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: EE37

TRACT(S): 1H

LOCATION: TAZEWELL County, Virginia

TAX ID NUMBERS: Tax Map Identification Numbers for all parcels affected by this order are shown on: Tract Identification Sheet

DOCKET NUMBER: VGOB-03-1021-1205-04

APPLICANTS: Pocahontas Gas LLC on behalf of Commonwealth of VA Department of Transportation

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 Pocahontas Gas LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 12/15/2003, Recorded on 12/22/2003, Deed Book/Instrument No. 898, Page 237, County TAZEWELL.

2. Supplemental Order Executed 10/08/2004, Recorded on 10/19/2004, Deed Book/Instrument No. 924, Page 860, County TAZEWELL.

3. Disbursement Order -01 Executed 12/19/2011, Recorded on 01/13/2012, Deed Book/Instrument No. 1107, Page 0087, County TAZEWELL.

21-184

4. Disbursement Order -02 Executed 02/08/2013, Recorded on 04/01/2013, Deed Book/Instrument No. 2013, Page 5869, County TAZEWELL.

5. Disbursement Order -03 Executed 05/11/2016, Recorded on 05/24/2016, Deed Book/Instrument No. 2016, Page 0798, County TAZEWELL.

NOTICE:

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

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1H 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. Commonwealth of Virginia, Department of Transportation is the gas claimant in Tract(s) 1H. As such Commonwealth of Virginia, Department of Transportation 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 Pocahontas Gas LLC (formerly 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 03-1021-1205-03, it dismissed the coal claimant(s) Coal Mountain Mining Co, LLC as a Respondent to these proceedings. Accordingly, Coal Mountain Mining Co, LLC 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 Commonwealth of Virginia, Department of Transportation and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

VGOB Disbursement
Unit EE37

VGOB-03-1021-1205-04

Table 1
Tracts: 1H

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership inTract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed	Adjustment Amount
		Total acreage in escrow before disbursement				0.91000		
	1H	Tract 1H (total acreage)	0.9100					
1	1H	Commonwealth of VA Department of Transportation\870 Bonham Road Bristol VA 24201		0.9100	100.00%	0.9100	100.0000%	

Adjustment Comments:

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 16 day of December, 2020 by a majority of the Virginia Gas and Oil Board.

Interim Chairman, Donald L. Ratliff

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 16th day of December, 2020, personally before me a notary public in and for the Commonwealth of Virginia, appeared Donald L. Ratliff, being duly sworn did depose and say that he is the Interim 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

SARAH JESSEE GILMER NOTARY PUBLIC MY COMMISSION NUMBER 262946 COMMONWEALTH OF VIRGINIA

My Commission expires: July 31, 2021

DONE AND PERFORMED this 18 day of December, 2020 by Order of the Virginia Gas and Oil Board.

James P. Skorupa
Principal Executive to the staff,
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 18th day of December, 2020, personally before me a notary public in and for the Commonwealth of Virginia, appeared James P. Skorupa, 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

SARAH JESSEE GILMER NOTARY PUBLIC MY COMMISSION NUMBER 262946 COMMONWEALTH OF VIRGINIA

My Commission expires: July 31, 2021

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 03-1021-1205-04

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1H (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: EE37

TAZEWELL COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is Pocahontas Gas 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 attributable to Tract 1H, as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Commonwealth of Virginia, Department of Transportation.

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. Commonwealth of Virginia, Department of Transportation is the gas claimant in Tract(s) 1H. As such Commonwealth of Virginia, Department of Transportation 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 Pocahontas Gas LLC (formerly 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 03-1021-1205-03, it dismissed the coal claimant(s) Coal Mountain Mining Co, LLC as a Respondent to these proceedings. Accordingly, Coal Mountain Mining Co, LLC 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 Commonwealth of Virginia, Department of Transportation 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.

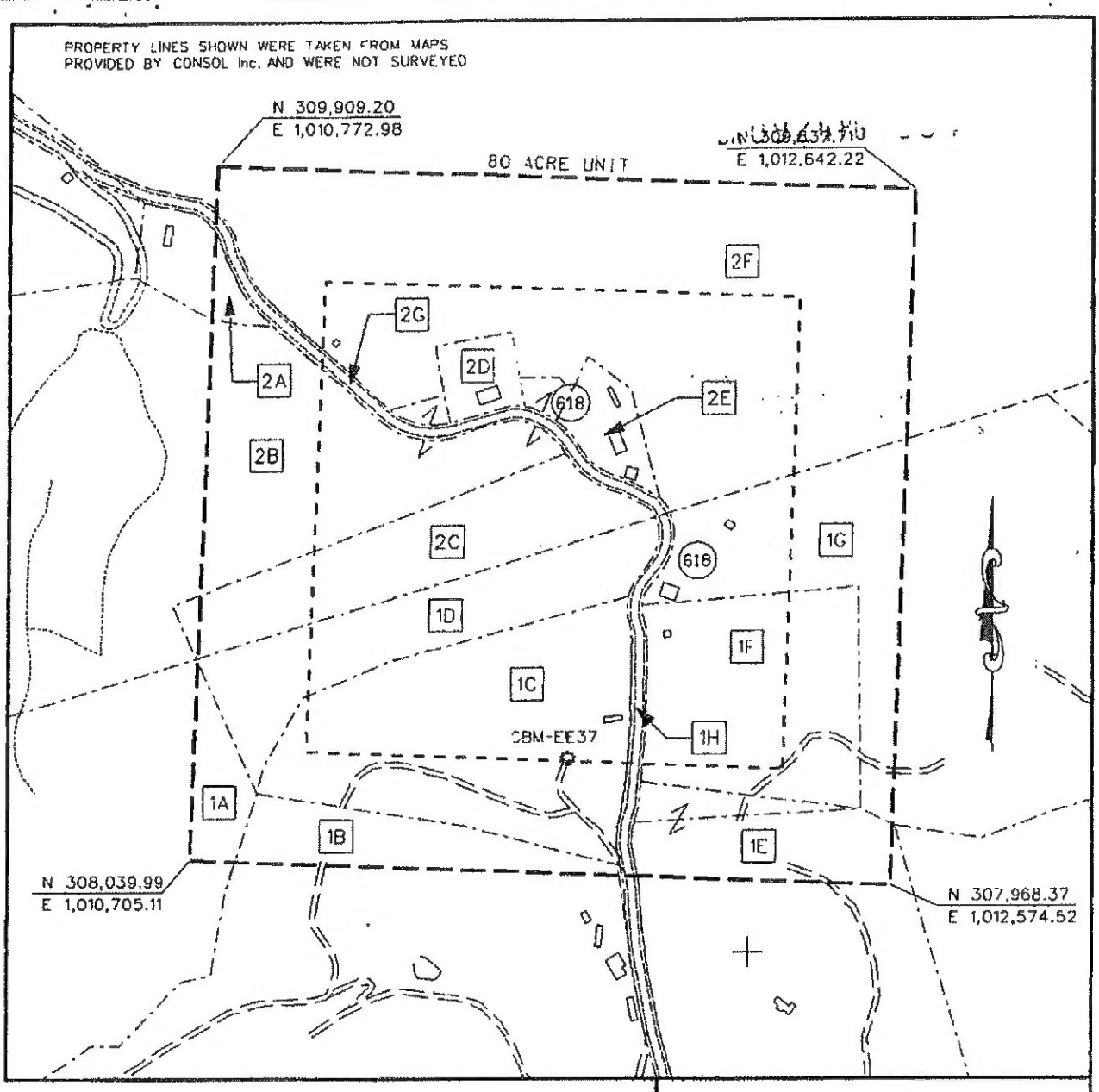

EXHIBIT A
OAKWOOD FIELD UNIT EE-37
FORCE POOLING
VGOB-03-1021-1205

Company CNX Gas Company LLC Well Name and Number UNIT EE37

Tract No. _____ Elevation _____ Quadrangle Keen Mountain

County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/16/03

This plot is a new plot X ; an updated plot _____ ; or a final plot _____

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

10988

...\Force Pooling\ee37pool.dgn 09/16/2003 01:47:49 PM

CNX GAS COMPANY LLC
UNIT EE-37
Tract Identifications

1A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James M. McGlothlin, et ux – Surface and All Minerals except Coal
(Tax Map 84A Parcel 1)
1.32 acres 1.6500%

1B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Harold D. McGlothlin, et ux. – Surface And All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A Parcel 4)
2.73 acres 3.4125%

1C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Larry Absher, et ux. – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A Parcel 106A)
10.29 acres 12.8625%

1D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Grady G. McGlothlin – Surface and All Minerals except Coal
(Tax Map 84A Parcel 2)
5.43 acres 6.7875%

1E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Jerry T. Absher, et ux. – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84 01Parcel 5A)
3.50 acres 4.3750%

1F. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James T. Absher – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84 01Parcel 5)
6.96 acres 8.7000%

September 17, 2003

CNX GAS COMPANY LLC
UNIT EE-37
Tract Identifications

1G. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James T. Absher – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A Parcel 4)
6.05 acres 7.5625%

1H. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Jeremiah Cordill Heirs OR Commonwealth of Virginia – All Minerals except Coal
Commonwealth of Virginia - Surface
(Tax Map 84A Parcel 00)
0.91 acres 1.1375%

2. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 38 - All Minerals
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
(Tax Map 84A Parcel 102)
42.81 acres 53.5125%

2A. Charlie G. McGlothlin, et ux. - Surface
2B. James M. MCGlothlin - Surface
2C. Grady G. McGlothlin, et ux. - Surface
2D. Kennith Thomas Osborne, et ux - Surface
2E. Daniel Lee Johnson, et ux. - Surface
2F. James T. Absher - Surface
2G. Commonwealth of Virginia - Surface

September 17, 2003

Exhibit E
Unit EE-37
Docket #VGOB 03-1021-1205-04
List of Respondents that require escrow

	Acres in Unit	Interest in Unit

Escrowing no longer required

Exhibit EE
Unit EE-37
Docket #VGOB 03-1021-1205-04
List of Respondents with Royalty Split/Court Order/HB2058

	Acres in Unit	Interest in Unit	Percent of Escrow
Tract #1A, 1.32 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	1.32 acres	1.6500%	*n/a*
OIL & GAS OWNERSHIP			
(1) James M. & Audrey G. McGlothlin Heirs, Devisees, Successors or Assigns	*Deeded to CNX Gas Company LLC 6/21/2005*		
The royalties accumulated until the date deeded to CNX will be paid to the heir of James M. and Audrey McGlothlin listed below:			
(a) Teddy Wayne McGlothlin 36 Maple Gap Road Swords Creek, VA 24649			
(1) Pocahontas Gas LLC 1000 Consol Energy Drive, Suite 400 Canonsburg, PA 15317 *(Previously James M. McGlothlin, et ux)*	1.32 acres	1.6500%	*n/a*
Tract #1B, 2.73 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	2.73 acres	3.4125%	*n/a*
OIL & GAS OWNERSHIP			
(1) Harold D. & Letha J. McGlothlin Heirs, Devisees, Successor, or Assigns	2.73 acres	3.4125%	
(a) Dahmon E. McGlothlin 430 Sailboat Drive Salisbury, NC 28146	0.5460 acres 1/5 of 2.73 acres	0.6825%	*n/a*
(b) Denise J. Sparks 4495 Road Ridge Turnpike Raven, VA 24639	0.5460 acres 1/5 of 2.73 acres	0.6825%	*n/a*
(c) Janet Lynn McGlothlin 160 Youngs Road Raven, VA 24639	0.5460 acres 1/5 of 2.73 acres	0.6825%	*n/a*
(d) Kathy D. Barnette 1100 Cedar Valley Dr, Suite 3D Cedar Bluff, VA 24609	0.5460 acres 1/5 of 2.73 acres	0.6825%	*n/a*
(e) Ricky H. McGlothlin 4481 Road Ridge Turnpike Raven, VA 24639	0.5460 acres 1/5 of 2.73 acres	0.6825%	*n/a*
Tract #1C, 10.29 acres			
COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	10.29 acres	12.8625%	*n/a*

Exhibit EE
Unit EE-37
Docket #VGOB 03-1021-1205-04
List of Respondents with Royalty Split/Court Order/HB2058

	Acres in Unit	Interest in Unit	Percent of Escrow
OIL & GAS OWNERSHIP			
(1) Larry Absher, et ux. PO Box 684 Cedar Bluff, VA 24609	10.29 acres	12.8625%	*n/a*

Note: ***CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461 The Corrected Final Order was executed June 13, 2011 and plantiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.***

Tract #1D, 5.43 acres

COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	5.43 acres	6.7875%	*n/a*
OIL & GAS OWNERSHIP			
(1) Joel Absher 4674 Road Ridge Turnpike Raven, VA 24639 *(Previously Grady G. McGlothlin)*	5.43 acres	6.7875%	*n/a*

Note: ***CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461 The Corrected Final Order was executed June 13, 2011 and plantiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.***

Tract #1E, 3.50 acres

COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	3.50 acres	4.3750%	*n/a*
OIL & GAS OWNERSHIP			
(1) Jerry T. Absher, et ux. 4276 Roadridge Turnpike Raven, VA 24639	3.50 acres	4.3750%	*n/a*

Note: ***CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461 The Corrected Final Order was executed June 13, 2011 and plantiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.***

Tract #1F, 6.96 acres

COAL OWNERSHIP			
(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	6.96 acres	8.7000%	*n/a*

OIL & GAS OWNERSHIP

(1) James T. Absher Estate *

* ***There will be a one time payout of 70% of the escrow to the heirs of James T. Absher and 30% to CNX Gas Company LLC (CNX) for their proportinate share up to March 2007 production. CNX purchased the property on 3/17/07 and will be paid at 100% from April 2007 production forward.***

Jerry Thomas Absher
Travis Benton Absher
Joel Lewis Absher
Charles Wayne Absher
Coy Allen Absher
Larry Gale Absher
Karen Lynn Johnson
Lewis Yuvon Osborne
Tammy Voleeda Walker (grandchild)
Janet Bliss Walker (grandchild)

Exhibit EE
Unit EE-37
Docket #VGOB 03-1021-1205-04
List of Respondents with Royalty Split/Court Order/HB2058

	Acres in Unit	Interest in Unit	Percent of Escrow
(a) Pocahontas Gas LLC 1000 Consol Energy Drive, Suite 400 Canonsburg, PA 15317	6.96 acres	8.7000%	*n/a*

Note: ***CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11000906 The Final Order was executed November 9, 2011 and plantiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.***

Tract #1G, 6.05 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	6.05 acres	7.5625%	*n/a*

OIL & GAS OWNERSHIP

(1) James T. Absher Estate *

* ***There will be a one time payout of 70% of the escrow to the heirs of James T. Absher and 30% to CNX Gas Company LLC (CNX) for their proportinate share up to March 2007 production. CNX purchased the property on 3/17/07 and will be paid at 100% from April 2007 production forward.***

Jerry Thomas Absher	Larry Gale Absher
Travis Benton Absher	Karen Lynn Johnson
Joel Lewis Absher	Lewis Yuvon Osborne
Charles Wayne Absher	Tammy Voleeda Walker (grandchild)
Coy Allen Absher	Janet Bliss Walker (grandchild)

(a) Pocahontas Gas LLC 1000 Consol Energy Drive, Suite 400 Canonsburg, PA 15317	6.05 acres	7.5625%	*n/a*

Note: ***CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11000906 The Final Order was executed November 9, 2011 and plantiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.***

Tract #1H, 0.91 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, LLP *(Tract 18)* P.O. Box 675 Tazewell, VA 24651	0.91 acres	1.1375%	*n/a*

OIL & GAS OWNERSHIP

(1) Commonwealth of Virginia Dept. of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	0.91 acres	1.1375%	**100.00%** **HB2058**

Note: Previously shown as title conflict. VDOT conveyance (DB295 PG470) has been reviewed and management decision has been made that there is no conflict and VDOT owns the oil & gas.

Total Acres Resolved: **37.1900**
Total Percentage Resolved: **46.4875%**

INSTRUMENT 210000184
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY CIRCUIT COURT ON
JANUARY 20, 2021 AT 10:02 AM
TAMMY B. ALLISON, CLERK
RECORDED BY: CGH

Crystal Heigner 11/3/2020