

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 08/04/15-2211

ELECTIONS, UNIT: BU-41 (VC-536421 / VCI-538674)

(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** 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 May 28, 2008 and recorded in Deed Book 455, Page 009 in the Office of the Clerk of Circuit Court, Dickenson County, Virginia on July 10, 2008, (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 EQT 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 August 8, 2008, 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 April 27, 2010, 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, First Bank & Trust Company, P.O. Box 3860, Kingsport, TN 37660 (423) 245-6971, Attn: Debbie Davis, 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, First Bank & Trust Company, P.O. Box 3860, Kingsport, TN 37660 (423) 245-6971, Attn: Debbie Davis, 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 30 day of July, 2010, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 30<sup>th</sup> day of July, 2010, by Order of the Board.

David E. Asbury, Jr.  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 30<sup>th</sup> day of July, 2010, 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 Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, Jr., being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J Davis  
Notary Public

Registration No. 174394

My commission expires 09/30/1913



**VIRGINIA:**

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

IN RE: Application of EQT Production Company, for Forced Pooling of Interests in Unit Number BU-41 (VC-536421 / VCI-538674) VGOB Docket No. VGOB-08/04/15-2211 in the Kenady Magisterial District of Dickenson 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 May 28, 2008, by the Virginia Gas and Oil Board regarding the captioned coalbed methane 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 July 10, 2008.
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:

NONE

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 as either unknown claimants or conflicting claimants under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
3	Rose Mary McCoy Sturgill, widow P.O. Box 3092 907129.15 5258 Clearwater Road Wise, VA 24293	Leased	0.00001104
	James R. McCoy, single 1262 Tulip Circle Sevierville, TN 37862	Leased 907129.16	0.00001104
	Dwight D. McCoy & Bonnetta McCoy, h/w 489 Cold Springs Road Nora, VA 24272	Leased 907129.02	0.00002208
	Norma McCoy McGill, widow 1143 Hunters Lane, Lot 28 Nashville, TN 37207	Leased 907129.05	0.00002208
	Alice Kay McCoy Garrett, single 100 Kingston Road Blountville, TN 37617	Leased 907129.07	0.00002208
	Harold G. McCoy & Barbara A. McCoy, h/w 662 Cold Springs Road Nora, VA 24272	Leased 907129.06	0.00002208
	Joreen Hammons, widow 5707 W. Kesslers Crossing Fredericksburg, VA 22407	Leased 907129.01	0.00002208
	Charles Kenneth McCoy & Patricia A. McCoy, h/w 847 Cold Springs Road Nora, VA 24272	Leased 907129.03	0.00001656
	Laura Gerlene McCoy Taylor, widow 21014 Lovers Lane Bristol, VA 24202-4228	Leased 907129.09	0.00001656

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
3	James P. Herring & Debra A. Herring h/w 1431 E. State St. Lot #6 Bristol, TN 37620	Unleased	0.00001656
	Danny Kermit McCoy, single 21014 Lovers Lane Bristol, VA 24202-4228	Leased 907129.08	0.00001656
	Pam Walker Day, single 1240 Flatwood Road NW Ramsey, IND 47166	Leased 907129.14	0.00001656
	Shalor Columbus McCoy UNKNOWN	Unleased	0.00001656
	Arthur Jerry McCoy 874 Cold Spring Road Nora, VA 24272	Leased 907129.04	0.00001656
	Ferrell Doug Reed & Deirdre Leann Reed, h/w P.O. Box 2007 (mailing) Clintwood, VA 24228 6437 DC Caney Ridge Rd. (physical) Coeburn, VA 24230	Leased 907129.12	0.00000414
	Carlotta Reed Hawkins & Ross E. Hawkins, w/h Holly Brook Trailer # 10 Clintwood, VA 24228	Leased 907129.10	0.00000414
	Rita Ramey and Richard Ramey P.O. Box 1631 Clintwood, VA 24228	Leased 907129.11	0.00000414
	Gina (Regina) Reed Patterson & Ralph Patterson, w/h P.O. Box 2003 Clintwood, VA 24228	Leased 907129.13	0.00000414
	Brownlow Grizzel, widower Rt. 1 Box 194 Nora, VA 24279	Unleased	0.00013250

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
3	Mina Lois Summerton & Robert Lowell Summerton, w/h 401 Vine Street Ashland, OH 44805	Unleased	0.00003313
	Joyce Nell Phillips Cloud, widow 989 N Arthur Street Fresno, CA 93728	Unleased	0.00003313
	Ruth Phillips, single 201 Vine Street Ashland, OH 44805	Unleased	0.00003313
	Larry Phillips & Jeweelen Phillips, h/w P.O. Box 366 Nora, VA 24279	Unleased	0.00003313
	Paul J. Pounders Unknown/Unlocatable	Unleased	0.00003313
	Anthony Paul Pounders Unknown/Unlocatable	Unleased	0.00009938
OR 3	Standard Banner Coal Corporation c/o Mike Clisso P.O. Drawer 750 Wise, VA. 24293	Leased 906889/TL-223	0.00066250

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.

<u>Tract</u>	<u>Lessor</u>	<u>Lease No.</u>
3	Rose Mary McCoy Sturgill, widow P.O. Box 3092 5258 Clearwater Road Wise, VA 24293	907129.15
	James R. McCoy, single 1262 Tulip Circle Sevierville, TN 37862	907129.16
	Norma McCoy McGill, widow 1143 Hunters Lane, Lot 28 Nashville, TN 37207	907129.05

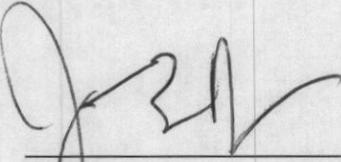
Tract	Lessor	
3	Alice Kay McCoy Garrett, single 100 Kingston Road Blountville, TN 37617	907129.07
	Harold G. McCoy & Barbara A. McCoy, h/w 662 Cold Springs Road Nora, VA 24272	907129.06
	Laura Gerlene McCoy Taylor, widow 21014 Lovers Lane Bristol, VA 24202-4228	907129.09
	Danny Kermit McCoy, single 21014 Lovers Lane Bristol, VA 24202-4228	907129.08
	Pam Walker Day, single 1240 Flatwood Road NW Ramsey, IND 47166	907129.14
	Ferrell Doug Reed & Deirdre Leann Reed, h/w P.O. Box 2007 (mailing) Clintwood, VA 24228 6437 DC Caney Ridge Rd. (physical) Coeburn, VA 24230	907129.12
	Carlotta Reed Hawkins & Ross E. Hawkins, w/h Holly Brook Trailer # 10 Clintwood, VA 24228	907129.10
	Rita Ramey and Richard Ramey P.O. Box 1631 Clintwood, VA 24228	907129.11
	Gina (Regina) Reed Patterson & Ralph Patterson, w/h P.O. Box 2003 Clintwood, VA 24228	907129.13

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>TRACT</u>	<u>LESSOR</u>	<u>CASH CONSIDERATION</u>
3	James P. Herring & Debra A. Herring h/w 1431 E. State St. Lot #6 Bristol, TN 37620	0.0078 x \$5.00 = \$0.04
	Shalor Columbus McCoy UNKNOWN	0.0078 x \$5.00 = \$0.04
	Brownlow Grizzel, widower Rt. 1 Box 194 Nora, VA 24279	0.0620 x \$5.00 = \$0.31
	Mina Lois Summerton & Robert Lowell Summerton, w/h 401 Vine Street Ashland, OH 44805	0.0155 x \$5.00 = \$0.08
	Joyce Nell Phillips Cloud, widow 989 N Arthur Street Fresno, CA 93728	0.0155 x \$5.00 = \$0.08
	Ruth Phillips, single 201 Vine Street Ashland, OH 44805	0.0155 x \$5.00 = \$0.08
	Larry Phillips & Jeweleen Phillips, h/w P.O. Box 366 Nora, VA 24279	0.0155 x \$5.00 = \$0.08
	Paul J. Pounders Unknown/Unlocatable	0.0155 x \$5.00 = \$0.08
	Anthony Paul Pounders Unknown/Unlocatable	0.0465 x \$5.00 = \$0.23

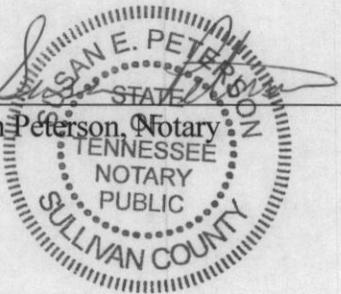
That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant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

Dated at Kingsport, Tennessee, this 27th day of April, 2010.

  
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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 27th day of April, 2010.

  
\_\_\_\_\_  
Susan Peterson, Notary

My commission expires: October 24, 2012.

**EXHIBIT "B"**  
**VC-536421**  
**VCI-538674**  
**VGOB 08/04/15-2211**  
**REVISED 04/11/08**

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
<b><u>Gas Estate Only</u></b>					
1 TAX ID 11675	Standard Banner Coal Corp P.O. Drawer 750 Wise, VA 24293 c/o Mike Clisso	Leased 906889/TL-223	46.620000%	27.4000	0.05827500
Equitable Production Company					0.40792500
<b><u>Tract 1 Totals</u></b>			46.620000%		0.46620000
2 Tax ID # 11636	Standard Banner Coal Corp P.O. Drawer 750 Wise, VA 24293 c/o Mike Clisso	Leased 906889/TL-223	52.850000%	31.0600	0.06606250
Equitable Production Company					0.46243750
<b><u>Tract 2 Totals</u></b>			52.850000%		0.52850000
3 Tax ID 6446	<b><u>John &amp; Ruth McCoy Heirs</u></b>				
<b>Rufus V. McCoy</b>					
	Rose Mary McCoy Sturgill, widow P.O. Box 3092 5258 Clearwater Road Wise, VA 24293	Leased 907129.15	0.008833%	0.0052	0.00001104
	James R. McCoy, single 1262 Tulip Circle Sevierville, TN 37862	Leased 907129.16	0.008833%	0.0052	0.00001104
	Dwight D. McCoy & Bonnetta McCoy, h/w 489 Cold Springs Road Nora, VA 24272	Leased 907129.02	0.017667%	0.0103	0.00002208
	Norma McCoy McGill, widow 1143 Hunters Lane, Lot 28 Nashville, TN 37207	Leased 907129.05	0.017667%	0.0103	0.00002208

Alice Kay McCoy Garrett, single 100 Kingston Road Blountville, TN 37617	Leased 907129.07	0.017667%	0.0103	0.00002208
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Harold G. McCoy & Barbara A. McCoy, h/w 662 Cold Springs Road Nora, VA 24272	Leased 907129.06	0.017667%	0.0103	0.00002208
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Joreen Hammons, widow 5707 W. Kesslers Crossing Fredericksburg, VA 22407	Leased 907129.01	0.017667%	0.0103	0.00002208
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**Maynard McCoy**

Charles Kenneth McCoy & Patricia A. McCoy, h/w 847 Cold Springs Road Nora, VA 24272	Leased 907129.03	0.013250%	0.0078	0.00001656
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Laura Gerlene McCoy Taylor, widow 21014 Lovers Lane Bristol, VA 24202-4228	Leased 907129.09	0.013250%	0.0078	0.00001656
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**Barbara McCoy Herring**

James P. Herring & Debra A. Herring h/w 1431 E. State St. Lot #6 Bristol, TN 37620	Unleased	0.013250%	0.0078	0.00001656
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Danny Kermit McCoy, single 21014 Lovers Lane Bristol, VA 24202-4228	Leased 907129.08	0.013250%	0.0078	0.00001656
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**Cassie Carlotta McCoy Walker**

Pam Walker Day, single 1240 Flatwood Road NW Ramsey, IND 47166	Leased 907129.14	0.013250%	0.0078	0.00001656
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Shalor Columbus McCoy UNKNOWN	Unleased	0.013250%	0.0078	0.00001656
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Arthur Jerry McCoy 874 Cold Spring Road Nora, VA 24272	Leased 907129.04	0.013250%	0.0078	0.00001656
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**Anna Sue McCoy Blevins**

Ferrell Doug Reed &  
Deirdre Leann Reed, h/w  
P.O. Box 2007 (mailing)  
Clintwood, VA 24228  
6437 DC Caney Ridge Rd. (physical)  
Coeburn, VA 24230

Leased 0.003313% 0.0019 0.00000414  
907129.12

Carlotta Reed Hawkins &  
Ross E. Hawkins, w/h  
Holly Brook Trailer # 10  
Clintwood, VA 24228

Leased 0.003313% 0.0019 0.00000414  
907129.10  
Unleased 0.079500% 0.0465 0.00005838

Rita Ramey and Production Company  
Richard Ramey  
P.O. Box 1631  
Clintwood, VA 24228

Leased 0.003313% 0.0019 0.00000414  
907129.11  
0.530000% 0.3100 0.00530000

Gina (Regina) Reed Patterson &  
Ralph Patterson, w/h  
P.O. Box 2003  
Clintwood, VA 24228

Leased 0.003313% 0.0019 0.00000414  
907129.13

**Pearl Grizzel**

Brownlow Grizzel, widower  
Rt. 1 Box 194  
Nora, VA 24279

Unleased 0.106000% 0.0620 0.00013250  
906889/TL-223

**Flossie Phillips**

Mina Lois Summerton &  
Robert Lowell Summerton, w/h  
401 Vine Street  
Ashland, OH 44805

Unleased 0.026500% 0.0155 0.00003313

Joyce Nell Phillips Cloud, widow  
989 N Arthur Street  
Fresno, CA 93728

Unleased 0.026500% 0.0155 0.00003313

Ruth Phillips, single  
201 Vine Street  
Ashland, OH 44805

Unleased 0.026500% 0.0155 0.00003313

Larry Phillips &  
Jeweleen Phillips, h/w  
P.O. Box 366  
Nora, VA 24279

Unleased 0.026500% 0.0155 0.00003313

TOTAL COAL ESTATE

100.000000% 58.7700 1.00000000

INSTRUMENT RECORDED  
RECORDED IN THE CLERK'S OFFICE OF  
DICKERSON ON  
AUGUST 11, 2016 AT 10:54 AM  
RICHARD W. EDWARDS, CLERK  
RECORDED BY: CJF

