

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: FF28

TRACT(S): 3

LOCATION: BUCHANAN, RUSSELL County, Virginia

DOCKET NUMBER: VGOB-01-0320-0879-01

APPLICANTS:

CNX Gas Company LLC on behalf of Coal Mountain Mining Co., New Garden Coal
Corporation

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia
October 20, 2015

APPEARANCES:

Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 05/29/2001, Recorded on 06/07/2001, Deed Book/Instrument No.
527, Page 506.
2. Supplemental Order Executed 07/26/2001, Recorded on 08/08/2001, Deed Book/Instrument No.
532, Page 286.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the
October 20, 2015 hearing and considered whether to:

150001726

BOOK 0794 PAGE 0902

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 3 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 3 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:

Coal Mountain Mining Co. and New Garden Coal Corporation have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be divided and paid.

RELIEF GRANTED:

VGOB Disbursement

Unit FF28

VGOB-01-0320-0879-01

Table 1

Tracts: 3

Item	Tract	Disbursement Table	Fractional Ownership		Net Acreage		Royalty Split		Escrowed Acres		Percent of Escrowed Funds	
			In Tract	in Tract	in Tract	Agreement	Disbursed	Disbursed	Disbursed	Disbursed	Disbursed	Disbursed
		Total acreage in escrow before disbursement							2.30000			
3 Tract 3 (total acreage)			2.30									
1	3	Coal Mountain Mining Co.\P.O. Box 675, Tazewell, VA 24651			2.3000	50.00%			1.1500		50.0000%	
2	3	New Garden Coal Corporation\P.O. Box 29, Tazewell, VA 24651			2.3000	50.00%			1.1500		50.0000%	

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.

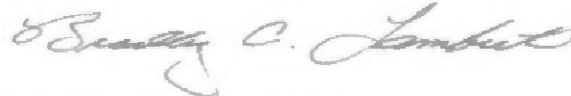
CONCLUSION:

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 21 day of October, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

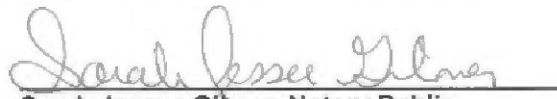
DONE AND PERFORMED this 21 day of October, 2015 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 21st day of October, 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 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, 2017



BEFORE THE VIRGINIA GAS AND OIL BOARD**PETITIONER:** CNX Gas Company LLC**DIVISION OF GAS AND OIL****DOCKET NO:** VGOB 01-0320-0879-01**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 3 (2) AND
AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES****HEARING DATE:** October 20, 2015**DRILLING UNIT:** FF28**BUCHANAN, RUSSELL COUNTY, VIRGINIA****PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS****1. Petitioner and its counsel**

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mall Road, Cedar Bluff, VA 24609, (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, attributable to of Tract 3, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Coal Mountain Mining Co. and New Garden Coal Corporation. Unit FF28.

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

Coal Mountain Mining Co. and New Garden Coal Corporation have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be divided and paid.

6. Attestation

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

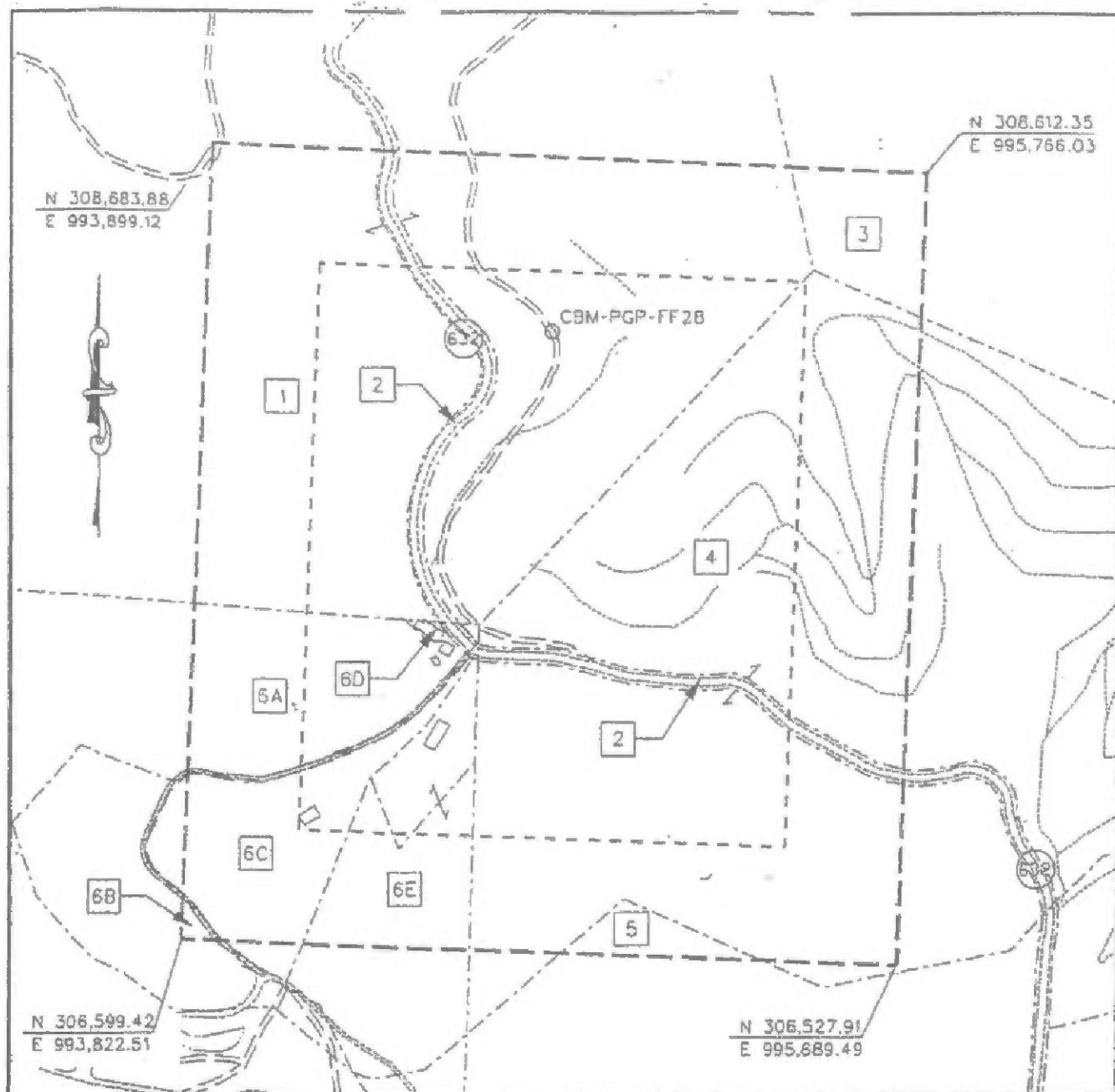


EXHIBIT A
OAKWOOD FIELD UNIT FF-28
FORCE POOLING
VGOB-D1-0320-0879

Company Pocahontas Gas Partnership Well Name and Number UNIT FF28
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan/Russell District Hurricane/Garden/New Garden Scale: 1" = 400' Date 1/17/01
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-GO-7
Rev. 9/91

Claude S. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

POCAHONTAS GAS PARTNERSHIP

Unit FF-28

Tract Identifications
(89.47 Acre Unit)

1. J. S. Gillespie et al. - Fee
Consolidation Coal Company - Below Tiller Coal Leased
Pocahontas Gas Partnership - CBM Leased
33.93 acres 37.9233 %
2. Virginia Department of Transportation - Fee
2.53 acres 2.8278 %
3. Coal Mountain Mining - TR 1 - Coal
Consolidation Coal Co. - Below Tiller Coal Leased
Pocahontas Gas Partnership - CBM Leased
New Garden Coal Corp. - Surface & Gas
2.30 acres 2.5707 %
4. Grace Gillespie Barnes, et al. - Coal, Oil & Gas
Meadows Coal Company - Red Ash Seam Leased
Knox Creek Coal Corp. - Some of the Above Drainage Coal Seams Leased
34.80 acres 39.0075 %
5. J.M. Miller Heirs, Devsees, Successors or Assigns - Fee (Except Red Ash and Jawbone Seams)(Map No. 70-L-3228)
Knox Creek Coal Corp. - Jawbone Seam
L. E. Joyce and W. P. Joyce - Red Ash Seam
L. E. Joyce and W. P. Joyce - Coal Seams Above Red Ash Seam Leased
Pocahontas Gas Partnership - 13/24th of Oil, Gas & CBM Leased
0.89 acres 0.9947 %
6. Buckhorn Coal Company Tr. 7 - Coal, Oil & Gas
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased Except Kennedy Seam
H. C. Bostic Coal Company, Inc. - Kennedy Seam Leased
Pocahontas Gas Partnership - CBM Leased
Reserve Coal Properties Company - Oil & Gas Leased
14.92 acres 16.5760 %
- 6A. Violet Kitts, et al. - Surface
- 6B. Maxie Hale - Surface
- 6C. Timothy Dye - Surface
- 6D. Unknown Surface Owner
- 6E. Jerry Dye - Surface

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Exhibit E
Unit FF-28
Docket No. VGOB-01-0320-0079-01
List of Respondents requiring escrow

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	Acres In Unit	Interest in Unit
Escrowing not required		

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BOOK 0794 PAGE 0910

Exhibit EE
Unit FF-28

Docket No. VGOB-01-0320-0879-01

List of Respondents with Royalty Split Agreements/Court Orders/HB2056

		Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #3, 2.30 acres</u>				
<u>COAL OWNERSHIP</u>				
(1)	Coal Mountain Mining Company, Tr:1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.30 acres	2.5707%	50.0000%
<u>OIL & GAS OWNERSHIP</u>				
(1)	New Garden Coal Corporation P.O. Box 29 Tazewell, VA 24651	2.30 acres	2.5707%	50.0000%

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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 10-26, 2015. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:31 o'clock P. M., after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Sara Jessee

TESTE: ANN S. McREYNOLDS, CLERK
BY: Jennifer Kendrick D. CLERK

INSTRUMENT #150001726
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
OCTOBER 27, 2015 AT 11:34AM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB