

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:** S52

**TRACT(S):** 3B, 3C, 3E

**LOCATION:** BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-99-1019-0757-03

**APPLICANTS:**

Pocahontas Gas LLC on behalf of Fred and Dorothy McGlothlin

**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 01/12/2000, Recorded on 01/31/2000, Deed Book/Instrument No. 501, Page 230, County BUCHANAN.
2. Supplemental Order Executed 05/02/2000, Recorded on 05/03/2000, Deed Book/Instrument No. 506, Page 670, County BUCHANAN.

**NOTICE:**

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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) 3B, 3C, 3E identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 3B, 3C, 3E 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. Fred and Dorothy McGlothlin are the gas claimant(s) in Tract(s) 3B, 3C, & 3E. As such Fred and Dorothy McGlothlin are 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 99-1019-0757-01, it dismissed the coal claimant(s) Pocahontas Resources LLC as a Respondent to these proceedings. Accordingly, Pocahontas Resources 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(s) Fred and Dorothy McGlothlin 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 30 day of July, 2020 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 30 day of July, 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 30<sup>th</sup> day of July, 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 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 99-1019-0757-03

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 3B, 3C, 3E (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: S52

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(s) attributable to of Tract(s) 3B, 3C, & 3E as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Fred and Dorothy McGlothlin.

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

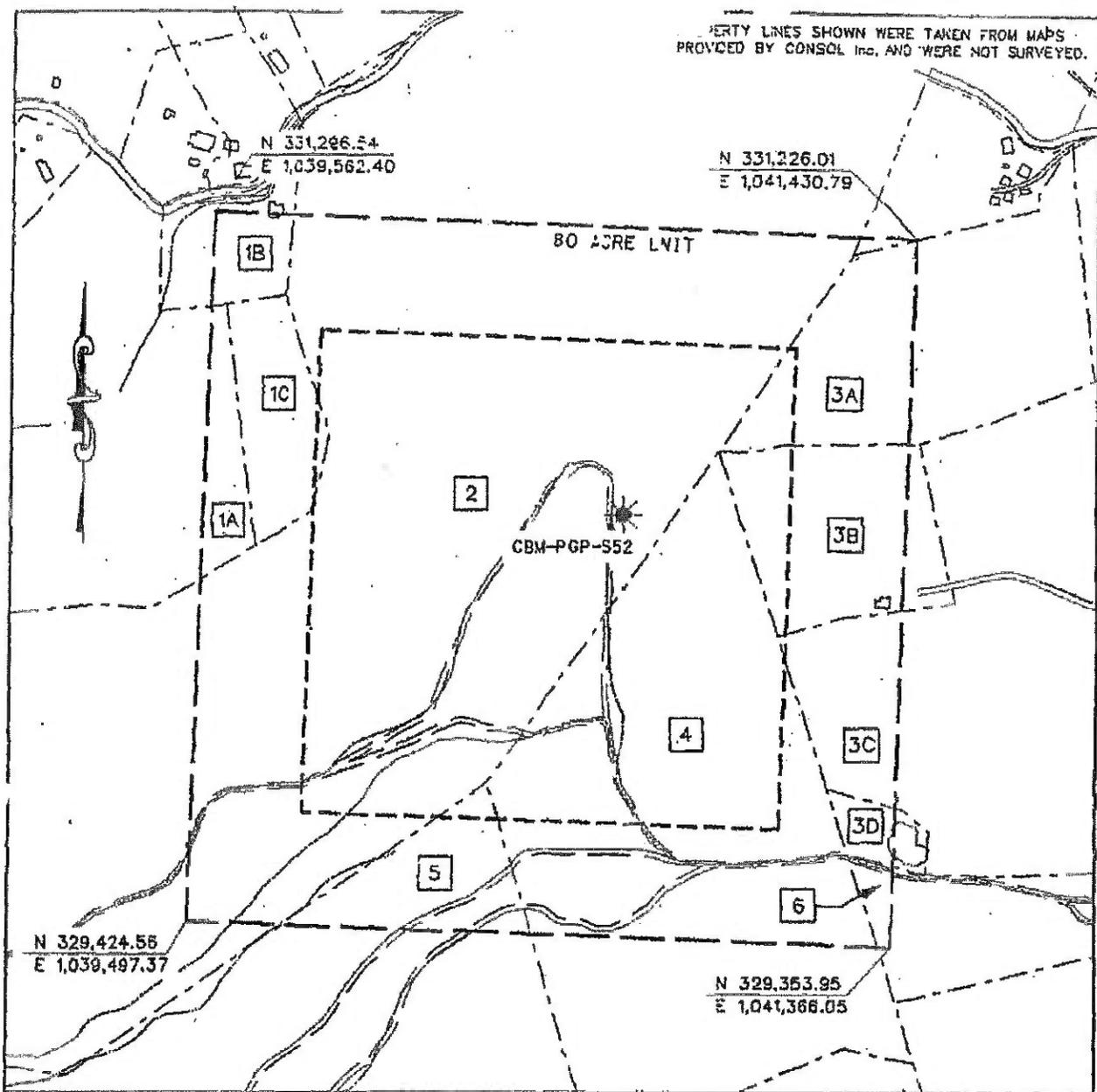
- a. Fred and Dorothy McGlothlin are the gas claimant(s) in Tract(s) 3B, 3C, & 3E. As such Fred and Dorothy McGlothlin are entitled to 100% of the CBM royalties attributable to their gas claims that are now in escrow and as may be hereafter payable. See Va. Code Ann. §45.1-361.22:2.A.
- b. That Pocahontas 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 99-1019-0757-01, it dismissed the coal claimant(s) Pocahontas Resources LLC as a Respondent to these proceedings. Accordingly, Pocahontas Resources 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(s) Fred and Dorothy McGlothlin 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.

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PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.



**LEGEND**

-  TRACT LAND HOOK
-  TRACT LAND ID'S

**EXHIBIT A**  
**OAKWOOD FIELD UNIT S-52**  
**FORCE POOLING**  
**VGOB-99-1019-0757**

Company Pocahontas Gas Partnership Well Name and Number S52

Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Jewell Ridge

County Buchanan District Garden Scale: 1" = 400' Date 9/10/99

This plat is a new plat X; an updated plat \_\_\_\_\_; or a final plat \_\_\_\_\_

Form 000-GO-7  
Rev. 9/91

*Claude B. ...*  
 No. 10358 (Affix Seal)  
 Licensed Professional Engineer or Licensed Land Surveyor

**POCAHONTAS GAS PARTNERSHIP  
UNIT S-52  
Tract Identifications**

1. Pocahontas Mining Company . Tr 21 - Coal, Oil & Gas  
Coal Lessees  
Reserve Coal Properties - P-3 Seam and 250'above  
Jewell Ridge Coal Corp.- Tiller Seam and above  
Pocahontas Gas Partnership - CBM Leased  
5.30 acres 6.6250%
- 1A. Willard Reed, Et ux - Surface  
1B. Leonard Reed - Surface  
1C. George Pruitt - Surface
2. Pocahontas Mining Company . Tr "D" - Fee  
Coal Lessees  
Reserve Coal Properties - P-3 Seam and 250'above  
Jewell Ridge Coal Corp.- Tiller Seam and above  
Pocahontas Gas Partnership - CBM Leased  
42.28 acres 52.8500%
- 3A. Pocahontas Mining Company . Tr "C" - Coal  
Coal Lessees  
Reserve Coal Properties - P-3 Seam and 250'above  
Jewell Ridge Coal Corp.- Tiller Seam and above  
Pocahontas Gas Partnership - CBM Leased  
Wanda Reedy, Et ux - Surface, Oil & Gas  
3.80 acres 4.7500%
- 3B. Pocahontas Mining Company . Tr "C" - Coal  
Coal Lessees  
Reserve Coal Properties - P-3 Seam and 250'above  
Jewell Ridge Coal Corp.- Tiller Seam and above  
Pocahontas Gas Partnership - CBM Leased  
Fred McGlothlin Jr. & Dorothy McGlothlin - Surface, Oil & Gas  
4.40 acres 5.5000%
- 3C. Pocahontas Mining Company . Tr "C" - Coal  
Coal Lessees  
Reserve Coal Properties - P-3 Seam and 250'above  
Jewell Ridge Coal Corp.- Tiller Seam and above  
Pocahontas Gas Partnership - CBM Leased  
Fred McGlothlin Jr. & Dorothy McGlothlin - Surface, Oil & Gas  
2.88 acres 3.3500%

**POCAHONTAS GAS PARTNERSHIP****UNIT S-52****Tract Identifications**

- 3D. Pocahontas Mining Company . Tr "C" - Coal  
 Coal Lessees  
 Reserve Coal Properties - P-3 Seam and 250'above  
 Jewell Ridge Coal Corp.- Tiller Seam and above  
 Pocahontas Gas Partnership - CBM Leased  
 Jewell Ridge Coal Corp. - Surface, Oil & Gas  
 0.52 acres . 0.6500%
- 3E. Pocahontas Mining Company . Tr "C" - Coal  
 Coal Lessees  
 Reserve Coal Properties - P-3 Seam and 250'above  
 Jewell Ridge Coal Corp.- Tiller Seam and above  
 Pocahontas Gas Partnership - CBM Leased  
 Fred McGlothlin Jr. & Dorothy McGlothlin - Oil & Gas  
 Wanda Reedy 6/11 - Surface  
 Alice Reedy 5/11 - Surface  
 0.08 acres 0.1000%
4. Pocahontas Mining Company . Tr 10 - Fee  
 Coal Lessees  
 Reserve Coal Properties - P-3 Seam and 250'above  
 Jewell Ridge Coal Corp.- Tiller Seam and above  
 Pocahontas Gas Partnership - CBM Leased  
 17.47 acres 21.8375%
5. Pocahontas Mining Company . Tr 9 - Fee  
 Coal Lessees  
 Reserve Coal Properties - P-3 Seam and 250'above  
 Jewell Ridge Coal Corp.- Tiller Seam and above  
 Pocahontas Gas Partnership - CBM Leased  
 3.08 acres 3.8500%
6. Pocahontas Mining Company . Tr "C" - Fee  
 Coal Lessees  
 Reserve Coal Properties - P-3 Seam and 250'above  
 Jewell Ridge Coal Corp.- Tiller Seam and above  
 Pocahontas Gas Partnership - CBM Leased  
 0.39 acres 0.4875%

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Exhibit E  
Unit S-52  
Docket #VGOB-99-1019-0757-03  
List of Respondents that require escrow

	Net Acres in Unit	Interest in Unit
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*Escrowing no longer required*

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Exhibit EE  
Unit S-52  
Docket #VGOB-99-1019-0757-03  
List of Respondents with Royalty Division Agreement/Court Order/HB2058

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>TRACT #3A - 3.80 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Pocahontas Resources LLC P. O. Box 1837 Abingdon, VA 24212	3.80 acres	4.7500%	<i>n/a</i>
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Wanda Reedy Heirs, Devisees, Successors, or Assigns			
(a) Margie A. Reedy 9502 Brown Mountain Road Jewell Ridge, VA 24622	3.80 acres	4.7500%	<i>n/a</i>
<b><u>TRACT #3B - 4.40 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Pocahontas Resources LLC P. O. Box 1837 Abingdon, VA 24212	4.40 acres	5.5000%	<i>n/a</i>
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Fred & Dorothy McGlothlin 1204 Gracefulview Rd Jewell Ridge, VA 24622	4.40 acres	5.5000%	<b>61.4525%</b> <b>HB2058</b>
<b><u>TRACT #3C - 2.68 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Pocahontas Resources LLC P. O. Box 1837 Abingdon, VA 24212	2.68 acres	3.3500%	<i>n/a</i>
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Fred & Dorothy McGlothlin 1204 Gracefulview Rd Jewell Ridge, VA 24622	2.68 acres	3.3500%	<b>37.4302%</b> <b>HB2058</b>
<b><u>TRACT #3D - 0.52 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Pocahontas Resources LLC P. O. Box 1837 Abingdon, VA 24212	0.52 acres	0.6500%	<i>n/a</i>
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Jewell Ridge Coal Corp. 1801 Bayberry Ct, Suite 400 Richmond, VA 23226	0.52 acres	0.6500%	<i>n/a</i>
<b><u>TRACT #3E - 0.08 acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Pocahontas Resources LLC P. O. Box 1837 Abingdon, VA 24212	0.08 acres	0.1000%	<i>n/a</i>

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Exhibit EE  
Unit S-52  
Docket #VGOB-99-1019-0757-03  
List of Respondents with Royalty Division Agreement/Court Order/HB2058

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Fred & Dorothy McGlothlin 1204 Gracefulview Rd Jewell Ridge, VA 24622	0.08 acres	0.1000%	1.1173% HB2058
	<i>Total Acres Resolved</i>	11.48	
	<i>Total Percentage Resolved</i>	14.3500%	

INSTRUMENT 200000796  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY CIRCUIT COURT ON  
AUGUST 17, 2020 AT 02:42 PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: CXE