

1073-01

Instrument Control Number

[Empty box for Instrument Control Number]

BOOK 0812 PAGE 0689

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: [12/05/16]

Instrument Type: [ODAR]

Number of Parcels [1]

Number of Pages [11]

City [] County [x] [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
[x] [-	[Coal Mountain Mining Com]	[[
[x] [-	[Commonwealth of Virginia]	[[

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 [] [] Percent. in this Juris. [100]
Book [] Page [] 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]

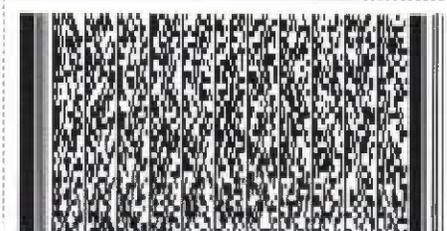
Return Recording to (Name) [DMME - Division of Gas & Oil]

(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

BK 2016 PG 20325

BOOK 0812 PAGE 0691

3724

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

UNITWELL NAME: DD36

TRACT(S): 3B

LOCATION: RUSSELL, TAZEWELL County, Virginia

TAX ID NUMBERS: Tax Map Identification Numbers for all parcels affected by this order are shown on: Exhibit E - Exhibit EE

DOCKET NUMBER: VGOB-02-0917-1073-01

APPLICANTS: CNX Gas Company LLC on behalf of Clyde Bobby Ferrell, Robin Lynn Foy

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 252.
2. Supplemental Order Executed 11/07/2003, Recorded on 11/17/2003, Deed Book/Instrument No. 895, Page 328.

NOTICE:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 3B identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 3B 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. Robin Lynn Foy and Bobby Ferrell are the gas claimant(s) in Tracts 3B. As such Robin Lynn Foy and Bobby Ferrell are entitled to 100% of the CBM royalties 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 given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- 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 Robin Lynn Foy and Bobby Ferrell, and 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 21 day of December, 2016 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert

Chairman, Bradley C. Lambert

DONE AND PERFORMED this 21 day of December, 2016 by Order of the Virginia Gas and Oil Board.

Rick Cooper

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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 21st 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

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 02-0917-1073-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 3B (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: DD36

RUSSELL, TAZEWELL 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(s) 3B as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Robin Lynn Foy; (3) Dismissal of Coal Owner(s): Coal Mountain Mining 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. Robin Lynn Foy is the gas claimant in Tracts 3B. As such Robin Lynn Foy are entitled to 100% of the CBM royalties 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 given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- 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 Robin Lynn Foy and 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.

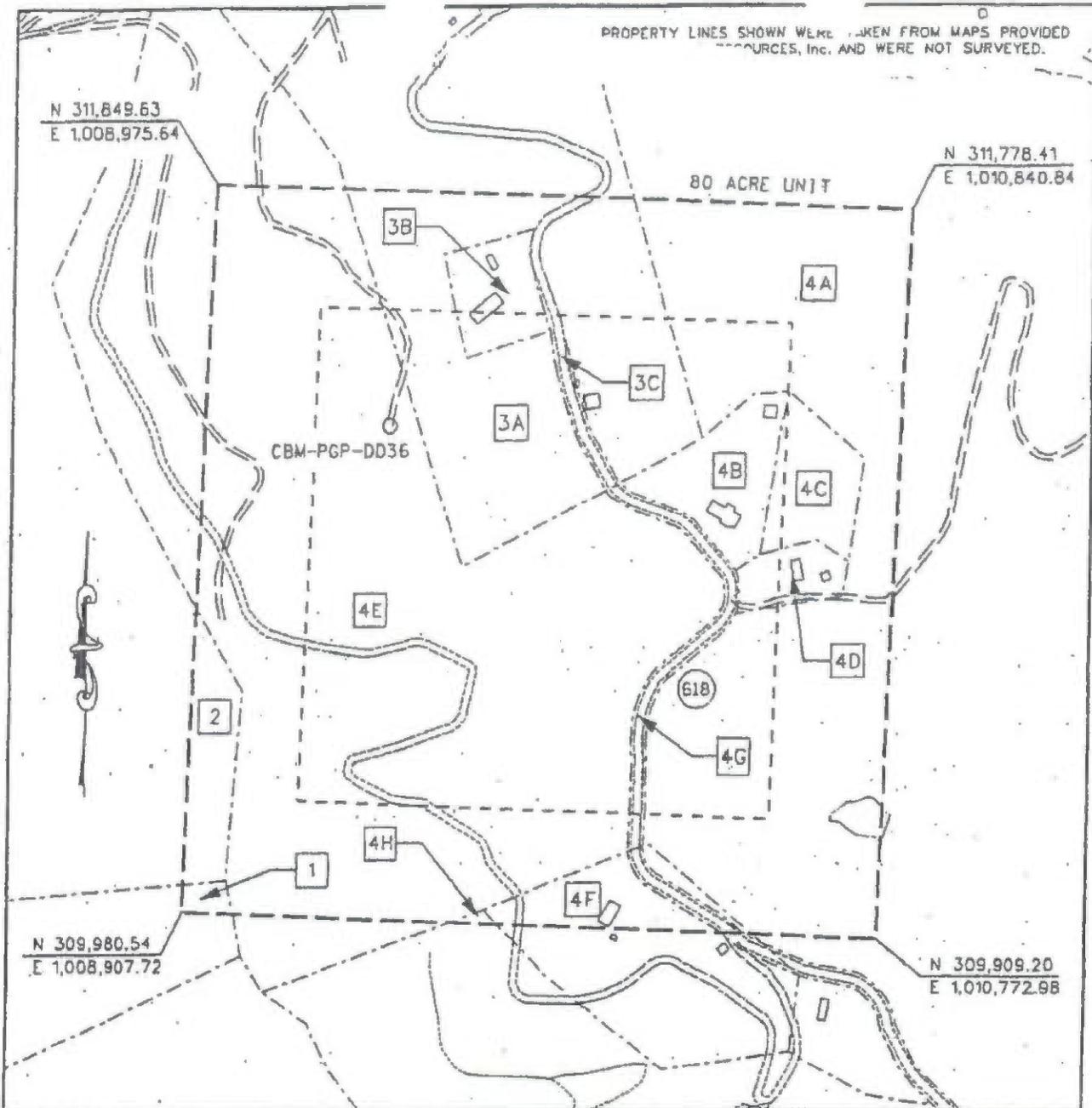


EXHIBIT A
OAKWOOD FIELD UNIT DD-36
FORCE POOLING
VGOB-02-0917-1073

Company Pocahontas Gas Partnership Well Name and Number UNIT DD36
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Tazewell/Russell District Maiden Springs/New Garden Scale: 1" = 400' Date 8/10/02
 This plot is a new plot ; an updated plot _____ ; or a final plot _____

Form DGD-GO-7
 Rev. 9/91

 Licensed Professional Engineer or Licensed Land Surveyor
 (Affix Seal)

POCAHONTAS GAS PARTNERSHIP

UNIT DD-36

Tract Identifications

1. William Rogers McCall - Fee
Pocahontas Gas Partnership - CBM Leased
0.19 acres 0.2375 %
2. Coal Mountain Mining Company Limited Tr. 36 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
New Garden Coal - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Pocahontas Gas Partnership - Surface, Oil and Gas
1.89 acres 2.3625 %
- 3A. Coal Mountain Mining Company Limited Tr. 37 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Pocahontas Gas Partnership - Surface, Oil and Gas
11.42 acres 14.2750 %
- 3B. Coal Mountain Mining Company Limited Tr. 37 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Walker E. Fuller, et ux. - Surface, Oil and Gas
1.37 acres 1.7125 %
- 3C. Coal Mountain Mining Company Limited Tr. 37 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Commonwealth of Virginia - Surface, Oil and Gas
0.62 acres 0.7750 %
4. Coal Mountain Mining Company Limited Tr. 38 - Coal, Oil & Gas
Reserve Coal Properties Company - Below Drainage Coal Leased
Sandy Ridge Energy Corp. - Above Drainage Coal Leased
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
64.51-acres 80.6375 %
- 4A. James T. Absher - Surface
4B. Travis B. Absher, et ux. - Surface
4C. Travis B. Absher, et ux. - Surface
4D. Bennie F. Sparks, et ux. - Surface
4E. Consol Energy, Inc. - Surface
4F. Charlie G. McGlothlin, et al. - Surface
4G. Commonwealth of Virginia - Surface
4H. James M. McGlothlin, et ux. - Surface

Exhibit E
 Unit DD-36
 Docket #VGOB 02-0917-1073-01
 List of Respondents that require escrow

	Net Acres In Unit	Interest in Unit
<u>Tract #3C, 0.62 acres</u>		
<i>Title conflict per updated mapping</i>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.37 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.62 acres	0.7750%
<u>OIL & GAS OWNERSHIP</u>		
(1) Commonwealth of Virginia Dept. of Highways 870 Bonham Road Bristol, VA 24201	0.62 acres	0.7750%
- OR -		
(1) CNX Gas Company LLC PO Box 570 Pounding Mill, VA 24637	0.62 acres	0.7750%

Docket #VGOB 02-0917-1073-01

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

	Net Acres in Unit	Interest in Unit	Percent of Escrow
Tract #2, 1.89 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, Tr.36 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.89 acres	2.3625%	n/a
OIL & GAS OWNERSHIP			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	1.89 acres	2.3625%	n/a
Tract #3A, 11.42 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, Tr.37 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	11.42 acres	14.2750%	n/a
OIL & GAS OWNERSHIP			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	11.42 acres	14.2750%	n/a
Tract #3B, 1.37 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, Tr.37 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.37 acres	1.7125%	n/a
OIL & GAS OWNERSHIP			
(1) Robin Lynn Foy 262 Harbor St Pounding Mill, VA 24637 <i>(previously Walker E. Fuller, et ux - conveyed by deed dated 6/28/04 DB914/PG184 and 6/9/06 DB2016/PG2403)</i>	1.37 acres	1.7125%	68.8442%

Tax Map information
Tract 1: Map 70R-2637A
Tract 2: Map 70R - 2636
Tract 3A: Map 63A-003
Tract 3B: Map 63A-004
Tract 3C: Map 63A-003
Tract 4: Map 64A-39,40,40A,37

Acres in Unit: 14.68
Percentage in Unit: 18.3580%

INSTRUMENT #160003724
RECORDED IN THE CLERK'S OFFICE OF
TAZEVELL COUNTY ON
TOTAL CONFLICTS RESOLVED: 27, 2016 AT 09:41AM
ANGELIA RAY
TAMMY E. ALLEN, CLERK
RECORDED BY: ADR

1602519

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 10:50 o'clock A M, after payment of \$ _____ tax imposed by Sec. 58.1-802.

Original returned this date to: Sara Jessee

WITNESSE: ANN S. McREYNOLDS, CLERK
BY: Jennifer Kendrick D. CLERK /2016