

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)

UNIT/WELL NAME: BA100

TRACT(S): 1G

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-03-0916-1189-02

APPLICANTS: CNX Gas Company LLC on behalf of Jimmy Lee Harris

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia ☐
April 21, 2015

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

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 01/20/2004, Recorded on 01/22/2004, Deed Book/Instrument No. 585, Page 125.
2. Supplemental Order Executed 03/11/2005, Recorded on 03/14/2005, Deed Book/Instrument No. 614, Page 195.
3. Disbursement Order -01, Recorded on 09/28/2009, Deed Book/Instrument No. 090002908.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the April 21, 2015 hearing and considered whether to:

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

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1G 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

Applicant has certified and represented to the Board that:

(a) Jimmy Lee Harris is entitled to 100% of the CBM royalties awarded under Case No. 335-11, Opinion dated February 5, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 specifies how said royalties are to be paid.

RELIEF GRANTED:

VGOB Disbursement
Unit BA100

VG0B-03-0916-1189-02

Table 1
Tracts: 1G

Item	Tract	Disbursement Table				
		Total acreage in escrow before disbursement				23.01000

1G Tract 1G (total acreage)		4.08			
1	1G Jimmy Lee Harris\1700 Township Road 11, Brinkhaven, OH 43006	4.0800	100.00%	4.0800	17.7314%

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.

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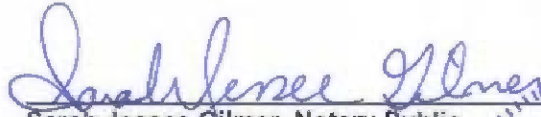
DONE AND EXECUTED this 4 day of May, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 4th day of May, 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, that he executed the same and was authorized to do so.



Sarah Jessee Gilmer, Notary Public
262946



My Commission expires: July 31, 2017

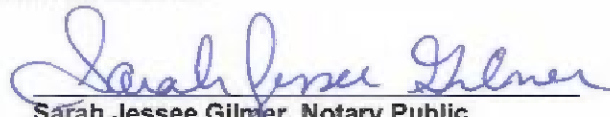
DONE AND PERFORMED this 5 day of May, 2015 by Order of the Virginia Gas and Oil Board,



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 5th day of May, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is the Principal Executive to the staff of the Virginia Gas and Oil Board, that he 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 03-0916-1189-02

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

HEARING DATE: April 21, 2015

DRILLING UNIT: BA100

BUCHANAN 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(s) attributable to Tracts 1G to the persons identified in the Table using the percentages set forth in the Table; and (2) dismissal of coal owner(s)/claimant(s) named in the Notice of Hearing and identified in Exhibit B2 who were pooled by the Board as conflicting claimants.

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) Jimmy Lee Harris is entitled to 100% of the CBM royalties awarded under Case No. 335-11, Opinion dated February 5, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 specifies how said royalties are to be paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

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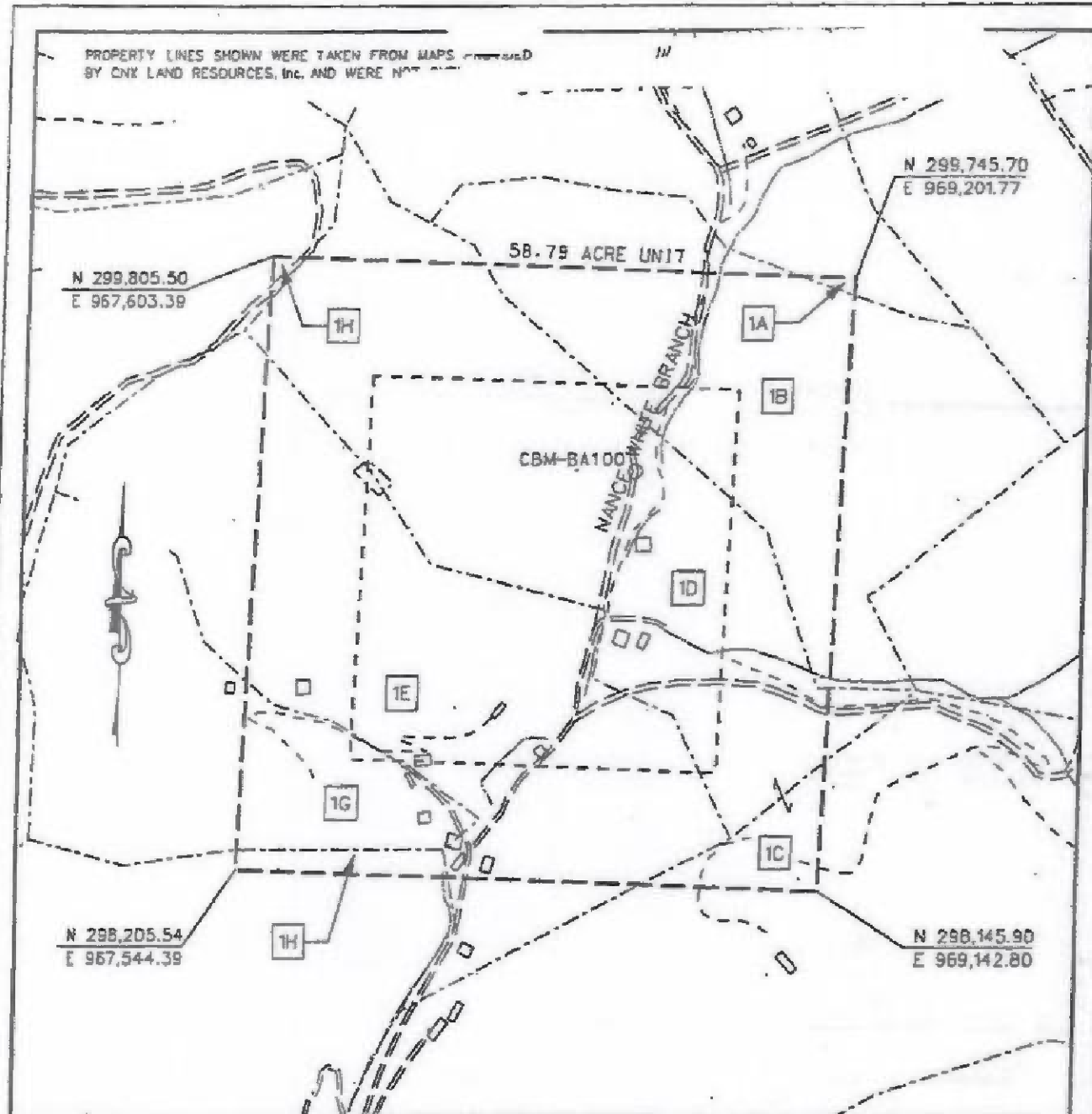
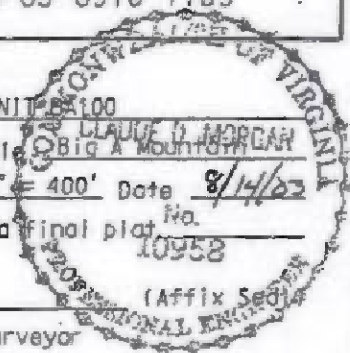


EXHIBIT A
NDRA FIELD UNIT BA-100
FORCE POOLING
VGOB-03-0916-1189

Company CNX Gas Company LLC Well Name and Number UNIT BA-100
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane Scale: 1" = 400' Date 8/14/03
 This plat is a new plat X ; an updated plat _____ ; or a final plat No. 10958

Form D60-GO-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
UNIT BA-100
Tract Identifications
(58.79 Acre Unit)

- 1A. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal
 CNX Gas Company LLC - CBM Leased
 Kenneth E. Harris - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 0.07 acres 0.1190%
- 1B. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal
 CNX Gas Company LLC - CBM Leased
 Rosa Sanders Heirs - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 10.58 acres 17.9963%
- 1C. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Ruth Harris - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 1.71 acres 2.9087%
- 1D. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Ruth Harris - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 22.45 acres 38.1868%
- 1E. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Shirley H. Hess, et vir - Surface and All Minerals except Coal
 18.93 acres 32.1994%
- 1F. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Lowey R. Childress, et ux - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 0.85 acres 1.4458%
- 1G. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Jimmy Harris - Surface and All Minerals except Coal
 Equitable Resources Exploration - Oil and Gas Leased
 4.08 acres 6.9400%

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CNX Gas Company LLC
UNIT BA-100
Tract Identifications
(58.79 Acre Unit)

- 1H. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Dallas James, et ux - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.12 acres 0.2040%

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Exhibit E
Unit BA-100
Docket #VGOB 03-0916-1189-02
List of Owners in escrow
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1E - 18.93 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	18.93 acres	32.1994%
<u>OIL & GAS OWNERSHIP</u>		
(1) Shirley H. Hess 71 Ash St. Honaker, VA 24260	18.93 acres	32.1994%

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Exhibit EE
Unit BA-100

Docket #VGOB 03-0916-1189-02

List of Respondents with Royalty Split Agreements and/or Court Orders
(58.79 Acres Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1A - 0.07 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.07 acres	0.1191%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Kenneth E. Harris 2775 Bandy Road Cedar Bluff, VA 24808	0.07 acres	0.1191%	n/a
<u>Tract #1B - 10.58 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	10.58 acres	17.9963%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Rosa Sanders Heirs, Devises, Successors or Assigns	10.58 acres	17.9963%	
(a) Foster E. Ball Heirs, Devises, Successors or Assigns			
(a.1) Judy Faye Ball 54 Lumber Lane Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(b) Sarah Jane Cook 1255 Dixie Lane Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(c) Betty Marsh 425 Manhattan Drive Orlando, FL 32839	2.12 1/5 of 3.50 acres	3.5993%	n/a
(d) Chester A. McGlothlin 4613 Old Grissom Creek Road Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(e) Margaret Bowles Heirs, Devises, Successors or Assigns			
(e.1) Karen Sampson 629 C 4th Ave., Apt. C Marlinton, WV 24854	0.71 1/15 of 3.50 acres	1.1998%	n/a
(e.2) Dianna L. Boothe 2205 Blue Fish Place Geneva, FL 32732	0.71 1/15 of 3.50 acres	1.1998%	n/a
(e.3) Herbert Sampson 5885 Dahlia Dr. Apt 102 Orlando, FL 32807-3258	0.71 1/15 of 3.50 acres	1.1998%	n/a
<u>Tract #1C - 1.71 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	1.71 acres	2.9087%	n/a

Exhibit EE
Unit BA-100
Docket #VGOB 03-0916-1189-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(59.79 Acre Unit)

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	Acres in Unit	Percent of Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>			
(1) Ruth Harris Heirs, Devisees, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	1.71 acres	2.9087%	
(1.0) Ruben Harris Heirs, Devisees, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devisees, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devisees, Successors or Assigns			
(2.1.1) Dallas McGlothlin	<i>Conveyed 4/16/2012 to Roger and Melissa Baldwin (Instrument # 120000)</i>		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	0.88 acres 1/2 of 1.71 acres	1.4543%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1265 Honaker, VA 24260	0.86 acres 1/2 of 1.71 acres	1.4543%	n/a

Tract #1D - 22.45 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	22.45 acres	38.1868%	n/a
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OIL & GAS OWNERSHIP

(1) Ruth Harris Heirs, Devisees, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	22.45 acres	38.1868%	
(1.0) Ruben Harris Heirs, Devisees, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devisees, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devisees, Successors or Assigns			
(2.1.1) Dallas McGlothlin	<i>Conveyed 4/16/2012 to Roger and Melissa Baldwin (Instrument # 120000)</i>		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1265 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a

Tract #1F - 0.85 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.85 acres	1.4458%	n/a
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OIL & GAS OWNERSHIP

(1) Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.85 acres	1.4458%	n/a
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Royalties paid to:

Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.43 acres 1/2 of 0.85 acres	0.7229%	n/a
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Docket #VGOB 03-0916-1189-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
Velma A. Childress PO Box 2864 Lebanon, VA 24266	0.43 acres 1/2 of 0.85 acres	0.7229%	n/a

Tract #1G - 4.08 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	4.08 acres	6.9400%	n/a
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OIL & GAS OWNERSHIP

(1) Jimmy Harris 1700 Township Road 11 Brinkhaven, OH 43006	4.08 acres	6.9400%	17.7314%
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*Prevailing plaintiff under Case No. 335-11
Awarded 100% of the CBM royalty.*

Tract #1H - 0.12 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.12 acres	0.2041%	n/a
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OIL & GAS OWNERSHIP

(1) Dallas & Carol James 4565 Old Grissom Creek Road Honaker, VA 24260	0.12 acres	0.2041%	n/a
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Total Acreage Resolved	39.8600		
Total Percentage Resolved		67.8006%	

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

JIMMY LEE HARRIS,

Plaintiff

vs.

Case No. 335-11

HARRISON-WYATT, LLC,

Defendant

FINAL ORDER ENTERING JUDGMENT

Upon the motion of Defendant, Harrison-Wyatt, LLC, for entry of judgment, it is; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC, is not the owner of the coal-bed methane gas within the following tracts within the below named and described units permitted pursuant to the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 et seq.:

- a. From Unit BA-99, Forced Pooling Supplemental Order, Entered March 8, 2005, Regarding Docket No. VGOB-04-120-1252, Tract 1(D) of Exhibit A (BOOK 0613 PAGE 0810) to the order, 10.78 acres; and,

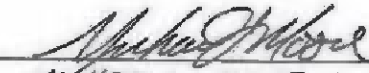
b. From Unit BA100, Forced Pooling Supplemental Order, Entered March 8, 2005, Regarding Docket No. VGOB-03-0916-1189, Tract 1(G) of Exhibit A (BOOK 0614, pg 0199) to the order, 4.08 acres.

The above described tracts within the named units are referred to in this Order as the ("Subject Properties").

It is further; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties, and that it is not a conflicting claimant to the ownership of the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties.

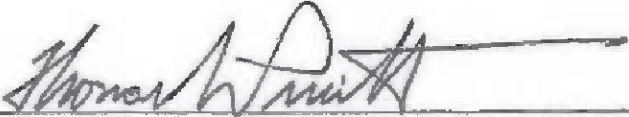
The Defendant's motion for a bill of particulars and demurrer are denied. All other claims asserted by either party against the other are denied, and this action is stricken from the docket of this Court with prejudice to the Plaintiff and Defendant as to any such other claims.

ENTER: This, the 5th day February, 2015.


MICHAEL L. MOORE
~~HEATHER E. WILLIAMS~~, JUDGE

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REQUESTED:


Counsel for Defendant, HARRISON-WYATT, LLC

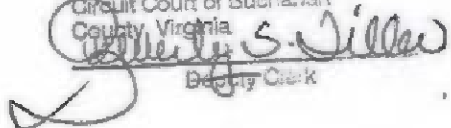
SEEN:


Counsel for Plaintiffs, T. SHEA COOK, ESQ.

INSTRUMENT #150000805
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 18, 2015 AT 03:47PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

A Copy
Tested: Beverly S. Tiller, Clerk
Circuit Court of Buchanan
County, Virginia


Beverly S. Tiller
Deputy Clerk