

230001414

Instrument prepared by:
VIRGINIA GAS AND OIL BOARD

Order recorded under:
CODE OF VIRGINIA
§ 45.2-1628

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 § 45.2-1600 (et seq)

UNITWELL NAME: L73

TRACT(S): A portion of 3A, 3B

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-08-0219-2128-02

APPLICANTS: Pocahontas Gas LLC on behalf of Barbara Carol McCoy, Deborah Kay Clevinger

HEARING DATE AND LOCATION: On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Gas and Oil Director the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.2-1624 Effective date: July 1, 2015.

APPEARANCES: Mark A. Swartz on behalf of Pocahontas Gas LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 03/20/2008, Recorded on 03/27/2008, Deed Book/Instrument No. 80001197, County BUCHANAN.
2. Supplemental Order Executed 08/07/2012, Recorded on 08/07/2012, Deed Book/Instrument No. 120001583, County BUCHANAN.
3. Disbursement Order -01 Executed 10/05/2015, Recorded on 10/27/2015, Deed Book/Instrument No. 150001745, County BUCHANAN.

NOTICE:

- (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, 3B identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 3A, 3B 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 § 45.2-1622 AND § 45.2-1624.

Applicant has certified and represented to the Board that:

- a. Deborah Kay Clevinger and Barbara Carol McCoy are the gas claimant(s) in Tract(s) a portion of 3A & 3B. As such Deborah Kay Clevinger and Barbara Carol McCoy are entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.A.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has given the notice(s) required by § 45.2-1624.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 08-0219-2128-01, it dismissed the coal claimant(s) Bull Creek Coal Company as a Respondent to these proceedings. Accordingly, Bull Creek Coal Company was not provided further notice under § 45.2-1618 and 1624 of the hearing set on this Petition.
- d. That a detailed accounting in accordance with the applicable provisions of § 45.2-1624 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. § 45.2-1624.A, further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Deborah Kay Clevinger and Barbara Carol McCoy and not escrow same. See Exhibit EE annexed hereto.

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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 § 45.2-1609 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 4 day of October, 2023 by a majority of the Virginia Gas and Oil Board.

Donald L. Ratliff

Chairman, Donald L. Ratliff

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

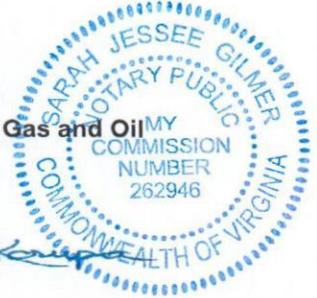
Acknowledged on this 4th day of October, 2023, personally before me a notary public in and for the Commonwealth of Virginia, appeared Donald L. Ratliff, being duly sworn did depose and say that he is the Interim Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Sarah Jessee Gilmer

Sarah Jessee Gilmer, Notary Public
262946

My Commission expires: July 31, 2025

DONE AND PERFORMED this 5 day of October, 2023 by Order of the Virginia Gas and Oil Board.



James P. Skorupa

James P. Skorupa
Principal Executive to the staff,
Virginia Gas and Oil Board

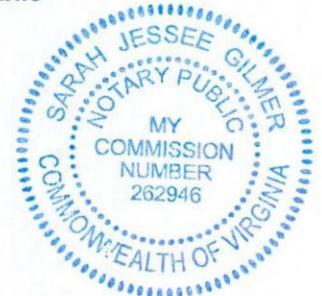
COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 5th day of October, 2023, personally before me a notary public in and for the Commonwealth of Virginia, appeared James P. Skorupa, 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

Sarah Jessee Gilmer, Notary Public
262946

My Commission expires: July 31, 2025



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

GAS AND OIL PROGRAM

DOCKET NO: VGOB

08-0219-2128-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 3A, 3B (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES (3) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.2-1624.

HEARING DATE: On June 16, 2015, the Virginia Gas and Oil Board, on its own motion, granted the Gas and Oil Director the authority to process coal owner dismissal disbursements that have no pending deficiencies or issues. Code of Virginia Section 45.2-1624. 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 Pocahontas Gas 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, attributable to a portion of Tracts 3A & 3B, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Deborah Kay Clevinger and Barbara Carol McCoy.

3. Legal Authority

Va. Code Ann. § 45.2-1600 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

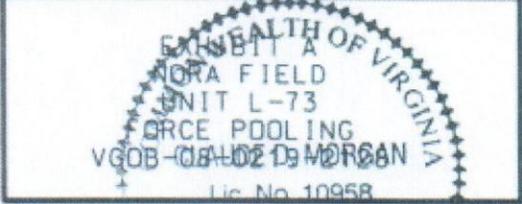
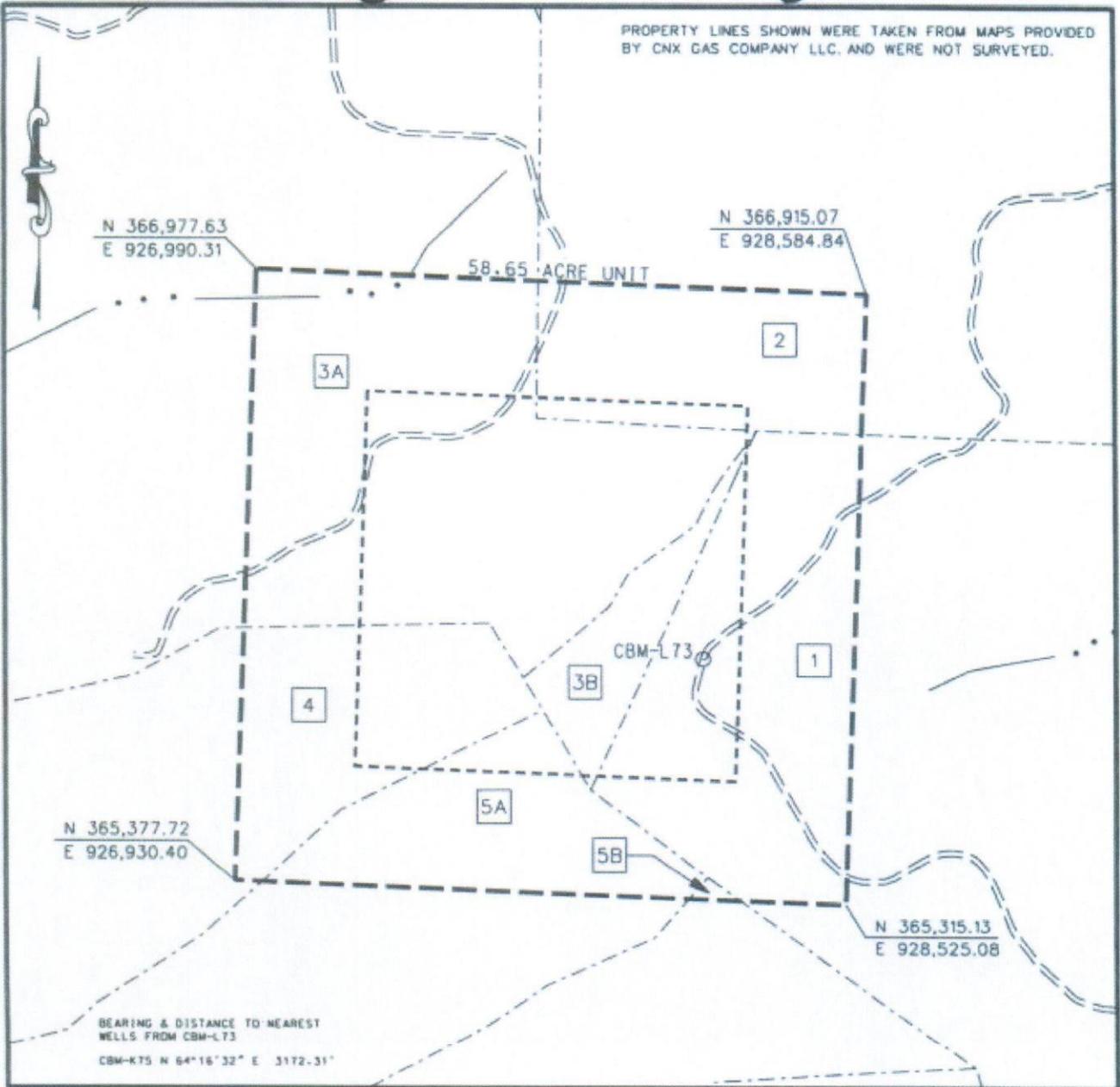
5. Factual basis for relief requested

- a. Deborah Kay Clevinger and Barbara Carol McCoy are the gas claimant(s) in Tract(s) a portion of 3A & 3B. As such Deborah Kay Clevinger and Barbara Carol McCoy are entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.A.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has given the notice(s) required by § 45.2-1624.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 08-0219-2128-01, it dismissed the coal claimant(s) Bull Creek Coal Company as a Respondent to these proceedings. Accordingly, Bull Creek Coal Company was not provided further notice under § 45.2-1618 and 1624 of the hearing set on this Petition.
- d. That a detailed accounting in accordance with the applicable provisions of § 45.2-1624 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. § 45.2-1624.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Deborah Kay Clevinger and Barbara Carol McCoy 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 GAS COMPANY LLC AND WERE NOT SURVEYED.



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

Form DGO-GO-7 _____ (Affix Seal)
 Rev. 9/91
 Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC**Unit L 73**

Tract Identifications

1. Bull Creek Coal Company (John E. Stiltner Tract 68 Acre Tract) – Coal, Oil and Gas
 Rapoca Energy – Coal In Hagy and Above Seams Leased
 Rapoca Energy – Coal In Splashdam 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 Splashdam 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 Splashdam 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 Splashdam 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 Splashdam Seams of Coal Leased
 Chesapeake Appalachian, LLC – Oil and Gas Leased
 CNX Gas Company LLC – CBM Leased
 7.53 Acres 12.8389%

5. Melba Sexton, et al – All Minerals
 Southern Kentucky Energy Co. – Clintwood and Splashdam 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 08-0219-2128-02
List of Respondents that require escrow
(58.65 Acre Unit)

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	Acres in Unit	Percent of Unit
<u>Tract #3A - 20.70 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	20.70 acres	35.2941%
<u>OIL & GAS OWNERSHIP</u>		
<u>Outstanding W-9/Affidavits</u>		
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%
(1.2) Louverna Clevinger Heirs, Devisees, Successors or Assigns		
(1.2.1) Kenneth Ferrell Clevinger Heirs, Devisees, Successors or Assigns		
(1.2.1.1) Laura Clevinger Heirs, Devisees, Successors or Assigns		
(1.2.1.1.2) Kenneth W. Clevinger PO Box 301 Maxie, VA 24628	0.5175 acres 1/40 of 20.70 acres	0.8824%
(1.2.1.1.3) Timothy F. Clevinger 1098 Typhoon Road Grundy, VA 24614	0.5175 acres 1/40 of 20.70 acres	0.8824%
(1.2.1.1.4) Barry K. Clevinger PO Box 301 Maxie, VA 24628	0.5175 acres 1/40 of 20.70 acres	0.8824%
Total Acres Escrowed	1.5525	
Total Percentage Escrowed	2.6471%	

Exhibit EE
Unit L-73
Docket #VGOB 08-0219-2128-02
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.65 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #3A - 20.70 acres</u>			
COAL OWNERSHIP			
(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	20.70 acres	35.2941%	<i>n/a</i>
OIL & GAS OWNERSHIP			
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%	
(1) Elizabeth Clevinger	<i>Dower interest extinguished</i>		
(1.1) Ira Clevinger Heirs, Devisees, Successors or Assigns			
(1.1.1) Jane Clevinger	<i>Conveyed Interest 3/6/1987 to 1.1.1.1 (DB279/603)</i>		
(1.1.1.1) Ira Ralph Clevinger Heirs, Devisees, Successors, or Assigns <i>(Documentation Pending)</i>	4.1400 acres 1/5 of 20.70 acres	7.0588%	<i>n/a</i>
(1.2) Louverna Clevinger Heirs, Devisees, Successors or Assigns			
(1.2.1) Kenneth Ferrell Clevinger Heirs, Devisees, Successors or Assigns			
(1.2.1.1) Laura Clevinger Heirs, Devisees, Successors or Assigns			
(1.2.1.1.1) Deborah Kay Clevinger PO Box 2 Grundy, VA 24614	0.5175 acres 1/40 of 20.70 acres	0.8824%	10.3916% 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	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.2) Margaret Brock	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.3) Randall Clevinger	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.4) Brenda Nelson	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.5) Sherry Stanley	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.6) Danny Clevinger Heirs, Devisees, Successors or Assigns			
(1.3.1.1.6.1) Barbara A. Clevinger	<i>Conveyed to Danny Keith Clevinger & Teresa Lynn Chambers</i>		
(1.3.1.1.6.1) Danny Keith Clevinger	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(1.3.1.1.6.2) Teresa Lynn Chambers	<i>Conveyed to Ira Ralph & Helen Clevinger</i>		
(2) Ira Ralph & Helen Clevinger, TE <i>Ira Ralph Clevinger DOD 3/5/2023</i>			

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Exhibit EE
Unit L-73
Docket #VGOB 08-0219-2128-02
List of Respondents with Royalty Split Agreements/Court Orders/HB2058
(58.65 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
(a) Helen D. Clevinger PO Box 115 Maxie, VA 24628	14.4900 acres 7/10 of 20.70 acres	24.7059%	n/a
Total Tract Acres 19.15 Total Tract Percentage 32.6471%			

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 Bowman McCoy <i>Conveyed to John Linkous McCoy 3/8/2012, Instrument# 120000417, Recorded 3/9/2012, reserving a life estate to Barbara Bowman McCoy</i>			
(a) Barbara Carol Bowman McCoy 2886 Convict Hollow Rd Grundy, VA 24614	2.91 acres	4.9616%	58.4337% HB2058
(b) John Linkous McCoy 2886 Convict Hollow Rd Grundy, VA 24614	<i>Remainder</i>		

Oil & Gas Estates are leased by Chesapeake Appalachia, LLC

Total Acres Resolved	22.06
Total Percentage Resolved	4.9616%

INSTRUMENT 230001414
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY CIRCUIT COURT ON
NOVEMBER 1, 2023 AT 03:40 PM
BEVERLY S. TILLER, CLERK
RECORDED BY: GGB