

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: L73

TRACT(S): A portion of 3A

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-08-0219-2128-01

APPLICANTS:

CNX Gas Company LLC on behalf of Ira Ralph & Helen Clevinger, Ira Ralph Clevinger

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. 80001197.
2. Supplemental Order Executed 08/07/2012, Recorded on 08/07/2012, Deed Book/Instrument No. 120001583.

NOTICE:

150001745

(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) A portion of 3A identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 3A 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. Ira Ralph & Helen Clevinger are the gas claimant in Tracts 3A. As such Ira Ralph & Helen Clevinger 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. 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 Ira Ralph & Helen Clevinger and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

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DONE AND EXECUTED this 5 day of October, 2015 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 5 day of October, 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 5 day of October, 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 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.


Sally Settle Ketron, Notary Public
7623162

My Commission expires: January 31, 2019



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 08-0219-2128-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 3A (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

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: L73

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 Tract(s) 3A as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Ira Ralph & Helen Clevinger.

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

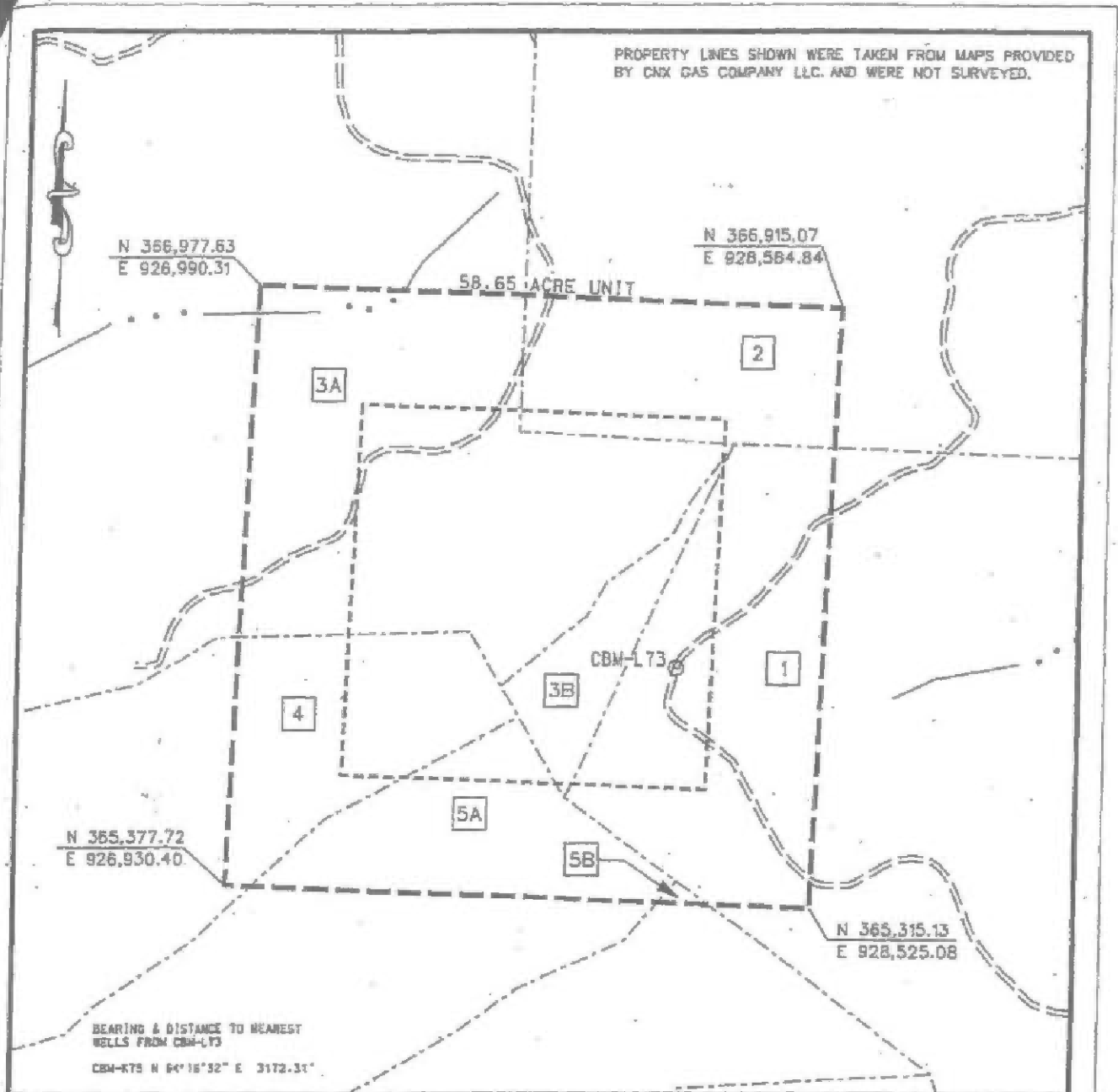
5. Factual basis for relief requested

- a. Ira Ralph & Helen Clevinger are the gas claimant in Tracts 3A. As such Ira Ralph & Helen Clevinger 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. 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 Ira Ralph & Helen Clevinger 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.

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COMMONWEALTH OF VIRGINIA
CLAUDE D. MORGAN
LICENSED PROFESSIONAL ENGINEER
Lic. No. 10958

Company CNX Gas Company LLC Well Name and Number UNIT L73
 Tract No. _____ Elevation _____ Quadrangle Harrison
 County Buchanan District Rocklick Scale: 1" = 400' Date 1/11/08
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GQ-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC**Unit L 73****Tract Identifications**

1. Bull Creek Coal Company (John E. Stiltnier Tract 68 Acre Tract) – Coal, Oil and Gas
 Rapoca Energy – Coal In Hagy and Above Seams Leased
 Rapoca Energy – Coal In Splasdam Seam Leased (Subleased from Penn Virginia
 Resource Partners)
 Chesapeake Appalachia LLC – Oil and Gas Leased
 CNX Gas Company LLC – CBM Leased
 Barbara C. McCoy - Surface
 13.41 Acres 22.8645%

2. Bull Creek Coal Company (Grant Davis 471.60 Acre Tract) – Fee
 Rapoca Energy – Coal In Hagy and Above Seams Leased
 Rapoca Energy – Coal In Splasdam Seam Leased (Subleased from Penn Virginia
 Resource Partners)
 Chesapeake Appalachia LLC – Oil and Gas Leased
 CNX Gas Company LLC – CBM Leased
 7.29 Acres 12.4297%

- 3A. Bull Creek Coal Company (Silas Clevinger 113.17 Acre Tract) – Coal
 The Black Diamond Company – Coal Leased
 Rapoca Energy – Coal In Hagy and Above Seams Leased
 Rapoca Energy – Coal In Splasdam Seam Leased (Subleased from Penn Virginia
 Resource Partners)
 CNX Gas Company LLC – CBM Leased (Coal owner's claim)
 Ira Ralph Clevinger, et al – Surface and All Minerals except Coal
 20.70 Acres 35.2941%

- 3B. Bull Creek Coal Company (Silas Clevinger 113.17 Acre Tract) – Coal
 The Black Diamond Company – Coal Leased
 Rapoca Energy – Coal In Hagy and Above Seams Leased
 Rapoca Energy – Coal In Splasdam Seam Leased (Subleased from Penn Virginia
 Resource Partners)
 CNX Gas Company LLC – CBM Leased (Coal owner's claim)
 Barbara Carol McCoy – Surface and All Minerals except Coal
 Chesapeake Appalachia LLC - Oil & Gas Leased
 2.91 Acres 4.9616%

4. Anna Belcher Trust, et al (52.00 Acre Tract) – Fee
 Southern Kentucky Energy Co. – Clintwood and Splasdam Seams of Coal Leased
 Chesapeake Appalachian, LLC – Oil and Gas Leased
 CNX Gas Company LLC – CBM Leased
 7.53 Acres 12.8389%

5. Melba Saxon, et al – All Minerals
 Southern Kentucky Energy Co. – Clintwood and Splasdam Seams of Coal Leased
 Chesapeake Appalachian, LLC – Oil and Gas Leased
 CNX Gas Company LLC – CBM Leased
 6.81 Acres 11.6113%

- 5A. Ronnie Belcher, et al - Surface
- 5B. Unknown Surface Owner

Exhibit E
Unit L-73
Docket #VGOB 08-0219-2128-01
List of Respondents that require escrow
(58.85 Acre Unit)

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	Acres in Unit	Percent of Unit
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The respondents listed below did not respond timely to the W9 request and will continue to be escrowed.

Tract #3A - 20.70 acres

COAL OWNERSHIP

(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	20.70 acres	35.2941%
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OIL & GAS OWNERSHIP

(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%
(1.2) Louvema Clevinger Heirs, Devisees, Successors or Assigns	2.07 acres 1/10 of 20.70 acres	3.5294%
(1.2.1) Kenneth Ferrell Clevinger Heirs, Devisees, Successors or Assigns		
(1.2.1.1) Laura Clevinger Heirs, Devisees, Successors or Assigns (documentation pending)		
(1.2.1.1.1) Deborah Kay Clevinger Address Unknown		
(1.2.1.1.2) Kenneth W. Clevinger PO Box 301 Maxie, VA 24626		
(1.2.1.1.3) Timothy F. Clevinger PO Box 424 Maxie, VA 24626		
(1.2.1.1.4) Barry K. Clevinger PO Box 301 Maxie, VA 24626		

Tract #3B - 2.91 acres

COAL OWNERSHIP

(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	2.91 acres	4.9616%
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OIL & GAS OWNERSHIP

(1) Barbara Carol McCoy 2886 Convict Hollow Rd Grundy, VA 24514	2.91 acres	4.9616%
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Exhibit EE
Unit L-73
Docket #VGOB 08-0219-2128-01
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.85 Acre Unit)

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	Acres In Unit	Percent of Unit	Percent of Escrow
<u>Tract #3A - 20.70 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24661	20.70 acres	35.2941%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%	
(1) Elizabeth Clevinger	Dower interest extinguished		
(1.1) Ira Clevinger Heirs, Devisees, Successors or Assigns			
(1.1.1) Jane Clevinger	Conveyed Interest 3/6/1987 to 1.1.1.1 (DB279/603)		
(1.1.1.1) Ira Ralph Clevinger Box 115 Maxie, VA 24628	4.14 acres 1/5 of 20.70 acres	7.0588%	17.5349% HB2058
(1.3) Malvina Clevinger O'Quinn	Predeceased Silas Clevinger		
(1.3.1) Dewey O'Quinn (aka Pud Clevinger) Heirs, Devisees, Successors or Assigns			
(1.3.1.1) Virgie M. Clevinger Heirs, Devisees, Successors or Assigns	Life Estate Extinguished		
(1.3.1.1.1) Jeffery Clevinger	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.2) Margaret Brock	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.3) Randall Clevinger	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.4) Brenda Nelson	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.5) Sherry Stanley	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.6) Danny Clevinger Heirs, Devisees, Successors or Assigns			
(1.3.6.1) Barbara A. Clevinger	Conveyed to Danny Keith Clevinger & Teresa Lynn Chambers		
(1.3.1.6.1) Danny Keith Clevinger	Conveyed to Ira Ralph & Helen Clevinger		
(1.3.1.6.2) Teresa Lynn Chambers	Conveyed to Ira Ralph & Helen Clevinger		
(2.0) Ira Ralph & Helen Clevinger Box 115 Maxie, VA 24628	14.49 acres 7/10 of 20.70 acres	24.7059%	61.3723% HB2058

INSTRUMENT #150001745
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
OCTOBER 27, 2015 AT 01:35PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB