

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: BB118

TRACT(S): 4B, 4C

LOCATION: RUSSELL County, Virginia

DOCKET NUMBER: VGOB-02-1119-1096-01

APPLICANTS:

CNX Gas Company LLC on behalf of Luther E. Whited, Roger Whited

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 07/20/2004, Recorded on 07/22/2004, Deed Book/Instrument No. 613, Page 718.
2. Supplemental Order, Recorded on 03/14/2005, Deed Book/Instrument No. 627, Page 222.

NOTICE:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 4B, 4C identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 4B, 4C relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

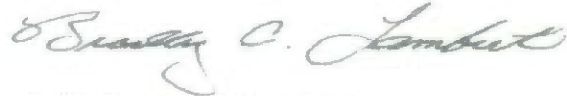
FINDINGS: Code of Virginia § 45.1-361.22 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

- a. Luther E. Whited & Roger Whited is the gas claimant in Tracts 4B & 4C. As such Luther E. Whited & Roger Whited 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 Luther E. Whited & Roger Whited and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

DONE AND EXECUTED this 2 day of November, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

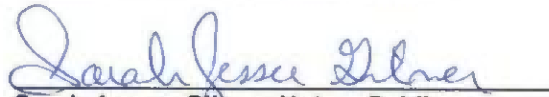
DONE AND PERFORMED this 2 day of November, 2015 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 2nd day of November, 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 02-1119-1096-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 4B, 4C (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

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: BB118

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 Tracts 4B & 4C as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Luther E. Whited & Roger Whited.

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. Luther E. Whited & Roger Whited is the gas claimant in Tracts 4B & 4C. As such Luther E. Whited & Roger Whited 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 Luther E. Whited & Roger Whited 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.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

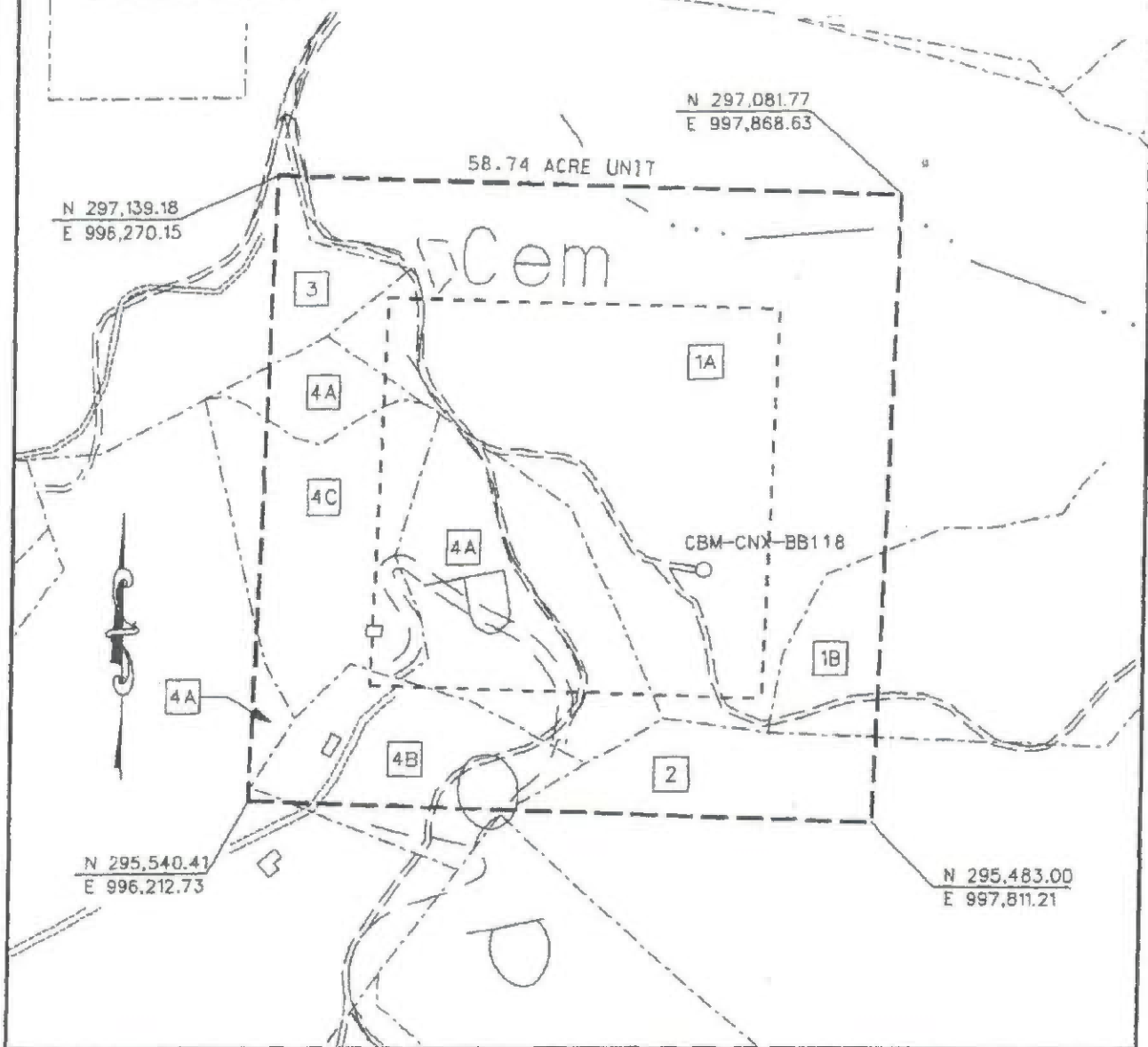
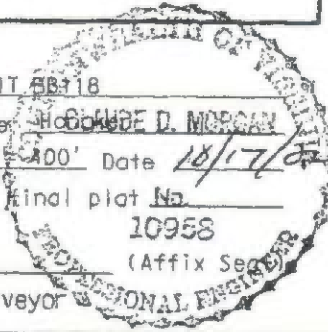


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT BB-118
FORCE POOLING
VGOB-02-1119-1096

Company CONSOL Energy Inc. Well Name and Number UNIT BB-118
Tract No. _____ Elevation _____ Quadrangle Hoboken
County Russell District New Garden Scale: 1" = 400' Date 10/17/07
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



CONSOL Energy Inc.**Unit BB-118**

Tract Identifications
(58.74 Acre Unit)

- 1A. Swords Creek Land Partnership Tr. 14 - Fee
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Reserve Coal Properties Company - Oil, Gas and CBM Leased
30.38 acres 51.7195 %
- 1B. Swords Creek Land Partnership Tr. 14 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Reserve Coal Properties Company - CBM Leased
Thomas Dean Keen, et al. - All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
Thomas Dean Keen, et al. - Surface
2.29 acres 3.8985 %
2. Swords Creek Land Partnership Tr. 57 OR A. Wayne Bostic, et al. (1/2) and Creola
Blake Heirs, Successors or Assigns (1/2) OR A. Wayne Bostic, et al. (7/16),
Creola Blake Heirs, Successors or Assigns (7/16), and Swords Creek Land
Partnership Tr. 57 (1/8) - Fee
Reserve Coal Properties Company - Coal Below Tiller Seam Leased (100% Leased
If Owned by Swords Creek Land Partnership)
Sandy Ridge Energy Company - Above Drainage Coal Leased
Reserve Coal Properties Company - Oil, Gas and CBM Leased (100% leased
If Bostic and/or Swords Creek are the only owners. Blake Heirs interest is
not leased.)
3.85 acres 6.5543 %
3. Swords Creek Land Partnership Tr. 15 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Dallas Whited - Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
1.75 acres 2.9792 %
- 4A. Swords Creek Land Partnership Tr. 1 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Dallas Whited - Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
9.86 acres 16.7858 %

CONSOL Energy Inc.
Unit BB-118
Tract Identifications
(58.74 Acre Unit)

- 4B. Swords Creek Land Partnership Tr. 1 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Luther E. Whitel - Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
4.49 acres 7.6439 %
- 4C. Swords Creek Land Partnership Tr. 1 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Sandy Ridge Energy Company - Above Drainage Coal Leased
Pocahontas Gas Partnership - CBM Leased
Roger Whitel - Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
6.12 acres 10.4188 %

Exhibit E
Unit BB-118
Docket #VGOB 02-1119-1096-01
List of Respondents that require escrow
(58.74 Acre Unit)

BOOK 0795 PAGE 0673

	Acres in Unit	Interest in Unit
<u>Tract #2, 3.85 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.57 P.O. Box 29 Tazewell, VA 24651	3.85 acres	6.5543%
<i>(OR)</i>		
(1) A. Wayne Bostic, et al. P.O. Box 1 Swords Creek, VA 24649	1.925 acres 1/2 of 3.85 acres	3.2772%
(2) Creola Blake Heirs, Devisees, Successors or Assigns <i>Addresses Unknown</i>	1.925 acres 1/2 of 3.85 acres	3.2772%
<i>(OR)</i>		
(1) A. Wayne Bostic, et al. P.O. Box 1 Swords Creek, VA 24649	1.684 acres 7/16 of 3.85 acres	2.8675%
(2) Creola Blake Heirs, Devisees, Successors or Assigns <i>Addresses Unknown</i>	1.684 acres 7/16 of 3.85 acres	2.8675%
(3) Swords Creek Land Partnership, Tr.57 P.O. Box 29 Tazewell, VA 24651	0.481 acres 1/8 of 3.85 acres	0.8193%
<u>OIL & GAS OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.57 P.O. Box 29 Tazewell, VA 24651	3.85 acres	6.5543%
<i>(OR)</i>		
(1) A. Wayne Bostic, et al. P.O. Box 1 Swords Creek, VA 24649	1.925 acres 1/2 of 3.85 acres	3.2772%
(2) Creola Blake Heirs, Devisees, Successors or Assigns <i>Addresses Unknown</i>	1.925 acres 1/2 of 3.85 acres	3.2772%
<i>(OR)</i>		
(1) A. Wayne Bostic, et al. P.O. Box 1 Swords Creek, VA 24649	1.684 acres 7/16 of 3.85 acres	2.8675%
(2) Creola Blake Heirs, Devisees, Successors or Assigns <i>Addresses Unknown</i>	1.684 acres 7/16 of 3.85 acres	2.8675%
(3) Swords Creek Land Partnership, Tr.57 P.O. Box 29 Tazewell, VA 24651	0.481 acres 1/8 of 3.85 acres	0.8193%

Exhibit EE
Unit 88-118
Docket #VGOB 02-1119-1096-01
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.74 Acre Unit)

BOOK 0795 PAGE 0674

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1B, 2.29 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.14 P.O. Box 29 Tazewell, VA 24651	2.29 acres	3.8985%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Thomas Deen Keen, et al.	2.29 acres	3.8985%	
(a) Thomas Deen Keen P.O. Box 372 Swords Creek, VA 24649	0.763 acres 1/3 of 2.29 acres	1.2995%	n/a
(b) Norma Jean Honaker PO Box 24 Swords Creek, VA 24649	0.382 acres 1/6 of 2.29 acres	0.6498%	n/a
(c) Elisa Ann Dye P.O. Box 24 Raven, VA 24639	0.382 acres 1/6 of 2.29 acres	0.6498%	n/a
(d) John B. Keen P.O. Box 15 Pounding Mill, VA 24637	0.382 acres 1/6 of 2.29 acres	0.6498%	n/a
(e) Francis G. Street P.O. Box 506 Honaker, VA 24260	0.382 acres 1/6 of 2.29 acres	0.6498%	n/a
<u>Tract #3, 1.75 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.15 P.O. Box 29 Tazewell, VA 24651	1.75 acres	2.9792%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Dallas James Whited 1422 Long Branch Road Swords Creek, VA 24649	1.75 acres	2.9792%	n/a
<u>Tract #4A, 9.86 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.1 P.O. Box 29 Tazewell, VA 24651	9.86 acres	16.7858%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Dallas James Whited 1422 Long Branch Road Swords Creek, VA 24649	9.86 acres	16.7858%	n/a
<u>Tract #4B, 4.49 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.1 P.O. Box 29 Tazewell, VA 24651	4.49 acres	7.6439%	n/a

Exhibit EE
Unit BB-118
Docket #VGOB 02-1119-1096-01
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.74 Acre Unit)

BOOK 0795 PAGE 0675

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>			
(1) Luther E. Whited P.O. Box 268 Swords Creek, VA 24649	4.49 acres	7.6439%	31.0512% HB2058
<u>Tract #4C, 6.12 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.1 P.O. Box 29 Tazewell, VA 24651	6.12 acres	10.4188%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Roger Whited P.O. Box 316 Swords Creek, VA 24649	6.12 acres	10.4188%	42.3237% HB2058

1502268

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 11-16 2015, This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:35 o'clock P M, after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Sarah Gilmer

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