



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: BJ115

TRACT(S): 1

LOCATION: RUSSELL County, Virginia

DOCKET NUMBER: VGOB-04-1214-1371-03

APPLICANTS: Pocahontas Gas LLC on behalf of Connie Thomas - c/o Department of Treasury, Patricia Ann Thomas - c/o Department of Treasury

HEARING DATE AND LOCATION: On November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

FUTURE INQUIRIES/CLAIMS: Funds for unknown/unlocatable owners in this order are being sent to the Department of Treasury under the provisions of Title 55.1, Section 55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act. To make a claim regarding these funds, please contact the Department of Treasury, Unclaimed Property Division, P. O. Box 2485, Richmond, Virginia 23218-2478. Phone: 1-800-468-1088. E-Mail: UCPmail@trs.virginia.gov

APPEARANCES: Mark A. Swartz on behalf of Pocahontas Gas LLC

PRIOR PROCEEDINGS:

- 1. Original Pooling Order Executed 06/15/2005, Recorded on 06/22/2005, Deed Book/Instrument No. 633, Page 702, County RUSSELL.

- 2. Supplemental Order, Recorded on 08/16/2006, Deed Book/Instrument No. 658, Page 240, County RUSSELL.
- 3. Modification Order -01 Executed 11/06/2013, Recorded on 11/18/2013, Deed Book/Instrument No. 0769, Page 0752, County RUSSELL.
- 4. Supplemental Order -01 Executed 02/27/2014, Recorded on 04/30/2014, Deed Book/Instrument No. 0774, Page 0954, County RUSSELL.
- 5. Disbursement Order -02 Executed 05/31/2016, Recorded on 06/22/2016, Deed Book/Instrument No. 0804, Page 253, County RUSSELL.

NOTICE:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1 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. Demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended.
- b. Notice of the Disbursement Petition was provided by publication on March 12, 2020 in the Virginia Mountaineer.
- c. See Exhibit T annexed hereto and incorporated herein by reference.

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 11 day of June, 2020 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert

Chairman, Bradley C. Lambert

DONE AND PERFORMED this 11 day of June, 2020 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 11th day of June, 2020, 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, 2021



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 04-1214-1371-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1 (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 November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

FUTURE INQUIRIES/CLAIMS: Funds for unknown/unlocatable owners in this order are being sent to the Department of Treasury under the provisions of Title 55.1, Section 55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act. To make a claim regarding these funds, please contact the Department of Treasury, Unclaimed Property Division, P. O. Box 2485, Richmond, Virginia 23218-2478. Phone: 1-800-468-1088. E-Mail: UCPmail@trs.virginia.gov

DRILLING UNIT: BJ115

RUSSELL 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) Disbursement to the Commonwealth of Virginia, Department of the Treasury, Unclaimed Property Division, of funds held in escrow pursuant to Virginia Gas and Oil Board Pooling Orders heretofore entered to protect the correlative rights of unknown coalbed methane owners and unlocatable coalbed methane owners. These disbursements are requested under the provisions of Title 55.1, §§55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act, and in response to the demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended. (2) Amendment of prior Virginia Gas and Oil Board Orders requiring escrow of the funds attributable to unknown owners and unlocatable owners to order the Operator to pay future royalties directly to the Department of the Treasury for Tract 1.

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

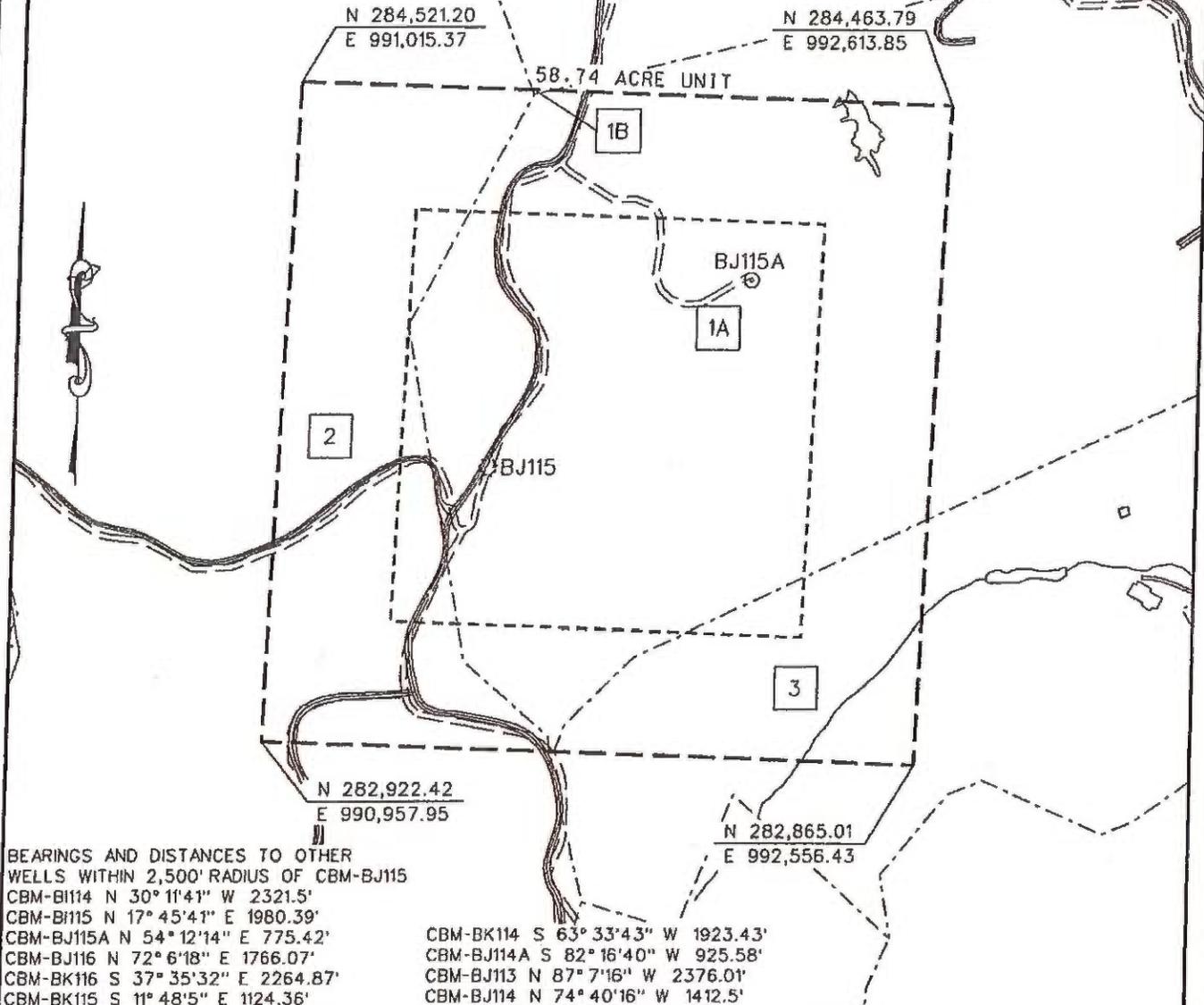
5. Factual basis for relief requested

- a. Demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended.
- b. Notice of the Disbursement Petition was provided by publication on March 12, 2020 in the Virginia Mountaineer.
- c. See Exhibit T annexed hereto and incorporated herein by reference.

6. Attestation

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

Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



☉ CBM WELL
⊙ PROPOSED CBM WELL

EXHIBIT A
MIDDLE RIDGE FIELD
UNIT BJ115
FORCE POOLING
VGOB-04-1214-1371-01

Company CNX Gas Company LLC Well Name and Number UNIT BJ115

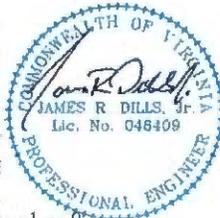
Tract No. _____ Elevation _____ Quadrangle HONAKER

County RUSSELL District NEW GARDEN

This plat is a new plat X : an updated plat _____

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer



Digitally signed by James R Dills Jr.
DN: cn=James R Dills Jr., c=US,
o=IdenTrust ACES Business
Representative, ou=DSB PRICE
ENGINEERING AND LAND
SURVEYING INC PC

Date: 2013.08.02 11:23:50 -04'00'

CNX Gas Company LLC
UNIT BJ115
Tract Identifications
(58.74 Acre Unit)

1. Letha F. Vandyke, et al (199.00 Acre Tract) – All Minerals
Harold Keen Coal Company – All Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased (97.5694%)
35.26 acres 60.0272%

- 1A. G. F. Hurt Heirs – Surface
1B. Unknown Surface Owner

2. Reserve Coal Properties Company – Coal
CNX Gas Company LLC– Oil and Gas
Reserve Coal Properties Company - Surface
16.05 acres 27.3238%

3. Swords Creek Coal & Coke Corporation (156.79 Acre Tract) – Coal
CNX Gas Company LLC – CBM Leased
Claude A. Ray, Jr. – Surface, Oil, and Gas
CNX Gas Company LLC– Oil, Gas and CBM Leased
7.43 acres 12.6490%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit E
Unit BJ-115
Docket #VGOB 04-1214-1371-03
List of Owners/Claimants that require Escrow
(58.74 Acre Unit)

Acres in Unit	Interest In Unit
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Escrowing no longer required

Exhibit EE
 Unit BJ-115
 Docket #VGOB 04-1214-1371-03
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058
 (58.74 Acre Unit)

	Acres In Unit	Interest in Unit	Percent of Escrow
<u>Tract #3, 7.43 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Coal & Coke Corporation P.O. Box 146 Rosedale, VA 24280	7.43 acres	12.6490%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Claude A. Ray, Jr. and Nancy Ray P.O. Box 413 Swords Creek, VA 24649	7.43 acres	12.6490%	n/a
<u>Tract #1, 35.26 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Letha F. Vandyke, et al. (199.00 Acre Tract)	35.26 acres	60.0272%	
(e) Elizabeth Worley Heirs, Devisees, Successors or Assigns			
(e.1) Patricia Ann Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.061 acres 1/576 of 35.26 acres	0.1042%	n/a
(e.2) Connie Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.061 acres 1/576 of 35.26 acres	0.1042%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Letha F. Vandyke, et al. (199.00 Acre Tract)	35.26 acres	60.0272%	
(e) Elizabeth Worley Heirs, Devisees, Successors or Assigns			
(e.1) Patricia Ann Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.061 acres 1/576 of 35.26 acres	0.1042%	50.00% HB2058
(e.2) Connie Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.061 acres 1/576 of 35.26 acres	0.1042%	50.00% HB2058

TOTAL CONFLICTS RESOLVED:

Acreage in Unit 7.552
 Percentage of Unit 12.8574% **2001383**

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 7-30, 2020. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:58 o'clock P. M, after payment of \$ — tax imposed by Sec. 58.1-802.

5/15/2020

TESTE: ANN S. McREYNOLDS, CLERK

Original returned this date to: Sarah Gilmer

BY: Ann S. McReynolds CLERK