

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: FF15

TRACT(S): 1A, 1F, 1G

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-05-1018-1511-01

APPLICANTS:

CNX Gas Company LLC on behalf of CNX Gas Company LLC, Harrison-Wyatt, LLC, Kenneth
W. & Kathy Mae Street

HEARING DATE AND LOCATION:

Russell County Government Center, Lebanon, Virginia ☐
May 26, 2015

APPEARANCES:

Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 02/02/2006, Recorded on 02/07/2006, Deed Book/Instrument No. 401.
2. Supplemental Order, Recorded on 08/27/2009, Deed Book/Instrument No. 090002588.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the May 26, 2015 hearing and considered whether to:

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

150000903

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1A, 1F, 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) Kenneth W. & Kathy Mae Street are entitled to 100% of the CBM royalties awarded under Case No. 347-11, 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. ☐

Harrison-Wyatt, L.L.C. and CNX Gas Company LLC have entered into a CBM Deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid

RELIEF GRANTED:

VGOB Disbursement

Unit FF15

VG0B-05-1018-1511-01

Table 1

Tracts: 1A, 1F, 1G

Item	Tract	Disbursement Table
	Total acreage in escrow before disbursement	
		26.61000
1A Tract 1A (total acreage)		2.89
1	1A Harrison-Wyatt, LLC P.O. Box 11000, Danville, VA 24543	2.8900 50.00% 1.4450 5.4303%
2	1A CNX Gas Company LLC P.O. Box 643830, Pittsburgh, PA 15264-3830	2.8900 50.00% 1.4450 5.4303%
1F Tract 1F (total acreage)		9.12
1	1F Kenneth W. & Kathy Mae Streett 1426 Whitt Branch Rd., Rowe, VA 24646	9.1200 100.00% 9.1200 34.2728%

1G Tract 1G (total acreage)		0.18					
1	1G	Kenneth W. & Kathy Mae Street\1426 Whitt Branch Rd., Rowe, VA 24646			0.1800	100.00%	0.1800
							0.6764%

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.

1500000903

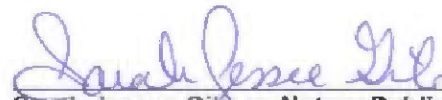
DONE AND EXECUTED this 27 day of May, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 27th 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

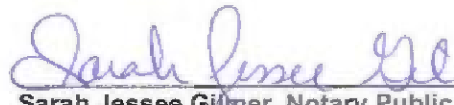
DONE AND PERFORMED this 28 day of May, 2015 by Order of the Virginia Gas and Oil Board



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 28th 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 05-1018-1511-01

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

HEARING DATE: May 26, 2015

DRILLING UNIT: FF15

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 1A, 1F & 1G to the persons identified in the Table using the percentages set forth in the Table; (2) authorization to begin paying royalties directly to the parties to the agreement or court order; and (3) 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)

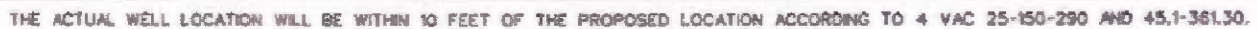
Coalbed Methane

5. Factual basis for relief requested

(a) Kenneth W. & Kathy Mae Street are entitled to 100% of the CBM royalties awarded under Case No. 347-11, 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. Harrison-Wyatt, L.L.C. and CNX Gas Company LLC have entered into a CBM Deed. Said deed allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid

6. Attestation

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



Company CNX Gas Company LLC Well Name or Number CBM-FF15A
Tract No. Harrison-wyatt, LLC Big Axe Tr.3 (318 Acre Tract) Section 1 Township 4 Range 9
County Buchanan District Hurricane Quadrangle Vansant Date 9/8/08
Elevation 2078.24' Well Elevation Determined By Trig. Levels From CONOCO, Inc. Benchmarks
Well Coordinates (Virginia State Plane - South Zone - NAD' 27): N 309.186.5 STANLEY H. HORN
This plot is a new plot X ; an updated plot ; or a final plot Lic No. 035686
+ Denotes the location of a well on United States Topographic Maps, scaled to 24,000, latitude and longitude lines being represented by border lines, if shown.
Form DGO-GD-7
Rev. 9/91
[Signature]
Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC**UNIT FF-15**

Tract Identifications
(89.74 Acre Unit)

- 1A. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC Surface and All Minerals except Coal
2.89 acres 3.2204%
- 1B. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Herman L. Hess, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
8.11 acres 9.0372%
- 1C. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Luther Street, et ux – Surface and All Minerals except Coal
0.02 acres 0.0223%
- 1D. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Robert Street, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
6.31 acres 7.0314%
- 1E. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Sylvia Rose, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
9.45 acres 10.5304%
- 1F. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – CBM Leased
Kenneth W. Street, et ux – Surface and All Minerals except Coal
9.12 acres 10.1627%

CNX Gas Company LLC**UNIT FF-15****Tract Identifications****(89.74 Acre Unit)**

- 1G. Harrison-Wyatt, LLC. Big Axe Tr. 3 (318 Acre Tract) - Coal
 Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
 Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - CBM Leased
 Kenneth W. Street, et ux - Surface and All Minerals except Coal
 0.18 acres 0.2006%
2. Harrison-Wyatt, LLC. Big Axe Tract 9 (400 Acre Tract) - All Minerals
 Island Creek Coal Company/Consol Energy, Inc. - Coal Below Drainage Leased
 Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 2.55 acres 2.8415%
- 2A. Commonwealth of Virginia - Surface
 2B. Macie E. Beck, et vir - Surface
 2C. Harlis W. Keen, et ux - Surface
 2D. Danny Street, et al - Surface
 2E. Commonwealth of Virginia - Surface
 2F. Unknown Surface Owner
 2G. Unknown Surface Owner
 2H. Unknown Surface Owner
 2I. Unknown Surface Owner
3. Buckhorn Coal Mining (H.C. Stuart 425 Acre Tract) - All Minerals
 Reserve Coal Properties Company - Below Tiller Coal Leased
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 45.07 acres 50.2229%
- 3A. Hobert Street, et ux - Surface
 3B. CNX Gas Company LLC - Surface
 3C. Hobert Street, et ux - Surface
 3D. Unknown Surface Owner
 3E. Hobert Street, et ux -
 3F. Commonwealth of Virginia - Surface
 3G. Unknown Surface Owner
 3H. Unknown Surface Owner
 3I. Unknown Surface Owner
 3J. Unknown Surface Owner
 3K. Unknown Surface Owner
 3L. Unknown Surface Owner
 3M. Unknown Surface Owner
 3N. Unknown Surface Owner
 3O. Harlis W. Keen, et ux - Surface
 3P. Unknown Surface Owner
 3Q. Unknown Surface Owner

150000903

CNX Gas Company LLC

UNIT FF-15

Tract Identifications

(89.74 Acre Unit)

- 4. Buckhorn Coal Company (H. C. Stuart 125 Acre Tract) – All Minerals
Knox Creek Coal Corporation – Coal Above Drainage Seams Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
6.04 acres 6.7306%
- 4A. Unknown Surface Owner
- 4B. Kenneth Street, et ux – Surface
- 4C. Jerry L. Smith, et ux - Surface
- 4D. Unknown Surface Owner

Exhibit E
Unit FF-15
Docket #VGOB 05-1018-1511-01
List of Respondents in Escrow
(89.74 Acre Unit)

150000903

	Acres in Unit	Percent of Unit
<u>Tract #1B - 8.11 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	8.11 acres	9.0372%
<u>OIL & GAS OWNERSHIP</u>		
(1) Herman L. Hess, et al.		
(1) Herman L. & Eva Christine Hess t/c HC65 Box 8 Rowe, VA 24646	8.11 acres	9.0372%
(2) Olbert Hess	<i>Life Estate</i>	
<u>Tract #1D - 6.31 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	6.31 acres	7.0314%
<u>OIL & GAS OWNERSHIP</u>		
(1) Hobert & Mabel Street HC65 Box 18 Rowe, VA 24646	6.31 acres	7.0314%
Total Acreage in Unit	14.420	
Total Percentage in Unit		16.0686%

List of Respondents with Royalty Split Agreements and/or Court Orders

(89.74 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1A - 2.89 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	2.89 acres	3.2204%	5.4303%
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	2.89 acres	3.2204%	5.4303%
<u>Tract #1C - 0.02 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	0.02 acres	0.0223%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Luther & Gay Street 1007 Tomahawk Drive Rowe, VA 24646	0.02 acres	0.0223%	n/a
<u>Tract #1E - 9.45 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	9.45 acres	10.5304%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Sylvia Rose, et al.	9.45 acres	10.5304%	
(a) Scolty Cantrell P.O. Box 2463 Lebanon, VA 24266	4.725 acres 1/2 of 9.45 acres	5.2652%	n/a
(b) Jennifer Faith Cantrell P.O. Box 2463 Lebanon, VA 24266	4.725 acres 1/2 of 9.45 acres	5.2652%	n/a
<i>Note: Per Letter of Agreement fax dated 6/3/03, Carlos & Sylvia Rose are to receive all payments.</i>			
(c) Sylvia & Carlos Rose 1381 Long Branch Rd. Rowe, VA 24646	Life Estate Only		n/a
(d) James Douglas Shortridge HC65 Box 7 Rowe, VA 24646	Life Estate Only		n/a

Exhibit EE
Unit FF-15
Docket #VGOB 05-1018-1511-01
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.74 Acre Unit)

150000903

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1F - 9.12 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	9.12 acres	10.1627%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Kenneth W. & Kathy Mae Street <i>1/e</i> 1426 Whitt Branch Rd. Rowe, VA 24646	9.12 acres	10.1627%	34.2728%
<i>Prevailing plaintiff under Case No. CL 347-11 Awarded 100% of the CBM royalty.</i>			
<u>Tract #1G - 0.18 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, LLC, Tr.3 P.O. Box 11000 Danville, VA 24543	0.18 acres	0.2006%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Kenneth W. & Kathy Mae Street <i>1/e</i> 1426 Whitt Branch Rd. Rowe, VA 24646	0.18 acres	0.2006%	0.6764%
<i>Prevailing plaintiff under Case No. CL 347-11 Awarded 100% of the CBM royalty.</i>			
Total Acreage Resolved		21.6600	
Total Percentage Resolved			24.1364%

INSTRUMENT #150000903
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JUNE 5, 2015 AT 10:42AM
BEVERLY S. TILLER, CLERK
RECORDED BY: GGB