

1072-03

BOOK 0808 PAGE 0926

Instrument Control Number
[]

**Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A**

[ILS VLR Cover Sheet Agent 1.0.66]

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Date of Instrument: [09/28/16]
Instrument Type: [ODAR]
Number of Parcels [1]
Number of Pages [15]

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

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[Virginia Gas & Oil Board]	[]	[]	[]
[]	[]	[]	[]

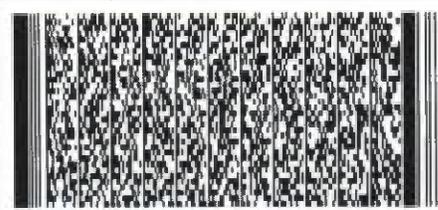
First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[Gent, II]	[Frank]	[B.]	[]
[]	[]	[]	[]

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 [Russell County] Percent. in this Juris. [100]
Book [0796] Page [957] 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 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: BA110
TRACT(S): 4B
LOCATION: RUSSELL County, Virginia

DOCKET NUMBER: VGOB-02-0917-1072-03

APPLICANTS: CNX Gas Company LLC on behalf of Fred B. Gent, II

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
September 20, 2016

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 07/11/2003, Recorded on 07/14/2003, Deed Book/Instrument No. 587, Page 317.
2. Supplemental Order Executed 10/08/2004, Recorded on 10/19/2004, Deed Book/Instrument No. 619, Page 018.
3. Supplemental Order, Recorded on 04/25/2006, Deed Book/Instrument No. 652, Page 120.
4. Disbursement Order -02 Executed 12/16/2015, Recorded on 12/28/2015, Deed Book/Instrument No. 0796, Page 0957.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the September 20, 2016 hearing and considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 4B identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 4B 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. Fred B. Gent, II are the gas claimants in Tr. 4B. As such Fred B. Gent, II 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 02-0917-1072-02, it dismissed the coal claimant 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 Fred B. Gent, II 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.

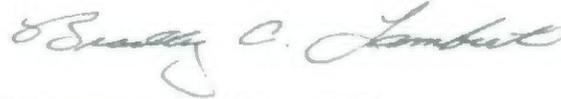
CONCLUSION:

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 23 day of September, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

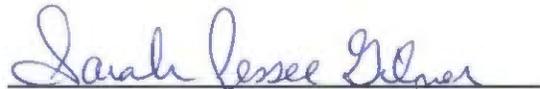
DONE AND PERFORMED this 23 day of September, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 23rd day of September, 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 02-0917-1072-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 4B (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: BA110

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 Tract 4B, as depicted upon the annexed Table; (2) authorization to begin paying royalties directly to Fred B. Gent, II; (3) Dismissal of Coal Owner: Buckhorn Coal Company.

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 B. Gent, II are the gas claimants in Tr. 4B. As such Fred B. Gent, II 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 02-0917-1072-02, it dismissed the coal claimant 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 Fred B. Gent, II 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.

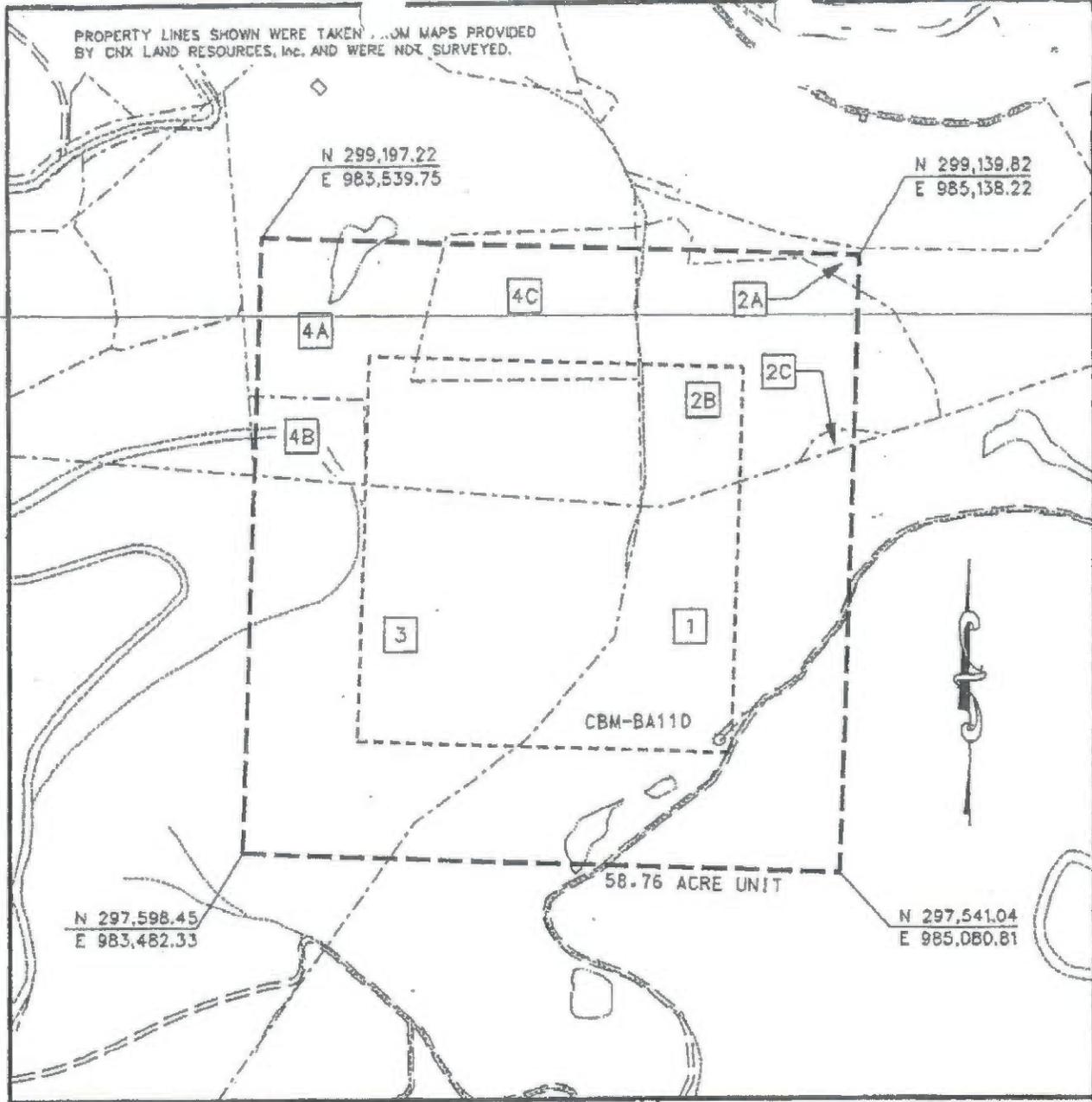


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT BA-110
FORCE POOLING
VGOB-02-0917-1072

Company CNX Gas Company LLC Well Name and Number UNIT 2010

Tract No. _____ Elevation _____ Quadrangle WOODRIDGE D. MORGAN

County Russell District New Garden Scale: 1" = 800' Date 9/29/07

This plat is a new plat X ; an updated plat _____ ; or a final plat No. _____

Form DGO-GO-7
Rev. 9/91

Charles D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

10958
(Affix Seal)
PROFESSIONAL ENGINEER

Force Pooling\BA110POOL.dgn 09/08/2004 02:54:50 PM

CNX Gas Company LLC
Unit BA-110
Tract Identifications
(58.76 Acre Unit)

1. Buckhorn Coal Company Tr. 10 (J. T. Stinson 170 Acre Tract) - Fee
~~Reserve Coal Properties Company - Below Drainage Coal Leased~~
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 17.90 acres 30.4629 %
-
- 2A. Buckhorn Coal Company Tr. 9 - Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Lowie Perkins, et al. - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 0.35 acres 0.5956 %
- 2B. Buckhorn Coal Company Tr. 9 - Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Mary Dye, et al - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)
 7.40 acres 12.5936 %
- 2C. Buckhorn Coal Company Tr. 9 - Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Donald Whited, et ux. - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 0.14 acres 0.2383 %
3. Buckhorn Coal Company (Warder # 11 Tract) - Fee
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 17.98 acres 30.5990 %
- 4A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Maggie Lee Dye - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 9.12 acres 15.5208 %

CNX Gas Company LLC
Unit BA-110
Tract Identifications
(58.76 Acre Unit)

- 4B. **Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal**
~~Reserve Coal Properties Company - Below Drainage Coal Leased~~
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Fred Gent, et al. - Surface and All Minerals except Coal
1.42 acres 2.4166 %
- 4C. **Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal**
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Mary Dye, et al - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)
4.45 acres 7.5732 %

Exhibit E
 Unit BA-110
 Docket #VGOB 02-0917-1072-03
 List of Respondents in require escrow
 (58.76 Acre Unit)

	Acres in Unit	Interest in Unit	
<u>Tract #2B, 7.40 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company Tr 9 (H. C. Stuart - 405.06 Acre Tract) P. O. Box 187 Tazewell, VA 24651	7.40 acres	12.5936%	DISMISSED
<u>OIL & GAS OWNERSHIP</u>			
<i>W9 / Affidavit not received</i>			
(1) Mary Dye, et al. (8.50 acre tract)	7.40 acres	12.5936%	
(g) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.8222 acres 1/9 of 7.40 acres	1.3993%	
<u>Tract #4C, 4.45 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (Jacob Fuller - 439.04 Acre Tract) P. O. Box 187 Tazewell, VA 24651	4.45 acres	7.5732%	DISMISSED
<u>OIL & GAS OWNERSHIP</u>			
<i>W9 / Affidavit not received</i>			
(1) Mary Dye, et al. (5.06 acre tract)	4.45 acres	7.5732%	
(g) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.4944 acres 1/9 of 4.45 acres	0.8415%	
	Total Acres Remaining	1.3167	
	Total Percentage Remaining	2.2408%	

Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.76 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2A, 0.35 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company <i>Tr 9 (H. C. Stuart - 405.06 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	0.35 acres	0.5956%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Lowie Perkins, et al. <i>(11.00 acre tract)</i>	0.35 acres	0.5956%	
(a) Lowie Perkins 1452 Drill Road Honaker, VA 24260	0.33 acres 13/14 of 0.35 acres	0.5531%	<i>n/a</i>
(b) Wayne Perkins Heirs, Devisees, Successors or Assigns			
(b.1) Debbie P. & Keith Boyd			<i>Conveyed by DB 711/280 to Lowie Perkins 6/17/2009</i>
(b.1.1) Lowie Perkins 1452 Drill Road Honaker, VA 24260	0.01 acres 1/28 of 0.35 acres	0.0213%	<i>n/a</i>
(b.2) Deirdra P & Johnny F. Rickman			<i>Conveyed by DB 705/283 to Earnest & Nancy L. Perkins 5/8/200</i>
(b.2.1) Earnest L. & Nancy L. Perkins 1450 Drill Road Honaker, VA 24260	0.01 acres 1/28 of 0.35 acres	0.0213%	<i>n/a</i>
<u>Tract #2B, 7.40 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company <i>Tr 9 (H. C. Stuart - 405.06 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	7.40 acres	12.5936%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Mary Dye, et al. <i>(8.50 acre tract)</i>	7.40 acres	12.5936%	
(a) Mary A. Dye Heirs, Devisees, Successors or Assigns			
(a.1) Dena Foster PO Box 391 Damascus, VA 24236	0.62 acres 1/12 of 7.40 acres	1.0495%	<i>n/a</i>
(a.2) Patricia Pridemore 3332 Cripple Creek Rd. Cripple Creek, VA 24322	0.62 acres 1/12 of 7.40 acres	1.0495%	<i>n/a</i>
(a.3) Leva Settoon 1032 Pin Oak Dr. Montgomery, LA 71454-4247	0.62 acres 1/12 of 7.40 acres	1.0495%	<i>n/a</i>

Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.76 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(a.4) Howard Russell Dye 109 Park St., Apt 10 Canton, NC 28716	0.82 acres 1/12 of 7.40 acres	1.0495%	n/a
(b) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.82 acres 1/9 of 7.40 acres	1.3993%	n/a
(c) Mack Dye Heirs, Devisees, Successors or Assigns			
(c.1) Linda Dye 2956 East 65th Street Cleveland, OH 11427	0.82 acres 1/9 of 7.40 acres	1.3993%	n/a
(d) Russell H. Dye, Jr. 1456 Buckingham Gate Blvd., Unit F Cuyahoga Falls, OH 44221-5515	0.82 acres 1/9 of 7.40 acres	1.3993%	n/a
(e) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.82 acres 1/9 of 7.40 acres	1.3993%	n/a
(f) Janice Workman 7762 State Road Parma, OH 44134	0.82 acres 1/9 of 7.40 acres	1.3993%	n/a

Tract #2C, 0.14 acres**COAL OWNERSHIP**

(1) Buckhorn Coal Company
Tr 9 (H. C. Stuart - 405.06 Acre Tract)
P. O. Box 187
Tazewell, VA 24651

0.14 acres 0.2383% n/a

OIL & GAS OWNERSHIP

(1) Donald Whited
P.O. Box 417
Swords Creek, VA 24649

0.14 acres 0.2383% n/a

Tract #4A, 9.12 acres**COAL OWNERSHIP**

(1) Buckhorn Coal Company
(Jacob Fuller - 439.04 Acre Tract)
P. O. Box 187
Tazewell, VA 24651

9.12 acres 15.5208% n/a

OIL & GAS OWNERSHIP

(1) Maggie Lee Dye
P.O. Box 271
Swords Creek, VA 24649

9.12 acres 15.5208% n/a

Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.76 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #4B, 1.42 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (Jacob Fuller - 439.04 Acre Tract) P. O. Box 187 Tazewell, VA 24651	1.42 acres	2.4166%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Fred B. Gent, et al. (1.50 acre tract)	1.42 acres	2.4166%	
(a) Fred B. Gent II 18159 Lee Highway Abingdon, VA 24210-7961	0.47 acres 1/3 of 1.42 acres	0.8055%	26.4436% HB2058
(b) FCHR, LLC PO Box 330 Honaker, VA 24260	0.95 acres 2/3 of 1.42 acres	1.6111%	n/a
<u>Tract #4C, 4.45 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (Jacob Fuller - 439.04 Acre Tract) P. O. Box 187 Tazewell, VA 24651	4.45 acres	7.5732%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Mary Dye, et al. (5.06 acre tract)	4.45 acres	7.5732%	
(a) Mary A. Dye Heirs, Devisees, Successors or Assigns			
(a.1) Dena Foster PO Box 391 Damascus, VA 24236	0.37 acres 1/12 of 4.45 acres	0.6311%	n/a
(a.2) Patricia Pridemore 3332 Cripple Creek Rd. Cripple Creek, VA 24322	0.37 acres 1/12 of 4.45 acres	0.6311%	n/a
(a.3) Leva Settoon 1032 Pin Oak Dr. Montgomery, LA 71454-4247	0.37 acres 1/12 of 4.45 acres	0.6311%	n/a
(a.4) Howard Russell Dye 109 Park St., Apt 10 Canton, NC 28716	0.37 acres 1/12 of 4.45 acres	0.6311%	n/a
(b) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.49 acres 1/9 of 4.45 acres	0.8415%	n/a
(c) Mack Dye Heirs, Devisees, Successors or Assigns			

**Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.76 Acre Unit)**

	Acres In Unit	Interest In Unit	Percent of Escrow
(c.1) Linda Dye 2956 East 65th Street Cleveland, OH 11427	0.49 acres 1/9 of 4.45 acres	0.8415%	n/a
(d) Russell H. Dye, Jr. 1456 Buckingham Gate Blvd., Unit F Cuyahoga Falls, OH 44221-5515	0.49 acres 1/9 of 4.45 acres	0.8415%	n/a
(e) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.49 acres 1/9 of 4.45 acres	0.8415%	n/a
(f) Janice Workman 7762 State Road Parma, OH 44134	0.49 acres 1/9 of 4.45 acres	0.8415%	n/a
	Total Acres Resolved	21.5633	
	Total Percentage Resolved		36.6973%

1601930

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, Oct. 3, 2016. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 3:25 o'clock P. M, after payment of \$ tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK

Original returned this date to: Sara Gilmer

BY: Courtney Mullins D. CLERK