

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)

UNIT/WELL NAME: V36

TRACT(S): 2A, 4B, 4C

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-98-0324-0638-06

APPLICANTS: CNX Gas Company LLC on behalf of Trustees of the Wilderness Tabernacle Church

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia ☐
February 17, 2015 and March 17, 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. 477, Page 104.
2. Supplemental Order Executed 03/22/1999, Recorded on 04/02/1999, Deed Book/Instrument No. 490, Page 1.
3. Disbursement Order -01 Executed 02/02/2006, Recorded on 02/07/2006, Deed Book/Instrument No. 407.
4. Disbursement Order -03, Recorded on 05/26/2010, Deed Book/Instrument No. 100001390.
5. Disbursement Order -04, Recorded on 03/22/2011, Deed Book/Instrument No. 110000689.

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(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 2A, 4B, 4C identified in the attached petition.

(3) Continue the escrow account under this docket number.

Applicant has certified and represented to the Board that:

RELIEF GRANTED:

VG0B-98-0324-0638-06

Tracts: 2A, 4B, 4C

Item	Tract	Disbursement Table							
		Total acreage in escrow before disbursement					28.51000		
2A Tract 2A (total acreage) 23.86									
1	2A	Trustees of the Wilderness Tabernacle Church\4656 Osborne Mountain Rd., Raven, VA 24639			23.8600	100.00%	23.8600		83.6899%

4B Tract 4B (total acreage)		2.08					
1	4B	Trustees of the Wilderness Tabernacle Church\4656 Osborne Mountain Rd., Raven, VA 24639		2.0800	100.00%	2.0800	7.2957%
4C Tract 4C (total acreage)		1.22					
1	4C	Trustees of the Wilderness Tabernacle Church\4656 Osborne Mountain Rd., Raven, VA 24639		1.2200	100.00%	1.2200	4.2792%

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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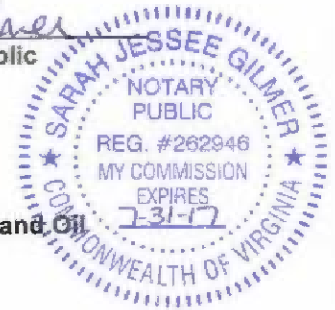
DONE AND EXECUTED this 20 day of March, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 20th day of March, 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, that he executed the same and was authorized to do so.


 Sarah Jessee Gilmer, Notary Public
 262946


My Commission expires: July 31, 2017

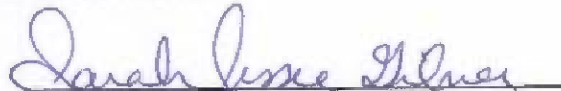
DONE AND PERFORMED this 23 day of March, 2015 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 23rd day of March, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is the Principal Executive to the staff of the Virginia Gas and Oil Board, that he 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 98-0324-0638-06

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 2A, 4B, 4C
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: February 17, 2015

DRILLING UNIT: V36

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-8500. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 124 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 2A, 4B, & 4C as depicted upon the annexed Table. (Royalties currently being paid under BUC1SGU2, VGOB 08-1118-2367)

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)

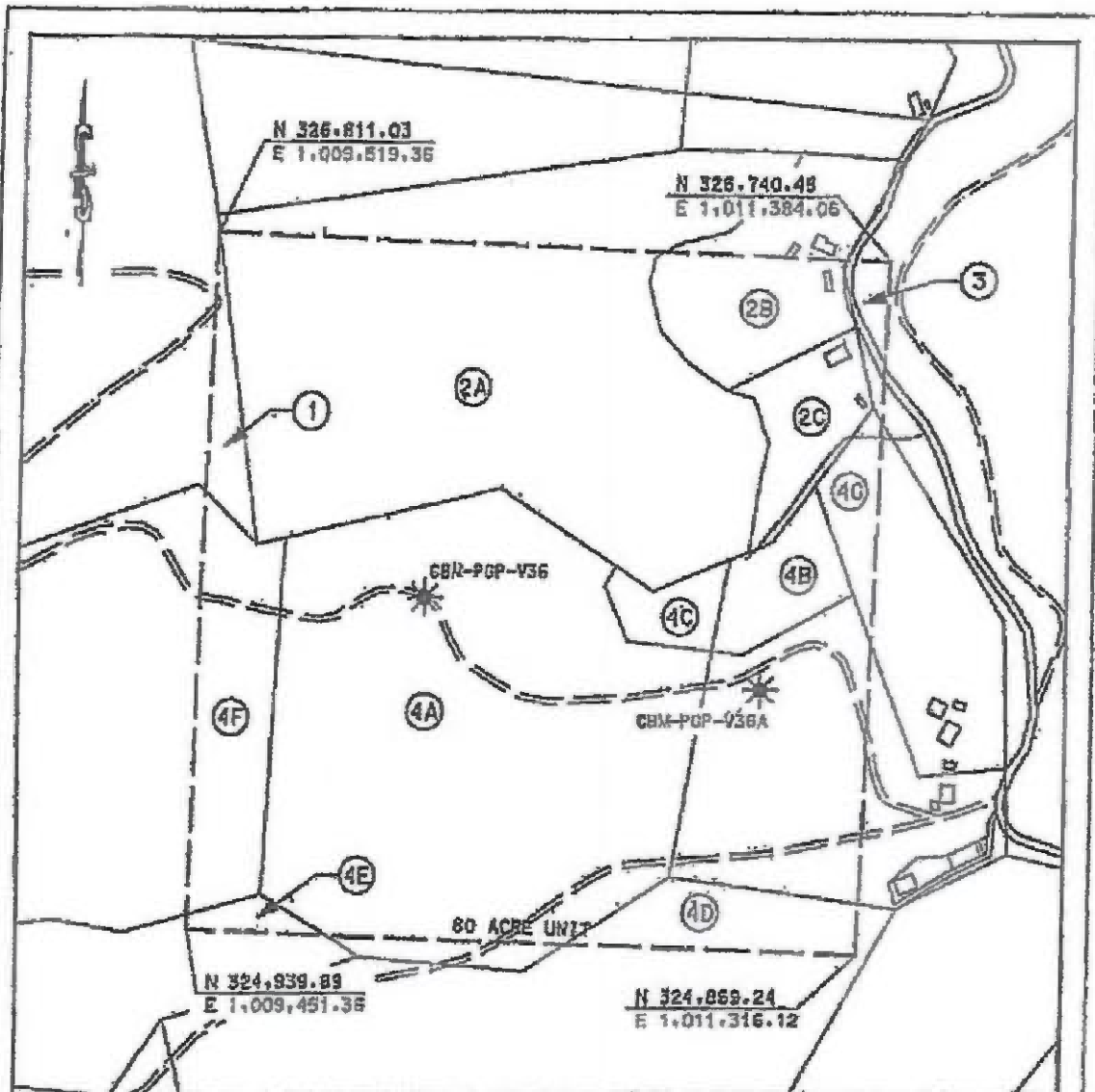
Coalbed Methane

5. Factual basis for relief requested

Trustee of the Wilderness Tabernacle is entitled to 100% of the CBM royalties granted under Case No. CL 12-174, Final Order entered on November 13, 2014. The Annexed Table, specifies how said royalties are to be paid.

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 10'S

EXHIBIT A
OAKWOOD FIELD UNIT V-36
FORCE POOLING
V60B-98-0324-0639

Company Pacificon Gas Partnership Well Name and Number UNIT V36
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale 1" = 400' Date 2/4/98
 This plot is a new plot X on an updated plot _____ or a final plot _____

Form DGO-GO-7
 Rev. 8/91

Charles D. May
 Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

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POCAHONTAS GAS PARTNERSHIP
UNIT V-36
Tract Identifications

1. Alpha Stickley Hairs, et al. - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permco, Inc.
Jewell Smokeless Coal Corp. - Surface
Buchanan Production Company - CBM Lessee
1.21 acres 1.51250%
- 2A. Hurt McGuire Hairs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permco, Inc.
Trustees Wilderness Tabernacle Church - Surface, Oil & Gas
23.86 acres 28.62500%
- 2B. Hurt McGuire Hairs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permco, Inc.
Paul H. Stickwell - Surface, Oil & Gas
3.50 acres 4.27500%
- 2C. Hurt McGuire Hairs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permco, Inc.
Roley Stickwell - Surface, Oil & Gas
2.57 acres 8.21250%
3. Coal Mountain Mining Company Tr 26 - Fee
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
United Coal Company
Pocahontas Gas Partnership - CBM Lessee
Consolidation Coal Company - Oil & Gas Lessee
0.74 acres 0.62500%

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POCAHONTAS GAS PARTNERSHIP
UNIT V-36
Tract Identifications

- 4A. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Pocahontas Gas Partnership - Surface, Oil & Gas
35.28 acres 44.11250%
- 4B. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Trustees Wilderness Tabernacle Church - Surface, Oil & Gas
2.08 acres 2.80000%
- 4C. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Trustees Wilderness Tabernacle Church - Surface, Oil & Gas
1.22 acres 1.52500%
- 4D. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Consolidation Coal Company - Surface, Oil & Gas
2.54 acres 3.17500%
- 4E. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Gustaf Dilton - Surface, Oil & Gas
0.56 acres 0.68750%
- 4F. Hurt McGuire Heirs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permaq, Inc.
Curtis T. Davis - Surface, Oil & Gas
5.09 acres 6.36250%

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POCAHONTAS GAS PARTNERSHIP
UNIT V-38
Tract Identifications

4G. Hurt McGuire Hairs - Coal
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Perrins, Inc.
Mack Osborne - Surface, Oil & Gas
1.35 acres 1.63760%

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Exhibit E
Unit V-36
VGOB# 98-0324-0638-06
List of Conflicting Owners/Claimants that require escrow

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Acres in Unit	Percent of Unit	Division of Interest in	
		1-Right	2-Right
		17.9594%	4.3466%

Tract #4G, 1.35 acres

COAL OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	1.35 acres	1.6875%	0.30306%	0.07335%
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OIL & GAS OWNERSHIP

(1) Winfred "Mack" Osborne 3375 Osborne Mountain Road Raven, VA 24639	1.35 acres	1.6875%	0.30306%	0.07335%
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List of Conflicting Owners/Claimants with Royalty Split Agreements and/or Court Decisions

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			1 Right 17.9594%	2 Right 4.3466%	
<u>Tract #2A, 23.86 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	23.86 acres	29.8250%	5.35639%	1.29637%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Trustees of the Wilderness Tabernacle Church 4656 Osborne Mountain Rd. Raven, VA 24639	23.86 acres	29.8250%	5.35639%	1.29637%	83.6899%
<i>Prevailing plaintiff under Case No. CL 12-174 Awarded 100% of the CBM royalty.</i>					
<u>Tract #2B, 3.50 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	3.50 acres	4.3750%	0.78572%	0.19016%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Virginia Stilwell (Widow) 1106 Dial Road Raven, VA 24639 <i>(previously Paul Stilwell)</i>	3.50 acres	4.3750%	0.78572%	0.19016%	n/a
<u>Tract #2C, 2.57 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	2.57 acres	3.2125%	0.57685%	0.13963%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Martha J. Stilwell (widow) 2875 Page St., Box 2 Richlands, VA 24641 <i>(Previously Roley Stilwell)</i>	2.57 acres	3.2125%	0.57685%	0.13963%	n/a
<i>Martha J. Stilwell sold the property to Wilderness Tabernacle 8/2/07. She signed a royalty split agreement with Hurt McGuire Land Trust on 10/11/04 and is entitled to her 50% of the money in Escrow until the date she sold. The remaining 50% of the royalties will go to Wilderness Tabernacle after 8/2/07 due to the fact that the Royalty Split was signed prior to the property being sold.</i>					
(1) Trustees of the Wilderness Tabernacle Church 4656 Osborne Mountain Rd. Raven, VA 24639	2.57 acres	3.2125%	0.57685%	0.13963%	n/a

Exhibit EE
Unit V-36
Docket #VGOB-98-0324-0638-06
List of Conflicting Owners/Claimants with Royalty Split Agreements and/or Court Decisions

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	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			1 Right 17.9594%	2 Right 4.3466%	
<u>Tract #4A, 35.29 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24805-4067	35.29 acres	44.1125%	7.92234%	1.91739%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (Pocahontas Gas Partnership)	35.29 acres	44.1125%	7.92234%	1.91739%	n/a
<u>Tract #4B, 2.08 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	2.08 acres	2.6000%	0.46694%	0.11301%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Trustee of Wilderness Tabernacle 4656 Osborne Mountain Rd. Raven, VA 24639	2.08 acres	2.6000%	0.46694%	0.11301%	7.2957%
<i>Prevailing plaintiff under Case No. CL 12-174 Awarded 100% of the CBM royalty.</i>					
<u>Tract #4C, 1.22 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	1.22 acres	1.5250%	0.27388%	0.06629%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Trustees of the Wilderness Tabernacle Church 4656 Osborne Mountain Rd. Raven, VA 24639	1.22 acres	1.5250%	0.27388%	0.06629%	4.2792%
<i>Prevailing plaintiff under Case No. CL 12-174 Awarded 100% of the CBM royalty.</i>					
<u>Tract #4D, 2.54 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1067 Bluefield, VA 24605-4067	2.54 acres	3.1750%	0.57021%	0.13800%	n/a

List of Conflicting Owners/Claimants with Royalty Split Agreements and/or Court Decisions

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			1 Right 17.9594%	2 Right 4.3466%	
<u>OIL & GAS OWNERSHIP</u>					
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (Consolidation Coal Company)	2.54 acres	3.1750%	0.57021%	0.13800%	n/a
<u>Tract #4E, 0.55 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green, Trustee PO Box 1087 Bluefield, VA 24605-4067	0.55 acres	0.6875%	0.12347%	0.02988%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Guster Clifton 1303 John Clifton Rd. Raven, VA 24639	0.55 acres	0.6875%	0.12347%	0.02988%	n/a
		Acreage in Unit Percentage of Unit	71.61	89.5125%	

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BUCHANAN

RAYMOND DAVIS, et al,

Plaintiffs,

v.

Case No. CL 12 - 174

HURT-MCGUIRE HEIRS LAND TRUST,
BY ITS TRUSTEE CHARLES GREEN,

Defendants.

FINAL ORDER GRANTING JUDGMENT FOR PLAINTIFF

Upon the joint motion of Plaintiffs, Raymond Davis, Jessee Davis, Jeffrey Davis, and Melinda Davis, in their capacity as Trustees of the Wilderness Tabernacle Church, and Defendant, Hurt-McGuire Heirs Land Trust, for entry of judgment in favor of Plaintiff upon the issue that it is the owner of the coal-bed methane gas at issue in this action and it is thereby entitled to all royalties relating to the production thereof, it is, therefore,

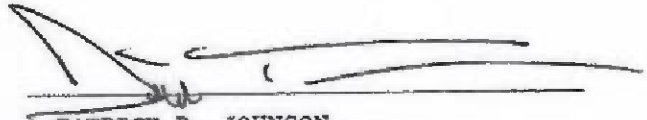
ADJUDGED, ORDERED and DECREED that Plaintiffs, Raymond Davis, et al, are the owners of the coal-bed methane gas at issue in this action and are entitled to all royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC.

All other claims asserted by either of the remaining parties against the other are denied, any motions pending before the Court are denied as moot, and this action is dismissed with prejudice to the Plaintiff and Defendant, Hurt-McGuire, as to any such other claims.

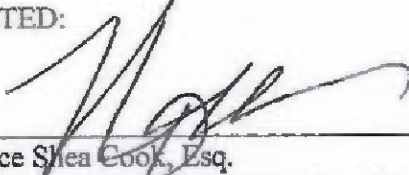
The Clerk is directed to forward an attested copy of this Final Order to all counsel of record, to remove this matter from the active docket of this Court and to place the same among the ended actions before this Court.

ENTER: This the 13th day November, 2014.

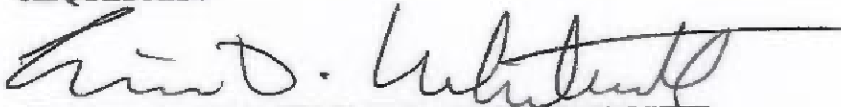
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PATRICK R. JOHNSON
~~KEARY R. WILLIAMS~~ JUDGE

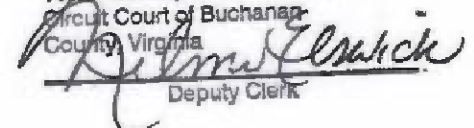
REQUESTED:


Terence Shea Cook, Esq.
Counsel for Plaintiffs, Raymond Davis, Jesse Davis,
Jeffrey Davis, and Melinda Davis, in their capacity as
Trustees of the Wilderness Tabernacle Church,

REQUESTED:


Eric D. Whitesell, Esq.
Of Counsel for Defendant,
Hurt-McGuire Heirs Land Trust

A Copy
Testa: Beverly S. Tiller, Clerk
Circuit Court of Buchanan
County, Virginia


Deputy Clerk

150000533

POWER OF ATTORNEY
of

RAYMOND DAVIS

I, Raymond Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Raymond Davis (SEAL)
RAYMOND DAVIS

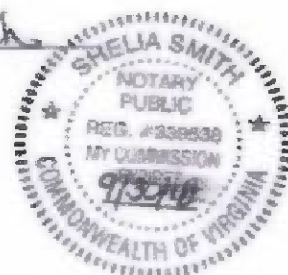
D/O/B: 8-11-41

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 2nd day of December, 2014 by Raymond Davis.

My commission expires 9/30/18

Shelia Smith
Notary Public



150000533

POWER OF ATTORNEY
of

JEFFERY DAVIS

I, Jeffery Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

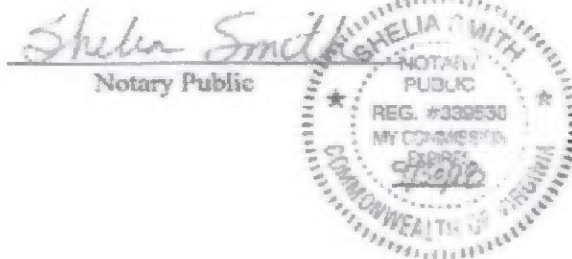
 (SEAL)
JEFFERY DAVIS

D/O/B: 8-5-69

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 24th day of November, 2014 by Jeffery Davis.

My commission expires 9/30/18



150000533

POWER OF ATTORNEY
of

JESSEE DAVIS

I, Jessee Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Jessee Davis (SEAL)
JESSEE DAVIS

D/O/B: 4-24-1944

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Jessee Davis.

My commission expires 6-30-16

Candlyn Sue Horton
Notary Public



150000533

POWER OF ATTORNEY
of

MELINDA DAVIS

I, Melinda Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

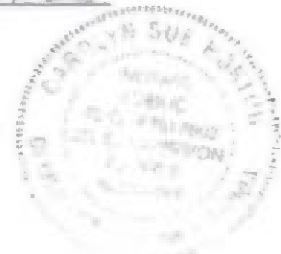
Melinda Davis (SEAL)
MELINDA DAVIS
D/O/B: 5/26/66

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Melinda Davis.

My commission expires 6-30-16

Carolyn Sue Foster
Notary Public



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INSTRUMENT #150000533
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
APRIL 6, 2015 AT 02:17PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB