

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: BG99

TRACT(S): 2

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-07-0320-1898-02

APPLICANTS:

CNX Gas Company LLC on behalf of Robert L Wilson, Sandra Nuckles Wilson

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 09/18/2007, Recorded on 10/02/2007, Deed Book/Instrument No. 70003659.
2. Supplemental Order, Recorded on 07/27/2011, Deed Book/Instrument No. 110001754.
3. Disbursement Order -01 Executed 07/23/2015, Recorded on 08/04/2015, Deed Book/Instrument No. 150001274.

NOTICE:

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- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 2 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 2 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. Robert L. Wilson & Sandra Nuckles Wilson is the gas claimant in Tracts 2. As such Robert L. Wilson & Sandra Nuckles Wilson 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 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.
 - c. 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.
 - 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 Robert L. Wilson & Sandra Nuckles Wilson 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.

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DONE AND EXECUTED this 9 day of June, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

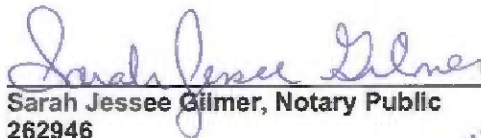
DONE AND PERFORMED this 9 day of June, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 9th day of June, 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 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, 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 07-0320-1898-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2 (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: BG99

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(s) 2 as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Robert L. Wilson & Sandra Nuckles Wilson; (3) Dismissal of Coal owner(s): Harrison-Wyatt, LLC

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. Robert L. Wilson & Sandra Nuckles Wilson is the gas claimant in Tracts 2. As such Robert L. Wilson & Sandra Nuckles Wilson 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 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.
- c. 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.
- 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 Robert L. Wilson & Sandra Nuckles Wilson 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.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, INC. AND WERE NOT SURVEYED.

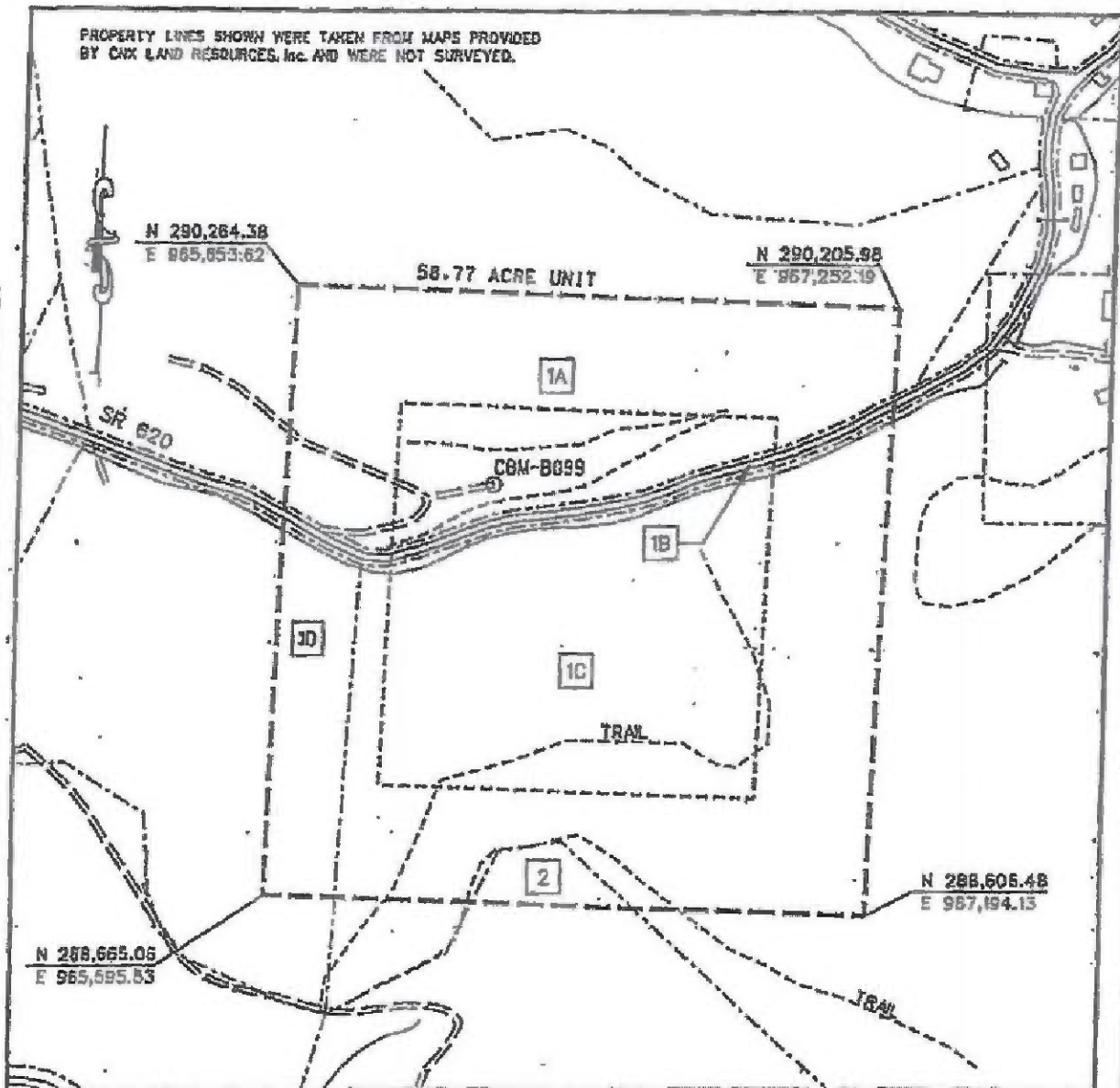


EXHIBIT A
NORA FIELD
UNIT BG-99
FORCE POOLING
VGOB-07-0320-1898

Company CNX Gas Company LLC Well Name and Number H-10 BG99
Tract No. Elevation Quadrangle B19 & Neighboring
County Buchanan District Hurricane Scale: = 400' Date 2/2/10
This plot is a new plot X ; an updated plot ; or a final plot
Form DGO-GD-7 (Affiliated)
Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

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CNX Gas Company LLC

UNIT BG-99

**Tract Identifications
(58.77 Acre Unit)**

- 1A. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal in Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – Surface and All Minerals except Coal
18.77 acres 31.9381%
- 1B. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal in Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (if owned by Hampton E. Austin, et ux)
Commonwealth of Virginia - Surface
2.18 acres 3.7094%
- 1C. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal in Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
32.54 acres 55.3624%
- 1D. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal in Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
4.23 acres 7.1975%
- 2. Harrison-Wyatt, LLC Big Axe Tr. 7 (951 Acre Tract) – Coal
Energy Resources, LLC – Coal in Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Robert L. Wilson, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
1.05 acres 1.7866%

Exhibit E
Unit BG-89
Docket #VGOB 07-0320-1898-02
List of Respondents that require escrow
(58.77 Acre Unit)

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	Acres in Unit	Percent of Unit
<u>Tract #1B - 2.18 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	2.18 acres	3.7094%
<u>OIL & GAS OWNERSHIP</u>		
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Road Honaker, VA 24260	2.18 acres	3.7094%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	2.18 acres	3.7094%

Exhibit EE
Unit BG-99
Docket #VGOB 07-0320-1898-02
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.77 Acre Unit)

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	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1A - 18.77 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	18.77 acres	31.9381%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	18.77 acres	31.9381%	n/a
<u>Tract #1C - 32.54 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	32.54 acres	55.3684%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	32.54 acres	55.3684%	n/a
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
<u>Tract #1D - 4.23 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	4.23 acres	7.1975%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	4.23 acres	7.1975%	n/a
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
<u>Tract #2 - 1.05 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 7) (951 Acre Tract) P.O. Box 11000 Danville, VA 24543	1.05 acres	1.7866%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Robert L. Wilson, et al.	1.05 acres	1.7866%	
(a) Robert L. Wilson 9951 Helen Henderson Hwy Honaker, VA 24260	0.53 acres 1/2 of 5.57 acres	0.8933%	16.2539%
(b) Sandra Nuckles Wilson 9951 Helen Henderson Hwy Honaker, VA 24260	0.53 acres 1/2 of 5.57 acres	0.8933%	16.2539%
Total Acreage Resolved		56.5900	
Total Percentage Resolved			96.2906%

ACV SS-
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INSTRUMENT #160001086
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JUNE 21, 2016 AT 01:53PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB