

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: BB30

TRACT(S): 2, A portion of 3

LOCATION: BUCHANAN County, Virginia

**DOCKET NUMBER:** VGOB-06-1114-1772-01

**APPLICANTS:**

CNX Gas Company LLC on behalf of Diana Lewis Starr, Janice D. Lewis, Lida J. Holzgrefe, Suzanne Lewis Zoldan, William Harrison Lewis

**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 CNX Gas Company LLC

**PRIOR PROCEEDINGS:**

1. Original Pooling Order Executed 03/20/2008, Recorded on 03/27/2008, Deed Book/Instrument No. 80001194.
2. Supplemental Order Executed 09/08/2011, Recorded on 09/30/2011, Deed Book/Instrument No. 110002419.
3. Supplemental Order, Recorded on 04/12/2017, Deed Book/Instrument No. 170000712.

**NOTICE:**

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 2, A portion of 3 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 2, A portion of 3 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 AND § 45.1-361.22:2

Applicant has certified and represented to the Board that:

- a. Lida Holzgreffe is the gas claimant in Tract 2. As such Lida Holzgreffe is 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. Royalties attributable to Janice Lewis, William Harrison Lewis, Suzanne Zoldan, and Diana Lewis Starr's interest can be released due to the fact that they have been recently located. The Applicant and Designated Operator are also requesting that they be allowed to pay royalties directly to Janice Lewis, William Harrison Lewis, Suzanne Zoldan, and Diana Lewis Starr. The annexed Exhibit A-1, further specifies how said royalties are to be paid
- c. That CNX Gas Company LLC has given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- d. That none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- e. That a detailed accounting in accordance with the applicable provisions of § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- f. 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.
- g. 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 Lida Holzgreffe and not escrow same. See Exhibit EE annexed hereto.



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.

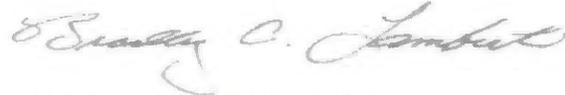
**CONCLUSION:**

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.

DONE AND EXECUTED this 3 day of August, 2017 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

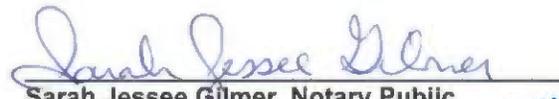
DONE AND PERFORMED this 3 day of August, 2017 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 3<sup>rd</sup> day of August, 2017, 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 Principai 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, Notary Public  
262946

My Commission expires: July 31, 2021



## BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 06-1114-1772-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2, A portion of 3 (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: BB30

BUCHANAN COUNTY, VIRGINIA

## PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company 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(s) attributable to Tract 2 and a portion of Tract 3, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Lida Holzgreffe; (3) authorization to begin paying royalties directly to the party/parties previously listed as unlocatable: Janice Lewis, William Harrison Lewis, Suzanne Zolldan, and Diana Lewis Starr; (4) Dismissal of Coal Owner: Coal Mountain Mining Company.

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. Lida Holzgrefe is the gas claimant in Tract 2. As such Lida Holzgrefe is 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. Royalties attributable to Janice Lewis, William Harrison Lewis, Suzanne Zoldan, and Diana Lewis Starr's interest can be released due to the fact that they have been recently located. The Applicant and Designated Operator are also requesting that they be allowed to pay royalties directly to Janice Lewis, William Harrison Lewis, Suzanne Zoldan, and Diana Lewis Starr. The annexed Exhibit A-1, further specifies how said royalties are to be paid
- c. That CNX Gas Company LLC has given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- d. That none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- e. That a detailed accounting in accordance with the applicable provisions of § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- f. 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.
- g. 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 Lida Holzgrefe 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.

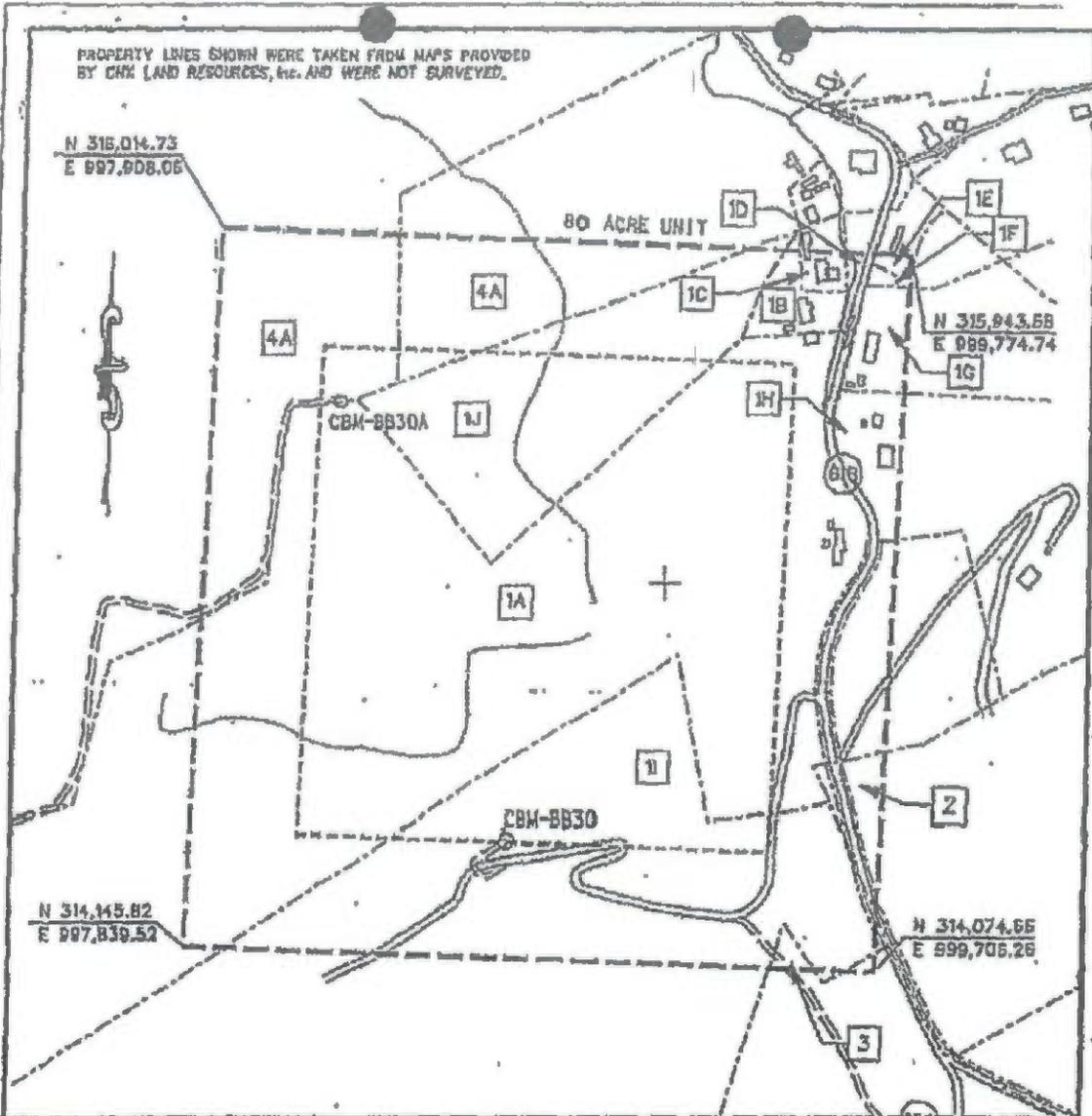
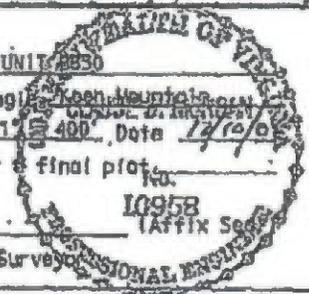


EXHIBIT A  
 OAKWOOD FIELD  
 UNIT 88-30  
 FORCE POOLING  
 VG08-06-1114-1772

Company CNX Gas Company LLC Well Name and Number UNIT 8830  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
 County Buchanan District Garden Scale: 1" = 400' Date 12/10/08  
 This plot is a new plot X on updated plat \_\_\_\_\_ or a final plat \_\_\_\_\_

Form DGD-60-7  
 Rev. 9/91  
Charles D. Morgan  
 Licensed Professional Engineer or Licensed Land Surveyor



Force Pooling/EXOPPOOL April 10/10/2008 2:41:37 PM

**CNX Gas Company LLC****UNIT BB-30****Tract Identifications**

1. Coal Mountain Mining Company Limited Partnership L.L.P. Tr. 9 (167 Acre Tract) -- All Minerals  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
67.22 acres 84.0250
- 1A. Elmer Vandyke, et ux - Surface  
1B. Unknown Surface Owner  
1C. Unknown Surface Owner  
1D. Unknown Surface Owner  
1E. Unknown Surface Owner  
1F. Consolidation Coal Company -- Surface  
1G. Charlie Monk, et ux - Surface  
1H. Unknown Surface Owner  
1I. Charlie Monk, et ux -- Surface  
1J. Unknown Surface Owner
2. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 1 - Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Lida J. Holzgrofe -- Surface and All Minerals except Coal  
CNX Gas Company LLC -- Oil, Gas and CBM Leased  
0.93 acres 1.1625%
3. CNX Gas Company LLC -- (38 Acre Tract) -- Fee (93.3%)  
Marjorie H. Lewis Heirs, et al -- Fee (6.7%)  
CNX Gas Company LLC -- Oil, Gas and CBM Leased (3.6425%)  
0.21 acres 0.2625%
4. Coal Mountain Mining Company Limited Partnership, L.L.P. Tr. 6 (276 Acre Tract) -- All Minerals  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Consolidation Coal Company - Surface  
11.64 acres 14.5500%
- 4A. Consolidation Coal Company -- Surface  
4B. Unknown Surface Owner

Exhibit E  
Unit BB-30  
Docket #VGOB 06-1114-1772-01  
List of Owners or Claimants that require escrow

170001689

	Net Acres in Unit	Interest in Unit
<u>Tract #3 - 0.21 acres</u>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Marjorie Lewis Heirs, Devisees, Successors or Assigns, et al.	0.21 acres	0.2625%
(a) Marjorie Lewis Heirs, Devisees, Successors or Assigns		
(a.1) Harrison Lewis Heirs, Devisees, Successors or Assigns		
(a.1.1) Janice Dute Lewis PO Box 128 McClellan, VA 22010	0.0026 1/80 of 0.21 acres	0.0033%
(a.2) Jane Brittain Lewis Heirs, Devisees, Successors, or Assigns		
(a.2.1) Harrison Lewis Heirs, Devisees, Successors or Assigns		
(a.2.1.1) Janice Dute Lewis PO Box 128 McClellan, VA 22010	0.0009 1/240 of 0.21 acres	0.0011%
(a.2.1.1.1) William Harrison Lewis 21616 Ripplemead Drive Gaithersburg, MD 20882	0.0004 1/480 of 0.21 acres	0.0005%
(a.2.1.1.2) Karen Brittain Lewis PO Box 19901 Raleigh, NC 27619-9901	0.0004 1/480 of 0.21 acres	0.0005%
(a.2.1.1.3) Suzanne Zolldan 420 East St. NE Vienna, VA 22180	0.0004 1/480 of 0.21 acres	0.0005%
(a.2.1.1.4) Diana Lewis Starr 2555 Silver Oak Trail Marion, IA 52302	0.0004 1/480 of 0.21 acres	0.0005%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
<i>Outstanding W9</i>		
(1) Marjorie Lewis Heirs, Devisees, Successors or Assigns, et al.	0.21 acres	0.2625%
(a) Marjorie Lewis Heirs, Devisees, Successors or Assigns		
(a.2) Jane Brittain Lewis Heirs, Devisees, Successors, or Assigns		
(a.2.1) Harrison Lewis Heirs, Devisees, Successors or Assigns		
(a.2.1.1.2) Karen Brittain Lewis PO Box 19901 Raleigh, NC 27619-9901	0.0004 1/480 of 0.21 acres	0.0005%

Exhibit EE  
Unit BB-30  
Docket #VGOB 06-1114-1772-01  
List of owners with Royalty Split Agreements/Court Order/HB2058

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #2 - 0.93 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.93 acres	1.1625%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Lida J. Holzgrefe 13765 Seabiscuit Drive Reno, NV 89521	0.93 acres	1.1625%	99.4333% HB2058
<b><u>Tract #3 - 0.21 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Marjorie Lewis Heirs, Devisees, Successors or Assigns, et al.	0.21 acres	0.2625%	
(a) Marjorie Lewis Heirs, Devisees, Successors or Assigns			
(a.1) Harrison Lewis Heirs, Devisees, Successors or Assigns			
(a.1.1) Janice Dute Lewis PO Box 128 McClean, VA 22010	0.0026 1/80 of 0.21 acres	0.0033%	
(a.2) Jane Brittain Lewis Heirs, Devisees, Successors, or Assigns			
(a.2.1) Harrison Lewis Heirs, Devisees, Successors or Assigns			
(a.2.1.1) Janice Dute Lewis PO Box 128 McClean, VA 22010	0.0009 1/240 of 0.21 acres	0.0011%	
(a.2.1.1.1) William Harrison Lewis 21616 Ripplemead Drive Gaithersburg, MD 20882	0.0004 1/480 of 0.21 acres	0.0005%	
(a.2.1.1.2) Karen Brittain Lewis PO Box 19901 Raleigh, NC 27619-9901	0.0004 1/480 of 0.21 acres	0.0005%	
(a.2.1.1.3) Suzanne Zoldan 420 East St, NE Vienna, VA 22180	0.0004 1/480 of 0.21 acres	0.0005%	
(a.2.1.1.4) Diana Lewis Starr 2555 Silver Oak Trail Marion, IA 52302	0.0004 1/480 of 0.21 acres	0.0005%	
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Marjorie Lewis Heirs, Devisees, Successors or Assigns, et al.	0.21 acres	0.2625%	
(a) Marjorie Lewis Heirs, Devisees, Successors or Assigns			

Exhibit EE  
 Unit BB-30  
 Docket #VGOB 06-1114-1772-01  
 List of owners with Royalty Split Agreements/Court Order/HB2058

170001689

	Net Acres in Unit	Interest in Unit	Percent of Escrow
(a.1) Harrison Lewis Heirs, Devisees, Successors or Assigns			
(a.1.1) Janice Dute Lewis PO Box 128 McClellan, VA 22010	0.0026 1/80 of 0.21 acres	0.0033%	0.2807%
(a.2) Jane Brittain Lewis Heirs, Devisees, Successors, or Assigns			
(a.2.1) Harrison Lewis Heirs, Devisees, Successors or Assigns			
(a.2.1.1) Janice Dute Lewis PO Box 128 McClellan, VA 22010	0.0009 1/240 of 0.21 acres	0.0011%	0.0936%
(a.2.1.1.1) William Harrison Lewis 21616 Ripplemead Drive Gaithersburg, MD 20882	0.0004 1/480 of 0.21 acres	0.0005%	0.0468%
(a.2.1.1.3) Suzanne Zoldan 420 East St. NE Vienna, VA 22180	0.0004 1/480 of 0.21 acres	0.0005%	0.0468%
(a.2.1.1.4) Diana Lewis Starr 2555 Silver Oak Trail Marion, IA 52302	0.0004 1/480 of 0.21 acres	0.0005%	0.0468%
<b>Total tract acres</b>	<b>0.0048</b>		
<b>Total tract percent</b>	<b>0.0060%</b>		
<b>Total Acreage Resolved</b>		<b>0.9348</b>	
<b>Total Percentage Resolved</b>			<b>1.1685%</b>

INSTRUMENT 170001689  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY CIRCUIT COURT ON  
 August 14, 2017 AT 04:32 PM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: GGB