.13 Acre Tract) P.O. Box 1289 Bristol, VA 24203	0.28 acres	0.3500%
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OIL & GAS OWNERSHIP

W/9 Pending

(1)	Gerald K. Shortt PO Box 33 Shortt Gap, VA 24647	0.28 acres	0.3500%
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		Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>TRACT #1 - 12.80 acres</u>				
<u>COAL OWNERSHIP</u>				
(1)	Commonwealth Coal Company, Tr. 3 (Newell Short 87.13 Acre Tract) P.O. Box 1269 Bristol, VA 24203	12.80 acres	16.00000%	n/a
<u>OIL & GAS OWNERSHIP</u>				
<i>Affidavit from Commonwealth Coal Corporation, dated September 30, 2015 stating they make no claim to the CBM due to the current state of law The owners listed below are plaintiffs in case no: 1:10-cv65</i>				
(1)	Doris Betty Addison 1305 Terrace Court Sykesville, MD 21784	12.80 acres	16.00000%	36.0767% -100%
<u>TRACT #1D - 1.42 acres</u>				
<u>COAL OWNERSHIP</u>				
(1)	Commonwealth Coal Company, Tr. 3 (Newell Short 87.13 Acre Tract) P.O. Box 1269 Bristol, VA 24203	1.42 acres	1.7750%	n/a
<u>OIL & GAS OWNERSHIP</u>				
(1)	Elmer Burke 1759 Riverside Drive Raven, VA 24639	1.42 acres	1.7750%	4.0023% HB2058

INSTRUMENT #150002114
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
DECEMBER 29, 2015 AT 12:10PM

BEVERLY S. TILLER, CLERK
RECORDED BY: SLB