

20-2058

CLR200002058



**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:** BERW#25

**TRACT(S):** 004

**LOCATION:** TAZEWELL County, Virginia

**TAX ID NUMBERS:** Tax Map Identification Numbers for all parcels affected by this order are shown on: Exhibit B

**DOCKET NUMBER:** VGOB-98-1117-0700-01

**APPLICANTS:** NYTIS Exploration Company, LLC on behalf of Virginia Department of Treasury, Unclaimed Property Division

**HEARING DATE AND LOCATION:** On November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

**FUTURE INQUIRIES/CLAIMS:** Funds for unknown/unlocatable owners in this order are being sent to the Department of Treasury under the provisions of Title 55.1, Section 55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act. To make a claim regarding these funds, please contact the Department of Treasury, Unclaimed Property Division, P. O. Box 2485, Richmond, Virginia 23218-2478. Phone: 1-800-468-1088. E-Mail: UCPmail@trs.virginia.gov

**APPEARANCES:** Tim Scott on behalf of NYTIS Exploration Company, LLC

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 01/04/1999, Recorded on 01/14/1999, Deed Book/Instrument No. 332, County TAZEWELL.
2. Supplemental Order Executed 05/06/1999, Recorded on 05/12/1999, Deed Book/Instrument No. 773, Page 963, County TAZEWELL.

**NOTICE:**

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 004 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 004 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:

Disbursement to the Virginia Department of Treasury for unknown and unlocatable royalty owners



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.

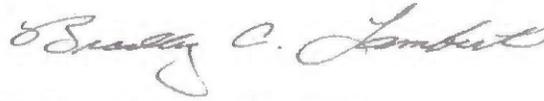
**CONCLUSION:**

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.

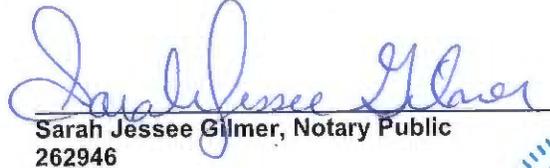
DONE AND EXECUTED this 8 day of June, 2020 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<sup>th</sup> day of June, 2020, 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, 2021

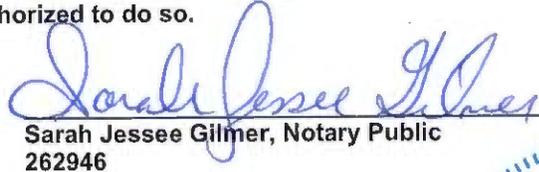
DONE AND PERFORMED this 17 day of June, 2020 by Order of the Virginia Gas and Oil Board



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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 17<sup>th</sup> day of June, 2020, 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, 2021



**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** NYTIS Exploration Company,  
LLC

**DIVISION OF GAS AND OIL**  
**DOCKET NO: VGOB 98-1117-0700-01**

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 004 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES.**

**HEARING DATE:** On November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

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**DRILLING UNIT:** BERW#25

**TAZEWELL COUNTY, VIRGINIA**

**PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS**

**1. Petitioner and its counsel**

Petitioner is NYTIS Exploration Company, LLC, 2480 Fortune Drive, Suite 300, Lexington, KY 40509, 859-299-0771. Petitioner's counsel is Tim Scott, McKinnis & Scott Law Firm, 135 W. Main St., Kingsport, TN 37660.

**2. Relief Sought**

Disbursement of Escrow Funds to Department of Treasury

**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)**

Conventional

**5. Factual basis for relief requested**

Disbursement to the Virginia Department of Treasury for unknown and unlocatable royalty owners

**6. Attestation**

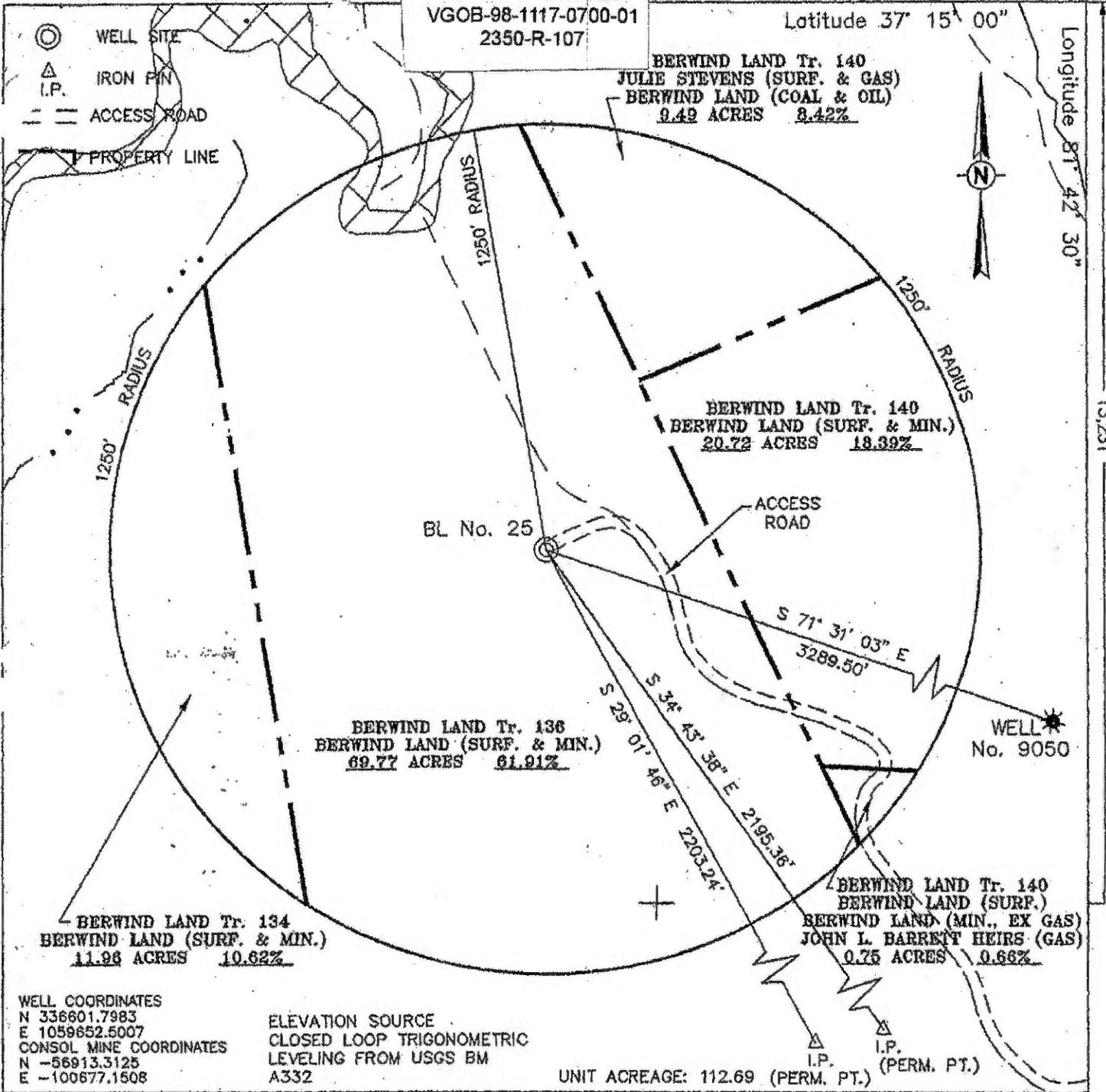
The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

Exhibit A  
Well No. BERW #25  
VGOB-98-1117-0700-01  
2350-R-107

6212'

Latitude 37° 15' 00"

Longitude 81° 42' 30"



WELL LOCATION PLAT

Company Cobot Oil & Gas Corp. Well Name and Number BL No. 25  
Tract No. BERWIND LAND Tr. 136 Elevation 2913.32' Quadrangle Aronate  
County Tazewell District Northern Scale: 1" = 400' Date 10/98  
This Plat is a new plat X an updated plat \_\_\_\_\_; or a final location plat  
+ Denotes the location of a well on United States topographic maps, scale \_\_\_\_\_, latitude and longitude lines being represented by border lines as shown.

*Douglas R. Light* 10-13-98  
Licensed Professional Engineer & Licensed Land Surveyor

DOUGLAS R. LIGHT  
No. 002285  
(Affix Seal)  
LAND SURVEYOR

Exhibit A  
Well No. BERW#25  
VGOB-98-1117-0700-01  
2350-R-107

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
1	Berwind Land Company 1050 One Valley Square Charleston, WV 25301	Leased-CABOT BL Tract 136	61.910000%	69.77000
2	Julie Stevens 16414 Woodcliff Drive Abingdon, VA 24210	Leased	8.420000%	9.490000
3	Berwind Land Company 1050 One Valley Square Charleston, WV 25301	Leased-CABOT BL Tract 140	18.390000%	20.72000
4	<del>John L. Barrett Heirs</del> Unknown	Unleased	0.660000%	0.750000
5	Berwind Land Company 1050 One Valley Square Charleston, WV 25301	Leased-CABOT BL Tract 134	10.620000%	11.960000
<b>TOTAL</b>			<b>100.000000%</b>	<b>112.690000</b>
Percentage of Unit Leased			99.340000%	
Percentage of Unit Unleased			0.660000%	
Acreage in Unit Leased			111.94000	
Acreage in Unit Unleased			0.75000	

**EXHIBIT E**  
**LIST OF CONFLICTING OWNERS / CLAIMANTS THAT REQUIRE ESCROWING**  
**VGOB-98-1117-0700-01**

None.

EXHIBIT EE  
LIST OF CLAIMANTS INTEREST TO BE DISBURSED  
TO THE VIRGINIA DEPARTEMENT OF TREASURY  
VGOB-98-1117-0700-01

<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
4. John L. Barrett Heirs (Unknown/Unlocatable)	Unleased	0.66000%	0.75000

INSTRUMENT 200002058  
RECORDED IN THE CLERK'S OFFICE OF  
TAZEWELL COUNTY CIRCUIT COURT ON  
AUGUST 12, 2020 AT 09:39 AM  
TAMMY B. ALLISON, CLERK  
RECORDED BY: LJB

