

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 99/10/19-0759

ELECTIONS, UNIT: COGC #40

(Hereinafter the "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on December 9, 1999, and recorded in Book 786, Page 1010 at the Office of the Clerk of the Circuit Court, Tazewell County, Virginia, on December 13, 1999 (herein the "Board Order"), to complete the record regarding elections. The Board Order pooled all interests in the Subject Drilling Unit, including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavit attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950, as amended.
2. **FINDINGS:** The Board finds that:
 - (a) The Board Order directed Cabot Oil & Gas Corporation, (hereinafter "COGC"), to mail copies of the Board Order to all respondents whose interest, if any, was pooled by said Board Order;
 - (b) At the March 20, 2018 Board hearing to transfer the subject COGC #40 well from COGC to Nytis as the Designated Operator, it was discovered that COGC (or its duly authorized representative) may have failed to send a copy of said Order to each Respondent named in the captioned Application, whose address was known, and to

all persons, of any, who are added as Respondents at the hearing held in the captioned matter, and Nytis agreed to do so; and

- (c) Whereas, Nytis thereafter became the Designated Operator; and
 - (d) The Designated Operator filed its Affidavit of mailing dated June 18, 2018, disclosing that it had mailed a correct copy of the Board Order to all Respondents whose interest, if any, was pooled by said Board Order;
 - (e) The Board Order required each Respondent whose interest, if any, was pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of recording of said Board Order; the Designated Operator has filed its Affidavit dated June 18, 2018 in accordance with § 7.C of the Virginia Gas and Oil Board Regulations, and 4 VAC 25-160.70C (hereinafter the "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, was pooled by said Board Order stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in the Subject Drilling Unit to the Designated Operator;
 - (f) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (hereinafter the "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit D.
 - (g) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, First Bank & Trust Company, ATTN: Jody Maney, 38 East Valley Drive, Bristol, VA 24201, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to the Subject Drilling Unit by a Board Order dated December 23, 1992.
3. **ORDER:** If applicable, by this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth in Paragraph 2 above, and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company, ATTN: Jody Maney, 38 East Valley Drive, Bristol, VA 24201, or any successor named by the Board, to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the

information set forth in said Affidavits to receive such funds and account to the Board therefore. (None required per original Board Order dated December 9, 1999).

4. **MAILING OF ORDER AND FILING OF AFFIDAVIT:** The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
5. **CONCLUSION:** Therefore, the findings and all terms and provisions set forth above be and hereby are granted, and IT IS SO ORDERED.
6. **EFFECTIVE DATE:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 21 day of June, 2018 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 21 day of June, 2018 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 21st day of June, 2018, 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 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



VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Cabot Oil & Gas Corporation (now Nytis Exploration Company, LLC) for Forced Pooling of Interests in Unit Number COGC #40 VGOB Docket No. VGOB-99/10/19-0759 in the Northern Magisterial District of Tazewell County, Virginia

AFFIDAVIT OF JACQUELINE RICHARDSON, AGENT FOR THE DESIGNATED OPERATOR, REGARDING ELECTIONS, ESCROW ACCOUNTS & SUPPLEMENTAL ORDER

Jacqueline Richardson (hereinafter the "Affiant"), being first duly sworn on oath, deposes and says:

1. That the Affiant is the Senior Land Analyst/Paralegal for Nytis Exploration Company, LLC (hereinafter "Nytis"), the current Designated Operator, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on December 9, 1999 by the Virginia Gas and Oil Board regarding the captioned Conventional Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to in Paragraph 2 above, Cabot Oil and Gas Corporation (hereinafter "COGC"), or its duly authorized representative, was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, of any, who are added as Respondents at the hearing held in the captioned matter;
4. At the March 20, 2018 Board hearing to transfer the COGC #40 well from COGC to Nytis as the Designated Operator, it was discovered that since no Supplemental Order had been placed of record, COGC (or its duly authorized representative) may have failed to send a copy of said Order to each Respondent named in the captioned Application, whose address was known, and to all persons, of any, who are added as Respondents at the hearing held in the captioned matter, and Nytis agreed to do so in order to complete the record herein; and
5. Nytis contacted the former authorized representative of COGC, the law offices of Penn Stuart, to see if they had any paperwork memorializing the mailing of the Order to the Respondents; and

6. After an exhaustive search and the production of several documents, none of them provided by Penn Stuart applied to the mailing of the Order to the Respondents; and
7. Therefore, Nytis prepared and mailed via U. S. Certified Mail, Return Receipt Requested, a true and correct copy of said Order to each Respondent named in the captioned Application, whose address was known, and to all persons, of any, who were added as Respondents at the hearing held in the captioned matter (copies attached as Exhibit A); and
8. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named, which Order was recorded on December 13, 1999; and
9. That the Designated Operator, by and through its agent, Jacqueline Richardson, Senior Land Analyst/Paralegal, has reviewed all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order and has contacted Penn Stuart to produce any documents in their files regarding said Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election period:

NONE.

10. That the interest and/or claims of the following persons (who made timely elections or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, as unknown or being unable to locate.

NONE.

11. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims:

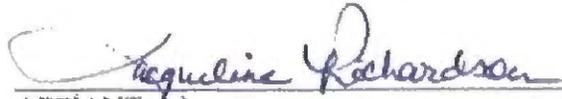
NONE.

12. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have been leased pursuant to and in accordance with Paragraph 10 of the Order:

See attached Exhibit C.

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are not required in this matter pursuant to the terms of §§ 45.1-361.21.D.

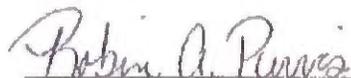
DATED this the 18th day of June, 2018.



AFFIANT

Taken, subscribed and sworn to before me by Jacqueline Richardson, the Agent of Nytis Exploration Company, LLC, on behalf of said entity, on this the 18th day of June, 2018.

My Commission Expires: January 30, 2021



NOTARY PUBLIC

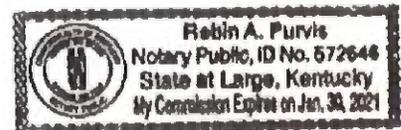




Exhibit A

TO WHOM IT MAY CONCERN:

June 4, 2018

We recently purchased Well COGC #40, Permit #4419, File #TA-0137, along with its related pipeline, from Cabot Oil & Gas Corporation. As a part of the transfer of that well, we had to have a hearing before the Virginia Gas and Oil Board (hereinafter the "Board") on February 20, 2018 to obtain consent to transfer said well, since the Board established the drilling unit for COGC #40 via hearing held under Docket #99-1019-0759 on December 3, 1999. This 1999 hearing resulted in the entry of the Report of the Board, Findings and Order of the Board entered on December 3, 1999 establishing the drilling unit for COGC #40 (hereinafter the "Original Board Order").

The records of the Virginia Department of Mines, Minerals and Energy (hereinafter the "VA DMME") have been totally digitized, and the original records were destroyed after digitization took place. During preparation for our February 20, 2018 hearing, it was discovered that the Supplemental Order required to be filed after the Original Board Order was entered had either been misplaced during digitization or had never been filed. Therefore, the Board and the VA DMME requested that we make the record complete by either (i) finding the original Supplemental Order with supporting Affidavit and attachments and have it resubmitted, or (ii) by sending out additional notices to all interested parties regarding the entry of the Original Board Order and thereafter filing our own Supplemental Order with supporting Affidavit and attachments.

The attorney for Cabot Oil and Gas Corporation at that time, Elizabeth McClanahan, is no longer in private practice with the law firm of Penn Stuart, but we reached out to Penn Stuart to see if they could find the file for COGC# 40 in their storage facilities. Unfortunately, though an extensive and exhaustive search was conducted, Penn Stuart was unable to provide the requested Supplemental Order and supporting Affidavit. Therefore, per the directive of the Board, we are sending out this Notice via Certified Mail, Return Receipt Requested, notifying you that the Original Board Order was entered on December 3, 1999, and enclosing a complete copy of said Original Board Order.

Please feel free to contact me should you have any questions or concerns.

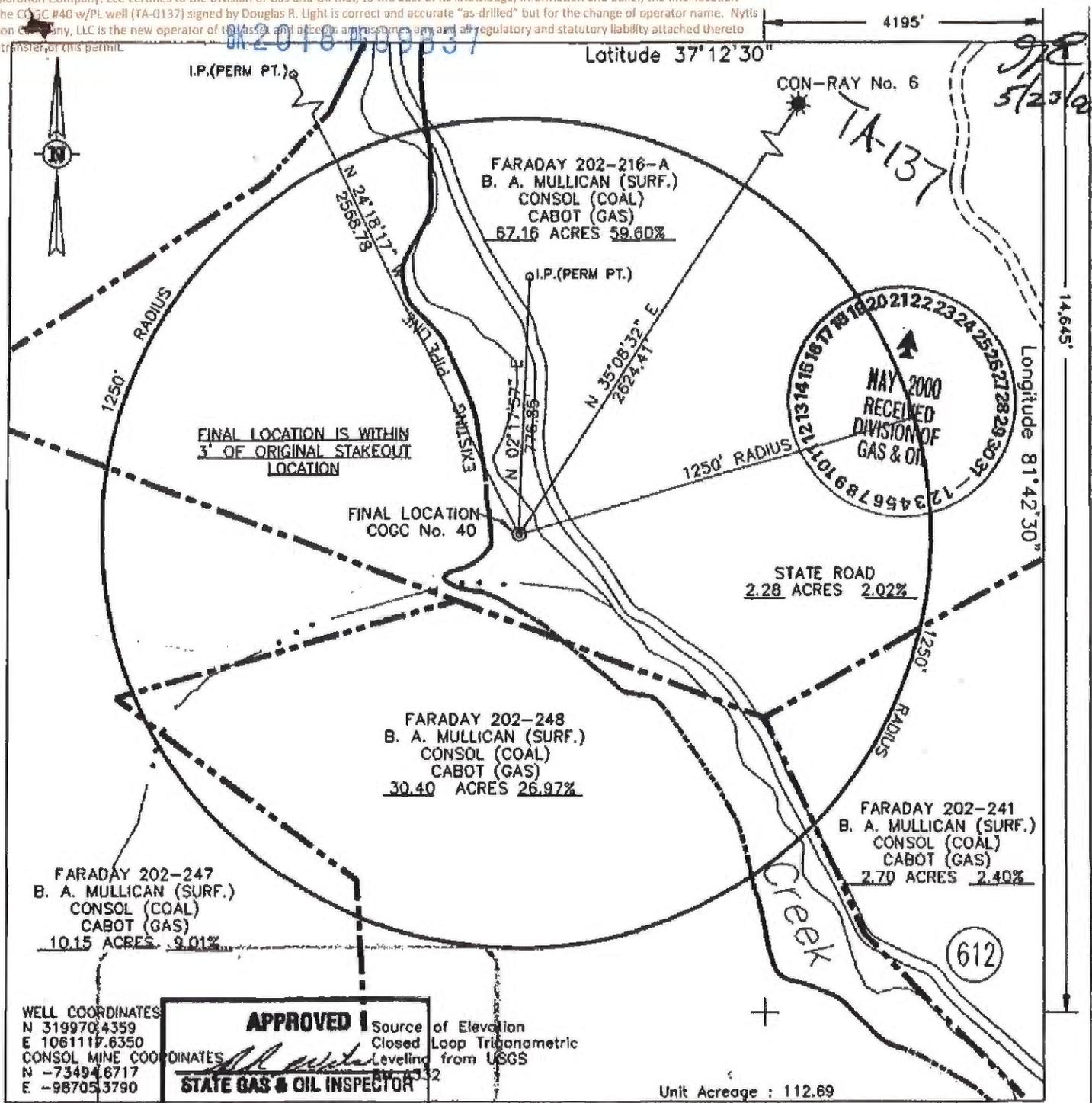
Sincerely,

NYTIS EXPLORATION COMPANY, LLC

A handwritten signature in black ink that reads "Jacqueline Richardson".

Jacqueline Richardson, RPL
Senior Land Analyst/Paralegal
Enclosure

Nytils Exploration Company, LLC certifies to the Division of Gas and Oil that, to the best of its knowledge, information and belief, the final location plat for the COGC #40 w/PL well (TA-0137) signed by Douglas R. Light is correct and accurate "as-drilled" but for the change of operator name. Nytils Exploration Company, LLC is the new operator of this well and accepts all responsibilities and all regulatory and statutory liability attached thereto with the transfer of this permit.



WELL LOCATION PLAT

Company Cabot Oil & Gas Corp. Well Name and Number COGC No.40

Tract No. Faraday 020-216-A Elevation 2279.79' Quadrangle Amonate

County Tazewell District Northern Scale: 1" = 400' Date 5/18/2000

This Plat is a new plat _____; an updated plat _____; or a final location plat X _____;

+ Denotes the location of a well on United States topographic maps, and latitude and longitude lines being represented by border lines as shown.

Douglas R. Light 5/18/2000
Licensed Professional Engineer or Licensed Land Surveyor

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

Form DGO-GO-7
Rev. 9/91

Exhibit B

EKG785761022

Revised Exhibit C

VGOB-99/10/19-0759

Gas, Oil, Coal & Mineral OwnersI. Gas & Oil Fee Ownership:

- | | | |
|----|--|--|
| 1. | Cabot Oil & Gas Corporation
400 Fairway Drive
Suite 400
Coraopolis, PA 15108-4308 | 10.15 acres - 9.01%
(Tract 247) |
| | 2000 Park Lane, Suite 300
Pittsburg, PA. 15275-1121 | 30.40 acres - 26.97%
(Tract 248) |
| | | 2.70 acres - 2.40%
(Tract 241) |
| | | 67.16 acres - 59.60%
(Tract 216) |
| 2. | Commonwealth of Virginia
James A. Cline, Land Use Permit Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219-1939 | 2.28 acres - 2.02%
(State Road Tract) |
| | and
Frank Phipps, Resident Engineer
Virginia Department of Transportation
P.O. Box 270
Tazewell, VA 24651 | 870 Bonham Rd.
Bristol, VA 24202 (TN-24201) |
| | | 870 Bonham Rd.
Bristol, VA 24202 (TN-24201) |

II. Non-Participating Oil and Gas Royalty Ownership:

- | | | |
|----|--|-------------------------------------|
| 1. | Basil F. Phipps
Dale A. Phipps
400 Mann Street, Suite 707
Corpus Christi, Texas 78401 | 10.15 acres - 9.01%
(Tract 247) |
| | Phipps Mineral Holdings, Ltd.
665 N. Upper Broadway St.
Suite 525, MT-168
Corpus Christi, TX 78401-0799 | 30.40 acres - 26.97%
(Tract 248) |
| | | 2.70 acres - 2.40%
(Tract 241) |
| | | 67.16 acres - 59.60%
(Tract 216) |

Revised Exhibit C
 VGOB-99/10/19-0759
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III. Coal Fee Ownership:

- | | |
|---|--|
| <p>1. Consolidation Coal Company
 1600 Washington Road
 Pittsburgh, PA 15241
 CNX Center
 1000 Consol Energy Dr, Ste. 100
 Canonsburg, PA. 15317-6506</p> | <p>10.15 acres - 9.01%
 (Tract 247)</p> <p>30.40 acres - 26.97%
 (Tract 248)</p> <p>2.70 acres - 2.40%
 (Tract 241)</p> <p>67.16 acres - 59.60%
 (Tract 216)</p> |
| <p>2. Commonwealth of Virginia
 James A. Cline, Land Use Permit Engineer
 Virginia Department of Transportation
 1401 East Broad Street
 Richmond, VA 23219-1939
 and
 Frank Phipps, Resident Engineer
 Virginia Department of Transportation
 P.O. Box 270
 Tazewell, VA 24651</p> | <p>2.28 acres - 2.02%
 (State Road Tract)</p> <p>870 Bonham Road
 Bristol, VA. 24202 (TN-24201)</p> <p>870 Bonham Road
 Bristol, VA. 24202 (TN-24201)</p> |

