

0913-02

BOOK 0812 PAGE 0722

Instrument Control Number

[Empty box for Instrument Control Number]

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

TAX EXEMPT CORP

Date of Instrument: [12/14/16 ]

Instrument Type: [ODAR ]

Number of Parcels [ 1 ]

Number of Pages [ 13 ]

City [ ] County [X] [Russell County ] (Box for Deed Stamp Only)

First and Second Grantors

Table with 4 columns: Last Name, First Name, Middle Name or Initial, Suffix. Row 1: [-], [Virginia Gas & Oil Board], [], []

First and Second Grantees

Table with 4 columns: Last Name, First Name, Middle Name or Initial, Suffix. Row 1: [X] [-], [Buckhorn Coal Company], [], []

Grantee Address (Name) [CNX Gas Company, LLC]
(Address 1) [1000 Consol Energy Drive]
(Address 2) [ ]
(City, State, Zip) [Cannonsburg ] [PA ] [15317-6506]

Consideration [0.00 ] Existing Debt [0.00 ] Assumption Balance [0.00 ]

Prior Instr. Recorded at: City [ ] County [X] [Russell County ] Percent. in this Juris. [ 100]
Book [808 ] Page [001 ] Instr. No [ ]

Parcel Identification No (PIN) [ ]
Tax Map Num. (if different than PIN) [ ]
Short Property Description [Report of the Board]
Current Property Address (Address 1) [ ]
(Address 2) [ ]
(City, State, Zip) [ ]

Instrument Prepared by [Virginia Gas & Oil Board]
Recording Paid for by [DMME]
Return Recording to (Name) [DMME - Division of Gas & Oil]
(Address 1) [P. O. Drawer 159]
(Address 2) [ ]
(City, State, Zip) [Lebanon ] [VA ] [24266]
Customer Case ID [ ] [ ] [ ]



Instrument Control Number

[Empty box for Instrument Control Number]

BOOK 0812 PAGE 0723

Commonwealth of Virginia
Land Record Instruments
Continuation Cover Sheet
Form B

[ILS VLR Cover Sheet Agent 1.0.66]

TAX EXEMPT
GRANTOR
GRANTEE
CORP

Date of Instrument: [12/14/16 ]

Instrument Type: [ODAR ]

Number of Parcels [ 1 ]

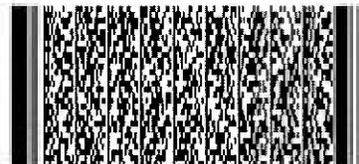
Number of Pages [ 13 ]

City [ ] County [x] [Russell County ] (Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form B

Table with 4 columns: Last Name, First Name, Middle Name or Initial, Suffix. Contains 13 rows of names including Hess, Wilson, Dennis, Blankenship, Gillion, Baldwin, and Hess.

Prior Instr. Recorded at: City [ ] County [ ] [ ] Percent. in this Juris. [ ]
Book [ ] Page [ ] Instr. No [ ]
Parcel Identification No (PIN) [ ]
Tax Map Num. (if different than PIN) [ ]
Short Property Description [ ]
Current Property Address (Address 1) [ ]
(Address 2) [ ]
(City, State, Zip) [ ] [ ] [ ]





**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:** AY107

**TRACT(S):** A portion of 2B

**LOCATION:** RUSSELL County, Virginia

**DOCKET NUMBER:** VGOB-01-0821-0913-02

**APPLICANTS:** CNX Gas Company LLC on behalf of Bernice Dennis, Diana Gillion, Lucy Hess Blankenship, Pamela Baldwin, Phyllis Wilson, Ricky Hess

**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 CNX Gas Company LLC

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 12/18/2001, Recorded on 01/10/2002, Deed Book/Instrument No. 544, Page 624.
2. Supplemental Order Executed 06/24/2002, Recorded on 07/08/2002, Deed Book/Instrument No. 558, Page 343.
3. Disbursement Order-01 Executed 03/16/2016, Recorded on 03/21/2016, Deed Book/Instrument No. 0800, Page 0063.
4. Supplemental Order, Recorded on 09/16/2016, Deed Book/Instrument No. 0808, Page 0001.

**NOTICE:**

- (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 2B identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 2B 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 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

- a. Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess are the gas claimants in a portion of Tr. 2B. As such Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess 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 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 01-0821-0913-01, it dismissed the coal claimant(s) Buckhorn Coal Company as a Respondent to these proceedings. Accordingly, Buckhorn Coal Company 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 Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess 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 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.

**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 9 day of December, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 9 day of December, 2016 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 9th day of December, 2016, 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 01-0821-0913-02

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 2B (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:** AY107

**RUSSELL COUNTY, VIRGINIA**

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

**1. Petitioner and its counsel**

Petitioner is CNX Gas Company 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) portion of Tr. 2B as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess.

**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. Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess are the gas claimants in a portion of Tr. 2B. As such Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess 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 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 01-0821-0913-01, it dismissed the coal claimant(s) Buckhorn Coal Company as a Respondent to these proceedings. Accordingly, Buckhorn Coal Company 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 Phyllis Wilson, Bernice Dennis, Lucy Hess Blankenship, Diana Gillian, Pamela Baldwin, and Ricky Hess 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.

PROPERTY LINES SHOWN WERE TAKEN FROM DEEDS PROVIDED BY C&X LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

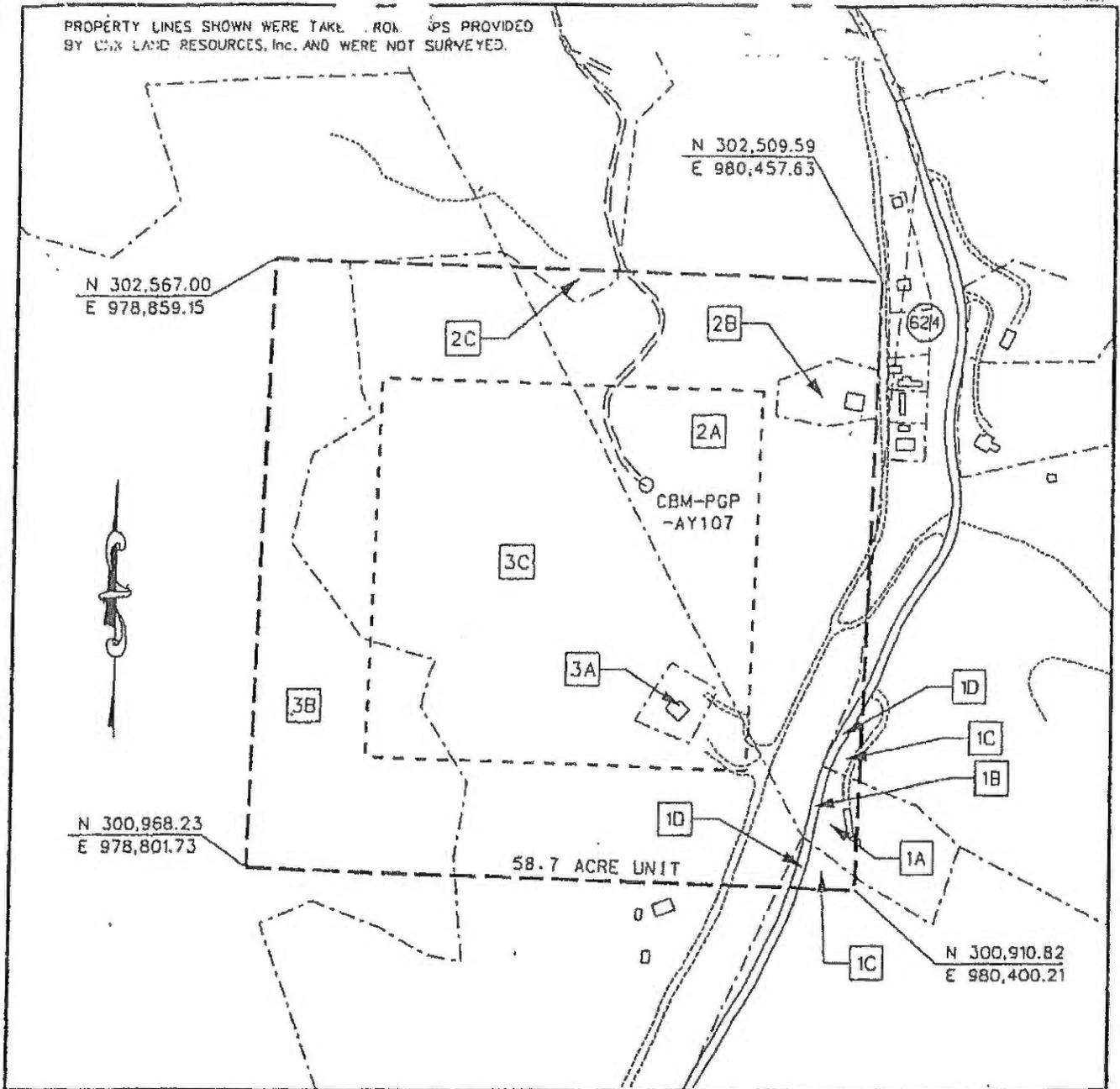


EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT AY-107  
FORCE POOLING  
VGOB-01-0821-0913

Company Pecahontas Gas Partnership Well Name and Number UNIT:AY107  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker Pt. A Mountain  
 County Russell District New Garden/Hurricane Scale: 1" = 400' Date 7/16/07  
 This plat is a new plat  ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGD-60-7  
Rev. 9/91

*Charles O. May*  
 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

## POCAHONTAS GAS PARTNERSHIP

## Unit AY-107

## Tract Identifications

(58.7 Acre Unit)

- 1A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Buckhorn Coal Company - ½ Surface, Oil & Gas  
Banner Raven Coal Corp. - ½ Surface, Oil & Gas  
Reserve Coal Properties Company - Oil & Gas Leased (50%)  
0.53 acres                      0.9029 %
- 1B. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Buckhorn Coal Company - ½ Oil & Gas  
Banner Raven Coal Corp. - ½ Oil & Gas  
Reserve Coal Properties Company - Oil & Gas Leased (50%)  
Commonwealth of Virginia - Surface  
0.10 acres                      0.1704 %
- 1C. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Fee  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
0.57 acres                      0.9710 %
- 1D. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal, Oil & Gas  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Commonwealth of Virginia - Surface  
0.18 acres                      0.3066 %
- 2A. Buckhorn Coal Company (J. C. Hurt 182 Acre Tract) - Fee  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
16.89 acres                      28.7734 %

## POCAHONTAS GAS PARTNERSHIP

Unit AY-107

Tract Identifications  
(58.7 Acre Unit)

- 2B. Buckhorn Coal Company (J. C. Hurt 182 Acre Tract) - Coal  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Romia Mae Blankenship - Surface, Oil & Gas  
0.85 acres                      1.4481 %
- 2C. Buckhorn Coal Company (J. C. Hurt 182 Acre Tract) - Coal, Oil & Gas  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased.  
Pocahontas Gas Partnership - CBM Leased  
Michael Martin - Surface  
0.27 acres                      0.4600 %
- 3A. Buckhorn Coal Company (Craig Harris 325.40 Acre Tract) - Coal, Oil & Gas  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Unknown Surface Owner  
0.58 acres                      0.9881 %
- 3B. Buckhorn Coal Company (Craig Harris 325.40 Acre Tract) - Coal, Oil & Gas  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
Michael Martin - Surface  
11.19 acres                      19.0630 %
- 3C. Buckhorn Coal Company (Craig Harris 325.40 Acre Tract) - Fee  
Coal Lessee  
Sandy Ridge Energy Company - Above Drainage Coal Leased  
Reserve Coal Properties Company - Oil & Gas Leased  
Pocahontas Gas Partnership - CBM Leased  
27.54 acres                      46.9165 %

Exhibit E  
Unit AY107  
Docket #VGOB-01-0821-0913-02  
List of Owners/Claimants that require escrow

BOOK 0812 PAGE 0734

	Acres In Unit	Interest In Unit
<b><u>Tract #2B, 0.85 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.85 acres	1.4480% <i>Dismissed unde -01 petition</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Robert & Romia Blankenship Heirs <i>0.80 Acre Tract</i>	0.85 acres	1.4480%
(a) Robert Blankenship Heirs, Devisees, Successors or Assigns		
(a.1) Romia Blankenship Heirs, Devisees, Successors or Assigns		
<b><i>W-9/Affidavits not received for respondents listed below</i></b>		
(a.1.4.4) Roger Hess 1568 Miller Creek Swords Creek, VA 24649	0.0425 acres 1/20 of 0.85 acres	0.072%
(a.1.4.5) Callie Lou Romia Hess 5168 Dickerson Highway Clintwood, VA 24228	0.0425 acres 1/20 of 0.85 acres	0.072%
<b><u>TOTALS:</u></b>		
Total Acreage In Unit	0.0850	
Total Percentage of Unit		0.1448%

List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #1A, 0.53 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.53 acres	0.9023%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Banner Raven Coal Corporation, et al.	0.53 acres	0.9023%	
(a) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.2650 acres 1/2 of 0.53 acres	0.4511%	n/a
(b) Banner Raven Coal Corporation - Deeded 1/2 interest to Buckhorn Coal Company 2/12/2002 DB 547/PG 787			
(b.1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.2650 acres 1/2 of 0.53 acres	0.4511%	n/a
<b><u>Tract #1B, 0.10 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.10 acres	0.1702%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Banner Raven Coal Corporation, et al.	0.10 acres	0.1702%	
(a) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.05 acres 1/2 of 0.10 acres	0.0851%	n/a
(b) Banner Raven Coal Corporation - Deeded 1/2 interest to Buckhorn Coal Company 2/12/2002 DB 547/PG 787			
(b.1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.05 acres 1/2 of 0.10 acres	0.0851%	n/a
<b><u>Tract #2B, 0.85 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company P. O. Box 187 Tazewell, VA 24651	0.85 acres	1.4471%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Robert & Romla Blankenship Heirs 0.80 Acre Tract	0.85 acres	1.4471%	
(a) Robert Blankenship Heirs, Devisees, Successors or Assigns			
(a.1) Romla Blankenship Heirs, Devisees, Successors or Assigns			
(a.1.1) Phyllis Wilson 7348 SW County Rd 334A Trenton, FL 32693-6171	0.2125 acres 1/4 of 0.85 acres	0.3618%	25.0000% HB2058
(a.1.2) Bernice Dennis PO Box 2211 Honaker, VA 24260	0.2125 acres 1/4 of 0.85 acres	0.3618%	25.0000% HB2058

	Acres in Unit	Interest in Unit	Percent of Escrow
(a.1.3) Bobby Blankenship Heirs, Devisees, Successors or Assigns			
(a.1.3.1) Lucy Hess Blankenship 182 Romla Rd Rowe, VA 24646	0.2125 acres 1/4 of 0.85 acres	0.3618%	25.0000% HB2058
(a.1.4) Geneva Baldwin Heirs, Devisees, <i>Pre-Deceased 2003</i> Successors or Assigns			
(a.1.4.1) Diane Gillion 1769 Oxner Rd Newberry, SC 29108	0.0425 acres 1/20 of 0.85 acres	0.072%	5.0000% HB2058
(a.1.4.2) Pamela Baldwin 567 Smoots Branch Rd Cleveland, VA 24225	0.0425 acres 1/20 of 0.85 acres	0.072%	5.0000% HB2058
(a.1.4.3) Ricky Hess 27903 US Highway 76 Kinard, SC 29355	0.0425 acres 1/20 of 0.85 acres	0.072%	5.0000% HB2058
<b>TOTALS:</b>			
	<b>Total Acreage in Unit</b>	1.3950	
	<b>Total Percentage of Unit</b>	2.3749%	

1602521

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 12-22, 2016. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:55 o'clock A 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