

Instrument Control Number

20160548600100

Instrument 201605486
Recorded in the Clerk's Office of
Wise County and the City of Norton
On Nov 18, 2016 at 09:53 AM.
J. Jack Kennedy, Jr., Clerk
Recorded by: April Huff
(Box For Deed Stamp Only)

Commonwealth of Virginia

Land Record Instrument
Cover Sheet-Form A

[efileCX mxCourt 1.0]

Instrument Type: [ODU]
Number of Parcels [1]
Number of Pages [13]
City County [Wise County/City of Norton, VA]

First and Second Grantors

Last Name	First Name	Middle Name	Suffix
[VIRGINIA GAS & OIL BOARD]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name	Suffix
[EQT PRODUCTION COMPANY]	[]	[]	[]

Grantee Address (Name) [EQT PRODUCTION COMPANY]
(Address 1) []
(Address 2) []
(City, State, Zip) [] [] []

Consideration[00.00] Assessed Value[00.00]

Prior Instr. Recorded at: City County Other

Book [0000] Page[00000] Instr. No.[]

Parcel Identification no. {PIN} [000000]

Short Property Description [SUPPLEMENTAL ORDER FOR DOCKET 05-1018-1516 AND 05-1018-

Current Property Address (Address1) 1516-01; UNIT: V-536200; COEBURN QUADRANGLE, LIPPS

(Address2) MAGISTERIAL DISTRICT, WISE COUNTY, VIRGINIA.]

(City, State, Zip) [P. O. BOX 00000000]

[]

[WISE] [VA] [24293]

Instrument Prepared by [DEPARTMENT OF MINES, MINERALS AND ENERGY]

Recording Paid for by [DEPARTMENT OF MINES, MINERALS AND ENERGY]

Return Recording to (Name) [DEPARTMENT OF MINES, MINERALS AND ENERGY]

(Address1) [135 HIGHLAND DRIVE]

(Address2) [P. O. DRAWER 159]

(City, State, Zip) [LEBANON] [VA] [24266]



INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 05/10/18-1516

And 05/10/18-1516-01

ELECTIONS, UNIT: V-536200

(hereinafter "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

TAX MAP IDENTIFICATION NUMBERS FOR ALL
PARCELS AFFECTED BY THIS ORDER ARE SHOWN ON
EXHIBIT (S) B, B-2, B-3 & E WHICH IS/ARE
ATTACHED TO AND A PART OF THIS ORDER.

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on April 18, 2006, and recorded Instrument #200601773 at the Office of the Clerk of Circuit Court, Wise County, Virginia on April 28, 2006, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated May 11, 2006, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;

- (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated July 24, 2006, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;
 - (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 1 day of November, 2016 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert

Chairman, Bradley C. Lambert

DONE AND PERFORMED this 1 day of November, 2016 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 1st day of November, 2016, 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 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, 2017



VIRGINIA:***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number V-536200 VGOB Docket No. VGOB-05/10/18-1516 & 05/10/18-1516-01 in the Lipps Magisterial District of Wise County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on April 18, 2006, by the Virginia Gas and Oil Board regarding the captioned Conventional Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on April 28, 2006.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

<u>TRACT</u>	<u>NAME</u>	<u>ELECTION</u>
1	John D. & Joanna Baker h/w	Participation

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, as unknown or/unlocatable.

NONE

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

NONE

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>Tracts</u>	<u>Payee</u>	<u>Cash Consideration</u>
2	Buster Brown Apparel, Inc. ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406	0.5100 X \$5.00 = \$2.55
3	Wise County School Board P.O. Box 1217, Wise, Virginia 24293	4.4400 X \$5.00 = \$22.20

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

Dated at Kingsport, Tennessee, this 24th day of July 2006.

[Signature]
Affiant

State of Tennessee)
County of Sullivan)

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of EQT Production Company, a corporation, on behalf of the corporation, this 14th day of July, 2006.

[Signature]
Susan Peterson, Notary



My commission expires: 11-12-08

**V-536200
VGOB 05/10/18-1516**

I. EPC received written elections from the following persons:

<u>TRACT</u>	<u>NAME</u>	<u>ELECTION</u>
1	John D. & Joanna Baker h/w	Participation

II. The following persons have entered into a voluntary lease agreement with EPC:

N/A

III. The following persons have not made a timely election, did not enter into a voluntary agreement and are deemed to have leased for failure to timely respond:

<u>TRACT</u>	<u>LESSOR</u>	<u>GROSS ACREAGE IN UNIT</u>		<u>CASH CONSIDERATION</u>
2	H & K Contracting, Inc. P.O. Box 210, Coeburn, Virginia 24230	0.5100	X \$5.00	\$ 2.55
3	Wise County School Board P.O. Box 1217, Wise, Virginia 24293	4.4400	X \$5.00	\$ 22.20

IV. The following revenue interests are Subject to Escrow provisions due to being unknown:

2	Buster Brown Apparel, Inc. ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406 <i>* Unlocatable</i>	Unleased	0.45000000%	0.5100
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V. The following revenue interests are Subject to Escrow provisions due to conflicting claims as between the gas owner and coal owner:

3	Wise County School Board Attn: David Dowdy P.O. Box 1217 Wise, Virginia 24293	Unleased	3.94000000%	4.4400
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EXHIBIT "B"
V-536200
VGOB 05/10/18-1516-02
 Revised 10/31/2016

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
1	<u>D.C. Baker Heirs</u>			
#006116	John D. Baker & Joanna Baker, h/w P.O. Box 5273, Kingsport, TN 37663	Elected to Participate	11.106000%	12.5140
	Margaret Korn & Lyle A. Korn, w/h 2733 Connecticut Ave. NW Washington D.C. 20008	Leased 905936.03	11.106000%	12.5140
	Mickey B. Hicks, widow 176 Robin Circle, Bristol, VA 24202	Leased 905936.02	11.106000%	12.5140
	Delores Vicars, widow P.O. Box 2055 Coeburn, VA 24230	Leased 905936.04	11.106000%	12.5140
	June B. Belcher & E. Russell Belcher, w/h By POA Russell D. Belcher, 2420 Evans Drive, Silver Springs, MD 20902	Leased 905936.01	11.106000%	12.5140
Tract 1 Totals			55.53000000%	62.5700
2	Buster Brown Apparel, Inc.	Unleased	0.45000000%	0.5100
#037823	ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406 <i>*Unlocatable</i>			
Tract 2 Totals			0.45000000%	0.5100

3	Wise County School Board Attn: David Dowdy P.O. Box 1217 Wise, Virginia 24293	Unleased	3.94000000%	4.4400
Tract 3 Totals			3.94000000%	4.4400
4	Johnny Wayne Moore & Betty Sue Moore, h/w P.O. Box 1192, Coeburn, Virginia 24230	Leased	0.09000000%	0.1000
Tract 4 Totals			0.09000000%	0.1000
5	ACIN LLC / WBRD Attn: John Mooney P.O. Box 2827 Huntington, WV 25727	Leased 904576	39.99000000%	45.0700
Tract 5 Totals			39.99000000%	45.0700
Total Gas Estate			100.00000000%	112.6900

EXHIBIT "B-2"
V-536200
VGOB 05/10/18-1516-02
 Revised 10/31/2016

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
<u>Dismissed</u>				
2 #037823	H & K Contracting, Inc. P.O. Box 210, Coeburn, Virginia 24230	Unleased	0.45000000%	0.5100
<u>Added</u>				
2 #037823	Buster Brown Apparel, Inc. ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406	Unleased	0.45000000%	0.5100

EXHIBIT "B-3"
V-536200
VGOB 05/10/18-1516-02
Revised 10/31/2016

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
1 #006116	D.C. Baker Heirs John D. Baker & Joanna Baker, h/w P.O. Box 5273, Kingsport, TN 37663	Unleased	11.10600000%	12.5140
2 #037823	Buster Brown Apparel, Inc. ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406	Unleased	0.45000000%	0.5100
3 #021428	Wise County School Board P.O. Box 1217, Wise, Virginia 24293	Unleased	3.94000000%	4.4400
Total Gas Estate			15.49600000%	17.4640

EXHIBIT "E"
V-536200
VGOB 05/10/18-1516-02
 Revised 10/31/2016

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
2 #037823	Buster Brown Apparel, Inc. ATTN: Randy Belcher P.O. Box 5008 Chattanooga, TN 37406 <i>* Unlocatable</i>	Unleased	0.45000000%	0.5100
3 #021428	Wise County School Board Attn: David Dowdy P.O. Box 1217 Wise, Virginia 24293	Unleased	3.94000000%	4.4400
Tract 2 Totals			0.45000000%	0.5100
Total Gas Estate			4.39000000%	4.9500

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