

*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-02-0917-1072-05

**APPLICANTS:** CNX Gas Company LLC on behalf of Fred B. Gent III

**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 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.

5. Disbursement Order -03 Executed 09/23/2016, Recorded on 10/03/2016, Deed Book/Instrument No. 0808, Page 0926.

6. Disbursement Order -04 Executed 06/21/2017, Recorded on 07/18/2017, Deed Book/Instrument No. 822, Page 533.

**NOTICE:**

(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) 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 B. Gent III is the gas claimant and working interest owner in Tr. 4B. As such Fred B. Gent III is entitled to 100% of the CBM royalties attributable to their working interest that is 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 III 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.

DONE AND EXECUTED this 22 day of May, 2018 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

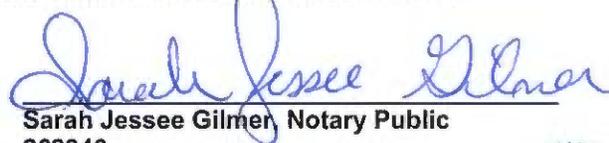
DONE AND PERFORMED this 22 day of May, 2018 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 22<sup>nd</sup> day of May, 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 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: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 02-0917-1072-05

**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 attributable to working interest only, heretofore deposited with the Board's Escrow Agent, attributable to Tract 4B, as depicted upon the annexed table; and (2) authorization to begin paying working interest directly to Fred B. Gent III.

**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 III is the gas claimant and working interest owner in Tr. 4B. As such Fred B. Gent III is entitled to 100% of the CBM royalties attributable to their working interest that is 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 III 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 MAPS PROVIDED BY CNX LAND RESOURCES, INC. AND WERE NOT SURVEYED.

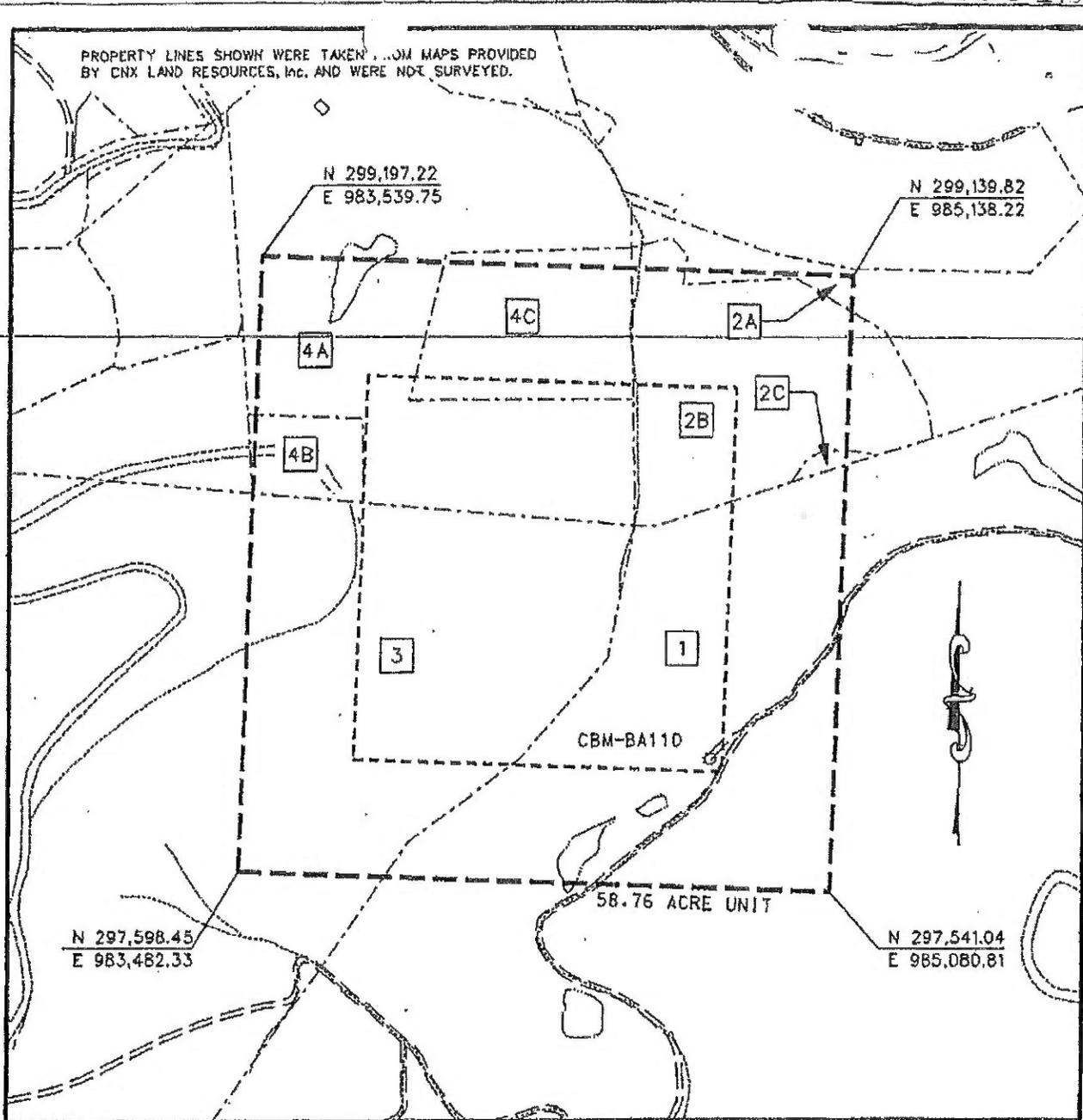
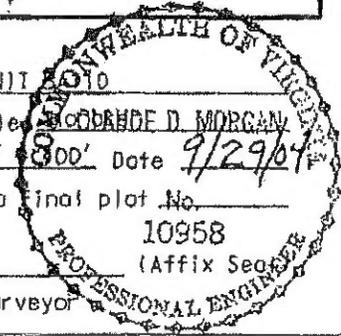


EXHIBIT A  
 MIDDLE RIDGE 1 FIELD  
 UNIT BA-110  
 FORCE POOLING  
 VGOB-02-0917-1072

Company CNX Gas Company LLC Well Name and Number UNIT BA110  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle 300800  
 County Russell District New Garden Scale: 1" = 300' Date 9/29/07  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat No. \_\_\_\_\_

Form DCO-GO-7 \_\_\_\_\_  
 Rev. 9/91 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



Force Pooling\BA110\POOL.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 02-0917-1072-05  
List of Respondents in require escrow  
(58.76 Acre Unit)

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

	Acres In Unit	Interest In Unit	Percent of Escrow
<b><u>Tract #2A, 0.35 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(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>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Lowie Perkins, et al. (11.00 acre tract)	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) Deldra P & Johnny F. Rickman	<i>Conveyed by DB 705/283 to Earnest &amp; Nancy L. Perkins 5/8/2005</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>
<b><u>Tract #2B, 7.40 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(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>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Mary Dye, et al. (8.50 acre tract)	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 Heirs, Devisees, Successors or Assigns			
(a.3.1) Dena Foster PO Box 391 Damascus, VA 24236	0.21 acres 1/36 of 7.40 acres	0.3498%	<i>n/a</i>
(a.3.2) Patricia Pridemore 1322 Miller Creek Rd Rowe, VA 24646	0.21 acres 1/36 of 7.40 acres	0.3498%	<i>n/a</i>

Exhibit EE  
Unit BA-110  
Docket #VGOB 02-0917-1072-05  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
(58.76 Acre Unit)

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	Acres in Unit	Interest in Unit	Percent of Escrow
(a.3.3) Howard Russell Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.21 acres 1/38 of 7.40 acres	0.3498%	<i>n/a</i>
(a.4) Howard Russell Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.62 acres 1/12 of 7.40 acres	1.0495%	<i>n/a</i>
(b) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.82 acres 1/9 of 7.40 acres	1.3993%	<i>n/a</i>
(c) Mack Dye Heirs, Devisees, Successors or Asslgn			
(c.1) Linda Dye 2956 East 65th Street Cleveland, OH 11427	0.82 acres 1/9 of 7.40 acres	1.3993%	<i>n/a</i>
(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%	<i>n/a</i>
(e) Nancy Gloitta 13580 Brookhaven Brookpark, OH 44142	0.82 acres 1/9 of 7.40 acres	1.3993%	<i>n/a</i>
(f) Janice Workman 7762 State Road Parma, OH 44134	0.82 acres 1/9 of 7.40 acres	1.3993%	<i>n/a</i>
(g) Howard Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.8222 acres 1/9 of 7.40 acres	1.3993%	<i>n/a</i>

**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%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Donald Whited P.O. Box 417 Swords Creek, VA 24649	0.14 acres	0.2383%	<i>n/a</i>
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**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%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Maggle Lee Dye P.O. Box 271 Swords Creek, VA 24649	9.12 acres	16.5208%	<i>n/a</i>
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Exhibit EE  
Unit BA-110  
Docket #VGOB 02-0917-1072-05  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
(58.76 Acre Unit)

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	Acres In Unit	Interest in Unit	Percent of Escrow
<u>Tract #4B, 1.42 acres</u>			
<b>COAL OWNERSHIP</b>			
(1) Buckhorn Coal Company (Jacob Fuller - 439.04 Acre Tract) P. O. Box 187 Tazewell, VA 24651	1.42 acres	2.4166%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Fred B. Gent, et al. (1.50 acre tract)	1.42 acres	2.4166%	
(a) Fred B. Gent II* 18159 Lee Highway Ablingdon, VA 24210-7961	0.47 acres 1/3 of 1.42 acres	0.8055%	n/a
<i>**Disbursing owners Working Interest</i>		0.7048%	100.00% HB2058 (working interest)
(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>			
<b>COAL OWNERSHIP</b>			
(1) Buckhorn Coal Company (Jacob Fuller - 439.04 Acre Tract) P. O. Box 187 Tazewell, VA 24651	4.45 acres	7.5732%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(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 Heirs, Devisees, Successors or Assigns			
(a.3.1) Dena Foster PO Box 391 Damascus, VA 24236	0.12 acres 1/36 of 4.45 acres	0.2104%	n/a
(a.3.2) Patricia Pridemore 1322 Miller Creek Rd Rowe, VA 24646	0.12 acres 1/36 of 4.45 acres	0.2104%	n/a
(a.3.3) Howard Russell Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.12 acres 1/36 of 4.45 acres	0.2104%	n/a
(a.4) Howard Russell Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.37 acres 1/12 of 4.45 acres	0.6311%	n/a

Exhibit EE  
 Unit BA-110  
 Docket #VGOB 02-0917-1072-05  
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
 (58.76 Acre Unit)

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	Acres in Unit	Interest in Unit	Percent of Escrow
(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			
(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 Glotta 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
(g) Howard Dye 1 Newfound St., Apt. 9 Canton, NC 28716	0.4944 acres 1/9 of 4.45 acres	0.8415%	n/a
	<b>Total Acres Resolved</b>	22.8800	
	<b>Total Percentage Resolved</b>		39.6429%

1801159

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, June 12, 2018. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:54 o'clock p. M., after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Dmme

TESTE: ANN S. McREYNOLDS, CLERK  
 BY: Courtney Cassell D. CLERK