

130000663

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)

UNITWELL NAME: S37

TRACT(S): A portion of 5

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-88-0421-0649-06

APPLICANTS: CNX Gas Company LLC on behalf of Hurt McGuire Land Trust c/o Charles Green, Tania
Yvonne Hess, Wesley D. Perkins

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
March 19, 2013

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 06/10/1998, Recorded on 06/16/1998, Deed Book/Instrument No. 477, Page 653.
2. Modification Order -01 Executed 04/21/2000, Recorded on 04/28/2000, Deed Book/Instrument No. 506, Page 375.
3. Supplemental Order -01 Executed 06/26/2000, Recorded on 07/05/2000, Deed Book/Instrument No. 509, Page 602.
4. Modification Order -02 Executed 03/29/2004, Recorded on 04/02/2004, Deed Book/Instrument No. 589, Page 664.

5. Supplemental Order -02, Recorded on 09/26/2006, Deed Book/Instrument No. 060003151.

6. Disbursement Order -04 Executed 05/10/2010, Recorded on 05/26/2010, Deed Book/Instrument No. 100001387.

7. Disbursement Order -05 Executed 04/17/2012, Recorded on 06/04/2012, Deed Book/Instrument No. 120001096.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the March 19, 2013 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) A portion of 5 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 5 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

Applicant has certified and represented to the Board that:

- (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 5 as depicted upon the annexed Exhibit A-1; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367)

RELIEF GRANTED:

Fractional Ownership	Net Acreage Ownership	Royalty Spill	Escrowed Acres	Percent of Escrowed

in Tract	inTract	Agreement	Disbursed	Disbursed
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[illegible][illegible]

Item	Tract				
	Disbursement Table				
	Total acreage in escrow before disbursement			0.52170	

Tract 5 (total acreage)		1.00				
1	5 Wesley D. Perkins305 Bane Bottom Avenue, Cedar Bluff, VA 24609	1/20	0.0500	50.00%	0.0250	4.7920%
2	5 Tania Yvonne Hessel195 Anglewood Lane, Cedar Bluff, VA 24609	1/20	0.0500	50.00%	0.0250	4.7920%
3	5 Hurt McGuire Land Trust c/o Charles GreenPO Box 1067, Bluefield, VA 24605		0.1000	50.00%	0.0500	9.5841%

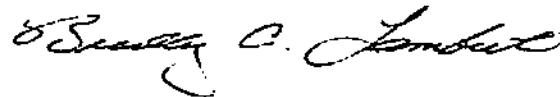
1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

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.

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

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.

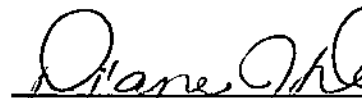
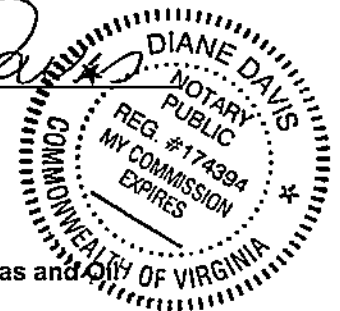
DONE AND EXECUTED this 20 day of March, 2013 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 20th day of March 2013, 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.


Diane J. Davis, Notary Public
174394

My Commission expires: September 30, 2013

DONE AND PERFORMED this 29 day of March, 2013 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 29th day of March 2013, 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.


Diane J. Davis, Notary Public
174394

My Commission expires: September 30, 2013

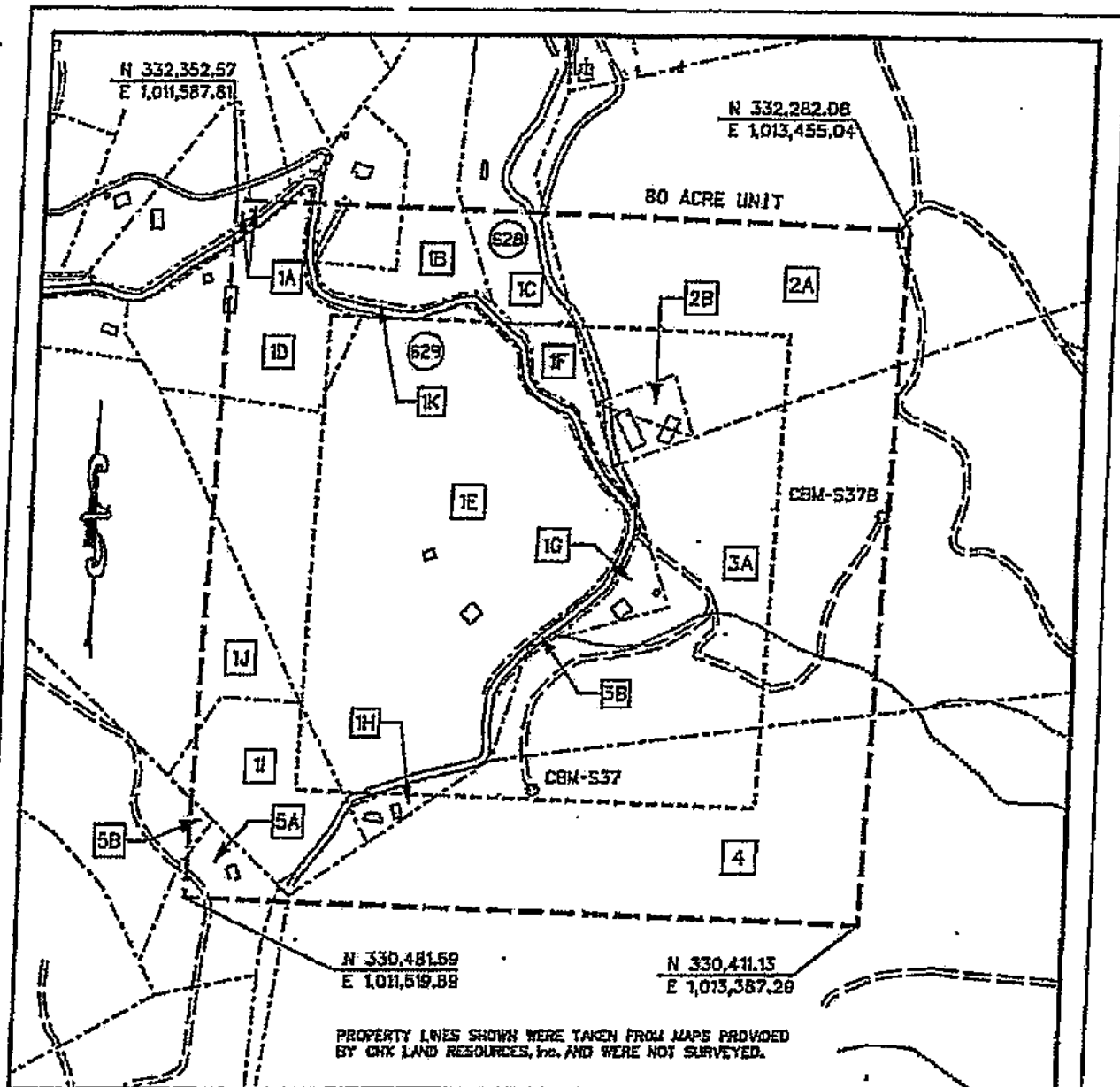
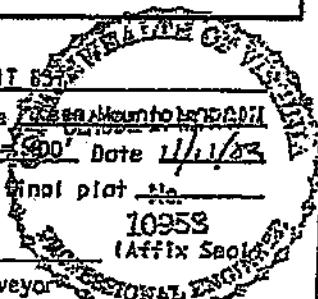


EXHIBIT A
OAKWOOD FIELD UNIT S-37
FORCE POOLING
VGDB-98-0421-0649-02

Company CNX Gas Company, LLC. Well Name and Number UNIT 837
Tract No. _____ Elevation _____ Quadrangle 10953
County Buchanan District Garden Scale: 1" = 500' Date 11/1/03
This plot is a new plot X : an updated plot _____ : or a final plot No. _____

Form D60-G0-7
Rev. 9/91

Charles D. Mohr
Licensed Professional Engineer or Licensed Land Surveyor
Page Number 5.



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**CNX Gas Company LLC
UNIT S-37
Tract Identification**

1. G.W. Gillespie Estate, Inc., et al - All Minerals
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal in Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
38.78 acres 48,4750%
- 1A. Bobby J. Matney, et ux - Surface
- 1B. Frank Horn - Surface
- 1C. Lonnie Honaker - Surface
- 1D. Melissa Vandyke - Surface
- 1E. Ethel Burke - Surface
- 1F. Frank Horn - Surface
- 1G. Raymond Davis - Surface
- 1H. Harold Osborne - Surface
- 1I. Roby Horn - Surface
- 1J. Jimmy L. Horn - Surface
- 1K. Commonwealth of Virginia - Surface
2. Carl F. Metcalf Estate - All Minerals
Consolidation Coal Company - Coal Below Jawbone Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
10.46 acres 13,0750%
- 2A. New Garden Coal Company - Surface
- 2B. Horn Mountain Free Pentecostal Church - Surface
3. R.O. Vandyke Heirs - All Minerals
Consolidation Coal Company - Coal Below Drainage Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
15.77 acres 19,7125%
- 3A. New Garden Coal Company - Surface
- 3B. Commonwealth of Virginia - Surface
4. Coal Mountain Mining Company, L.L.P. Tr. 26 (1,355 Acre Tract) - Fee
Consolidation Coal Company - Below Drainage Coal Leased
A.T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
13.99 acres 17,4575%
5. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company - Below Drainage Coal Leased
A. T. Massey - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Linkous Horn Heirs - All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)
1.00 acres 1,2500%
- 5A. Willard Osborne - Surface
- 5B. Arlen Osborne - Surface

Exhibit E
Unit S-37
Docket # VGOB-98-0421-0649-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.54198%
<u>Tract #5, 1.00 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Hunt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.00 acres	1.2500%	0.20515%	0.11927%
<u>OIL & GAS OWNERSHIP</u>				
Linkous Horn Heirs, Devisees, Successors or Assigns	1.00 acres	1.2500%	0.20515%	0.11927%
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns				
(a) Sidney Smith 1911 McVitty Road Salem, VA 24153	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(c) Martha Guiliams 1911 McVitty Road Salem, VA 24153	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns				
(a) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
(b) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
(c) [REDACTED] 6985 Horn Mountain Road Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(d) [REDACTED] PO Box 522 Keen Mountain, VA 24624	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(e) [REDACTED] P. O. Box 484 Keen Mountain, VA 24624	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				

Exhibit E
Unit S-37
Docket # VGOB-98-0421-0649-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.54198%
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
 1109 Moore Rd. Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(g)  Box 12 Oakwood, VA 24631				
	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(h)  216 Plantation Drive Richlands, VA 24641				
	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(i)  P. O. Box 585 Keen Mountain, VA 24624				
	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen (Deed of Gift to Joyce Lineberry Mae 3/16/03)				
 c/o Rose Mae P.O. Box 172 Cooleemee, NC 27014	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(k) John David Osborne Heirs, Devisees, Successors or Assigns				
 1055 Mapleleaf Hollow Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
<i>Royalty Split Agreements have been executed, but are in dispute. Royalties attributable to this interest are currently being escrowed.</i>				
(3) Henry Horn Heirs, Devisees, Successors or Assigns				

Exhibit E
Unit S-37
Docket # VGOB-98-0421-0649-06
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.54198%
(a) Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0217 acres 13/600 of 1.00 acres	0.0271%	0.00444%	0.00258%
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns				
(a) Paul Junior Osborne P.O. Box 60 Richlands, VA 24641	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(b) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(c) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%
(10) Carl Horn Heirs, Devisees, Successors or Assigns				
(a) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%
		Acreage in Unit Percentage of Unit	0.4217	0.5271%

Exhibit EE
Unit S-37
Docket # VGOB-98-0421-0648-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.54198%	
<u>Tract #5, 1.00 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.00 acres	1.2500%	0.20515%	0.11927%	9.5841%
<u>OIL & GAS OWNERSHIP</u>					
Linkous Horn Heirs, Devisees, Successors or Assigns	1.00 acres	1.2500%	0.20515%	0.11927%	
(b) Larry M. Horn Heirs, Devisees, Successors or Assigns	Interest goes to siblings				
(c) Ivory Horn Heirs, Devisees, Successors or Assigns					
(c.1) Margaret E. Dye 262 Arch Barrett Drive Rosedale, VA 24280	0.0206 acres 37/1800 of 1.00 acres	0.0257%	0.00403%	0.00266%	n/a
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0206 acres 37/1800 of 1.00 acres	0.0257%	0.00403%	0.00266%	n/a
(c.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0206 acres 37/1800 of 1.00 acres	0.0257%	0.00403%	0.00266%	n/a
(c.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00114%	0.00066%	n/a
(c.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00109%	0.00072%	n/a
(c.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00108%	0.00072%	n/a
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
(7) Earnest Horn Heirs, Devisees, Successors or Assigns					
(a) Dorothy Horn Heirs, Devisees, Successors or Assigns					
Balford Daniel Perkins Heirs, Devisees Successors or Assigns					
(a.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0500 acres 1/20 of 1.00 acres	0.0625%	0.00981%	0.00647%	4.7820%

Exhibit EE
Unit S-37
Docket # VGOB-98-0421-0649-06
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
				S-Right 16.41221%	S-Right 9.54198%	
Entitled to 1/2 of Royalties by Deed of Gift						
	Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24809	0.0500 acres 1/20 of 1.00 acres	0.0625%	0.00981%	0.00647%	4.7929%
(8)	Madha Smith P. O. Box 395 Max Meadows, VA 24360	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
(9)	Sarah K. Day 905 Valley View Drive Pearisburg, VA 24134	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
				Acres in Unit Percentage of Unit	0.5783	0.7229%

INSTRUMENT #130000663
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
APRIL 23, 2013 AT 01:30PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB