

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: S57

TRACT(S): 4A, 4B

LOCATION: TAZEWELL County, Virginia

TAX ID NUMBERS:

Tax Map Identification Numbers for all parcels affected by this order are shown on: Tract
Identification Sheet

DOCKET NUMBER:

VGOB-09-0616-2524-01

APPLICANTS:

CNX Gas Company LLC on behalf of Donald Altizer, Mark W Dailey, Michael Newton Altizer

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 coat 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 1/24/2009, Recorded on 1/30/2009, Deed Book/Instrument No.
1066, Page 0462.
2. Supplemental Order, Recorded on 02/28/2011, Deed Book/Instrument No. 1090, Page 0876.

NOTICE:

OK 2016 PG 02899

571

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 4A, 4B identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 4A, 4B relative to the interests of the Applicants identified in the attached petition.
- (3) Close 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. Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey is the gas claimant in Tracts 4A, 4B. As such Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey 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 Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey and not escrow same. See Exhibit EE annexed hereto.

RELIEF GRANTED:

DK 2016 PG 0290

DONE AND EXECUTED this 5 day of February, 2016 by a majority of the Virginia Gas and Oil Board.

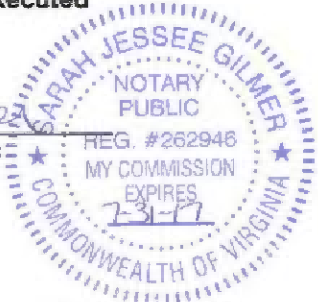


Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 5th day of February, 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, that he executed the same and was authorized to do so.


Sarah Jessee Gilmer, Notary Public
262946



My Commission expires: July 31, 2017

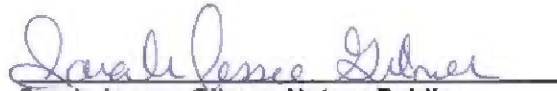
DONE AND PERFORMED this 9 day of February, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 9th day of February, 2016, personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, 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, 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 09-0616-2524-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 4A, 4B (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: S57

TAZEWELL 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 of Tracts 4A & 4B, as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey.

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. Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey is the gas claimant in Tracts 4A, 4B As such Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey 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 Michael Newton Altizer, Donald Graham Altizer, Mark W. Dailey 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.

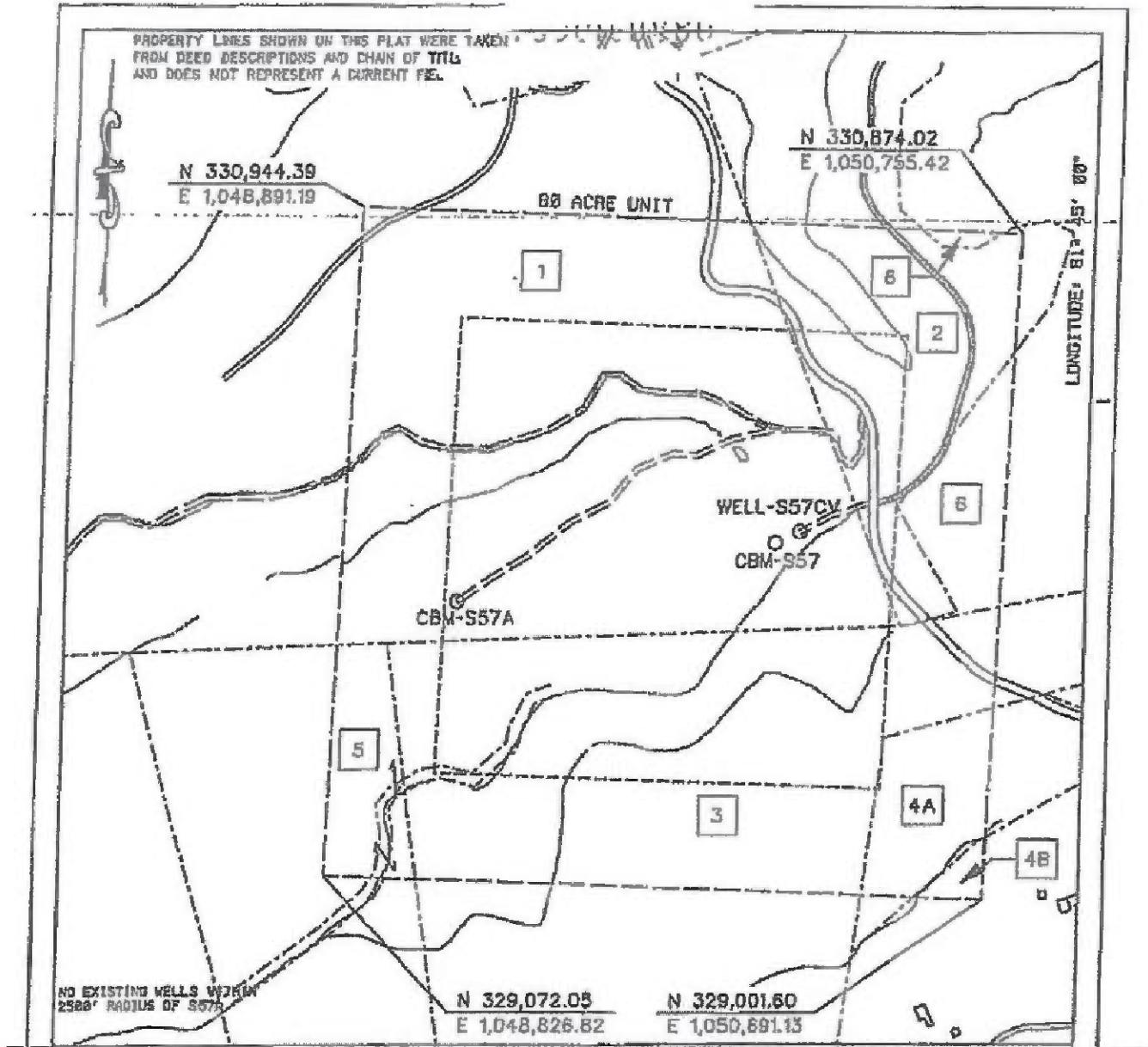


EXHIBIT A
OAKWOOD FIELD
UNIT S57
FORCE POOLING
VGOB 09-0616-2524

Company CNX Gas Company LLC Well Name and Number UNIT S57
Tract No. _____ Elevation _____ Quadrangle JEWELL
County JAEWELL District MAIDEN SPRINGS Scale: 1" = 400' Date 4/20/09
This plot is a new plot _____; an updated plot X; or a final plot _____

Form D00-6D-7
Rev. 9/91

[Signature]
Licensed Professional Engineer or Licensed Land Surveyor

TIMOTHY E. HORN
(Aff. No. 005686)

CNX Gas Company LLC

UNIT 8-67

Tract Identification

1. **Peachmont Mining Limited Liability Company, Tract H (260.47 Acre Tract) - Fee**
Reserve Coal Properties Company - Coal in the P8 Seam and 250' above Leased
Jewell Smokeless Coal Corporation - Coal in the Tiller and Raven Seams and all Seams between Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 47, Parcel 10)
88.87 acres 48.4828%
2. **James W. Harman, III, et al (19.80 Acres p/o 185.00 Acre Tract) - All Mineral except Jewell Ridge Seam of Coal**
Jewell Ridge Coal Corporation - Jewell Ridge Seam of Coal
Consolidation Coal Company - Below Drainage Coal Lease
CNX Gas Company LLC - Oil, Gas and CBM Leased
Unknown Surface Owner
(Tax Map 28A, Parcel 12)
9.99 acres 12.4876%
3. **George D. Altizer Heirs (28.00 Acres - p/o 70 Acre Tract) - Fee**
(Tax Map 48, Parcel 1)
28.04 acres 29.8280%
- 4A. **Barwind Land Company, Tract 152 (George W. Reynolds 70.00 Acre Tract) - Coal**
Consolidation Coal Company - All Coal Leased
CNX Gas Company LLC - CBM Leased
George D. Altizer Heirs - Surface, Oil and Gas
(Tax Map 48-01, Parcel 6A, 7, & 7A)
8.18 acres 8.9500%
- 4B. **Barwind Land Company, Tract 152 (George W. Reynolds 70.00 Acre Tract) - Coal**
Consolidation Coal Company - All Coal Leased
CNX Gas Company LLC - CBM Leased
Oscar F. Dalley, et ux - Surface, Oil and Gas
(Tax Map 48-01, Parcel 8A, & 4)
0.40 acres 0.5000%
5. **Consolidation Coal Company, Tract 265 (Faraday 848.06 Acre Tract) - All Coal except the Squire Jim Seam**
Reserve Coal Properties Company - Squire Jim Seam of Coal
Cabot Oil and Gas Corporation - Oil and Gas
CNX Gas Company LLC - CBM
George D. Altizer Heirs - Surface
(Tax Map 47, Parcel 88B)
3.08 acres 3.8250%
6. **James W. Harman, III, et al (185.00 Acre Tract) - All Minerals**
Consolidation Coal Company - Below Drainage Coal Lease
CNX Gas Company LLC - Oil, Gas and CBM Leased
Unknown Surface Owner
(Tax Map 28A, Parcel 12)
8.08 acres 8.8600%

Exhibit E
Unit S-57
Docket #VGQB 09-0616-2524-01
List of Conflicting Owners/Claimants that require Escrow

	Acres in Unit	Percent of Unit
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Escrowing no longer required

DK 2016 PB 02908

Exhibit EE
Unit S-57
Docket #VGOB 09-0616-2524-01
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
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Tract #4A, 3.16 acres

COAL OWNERSHIP

(1) Berwind Land Company, Tr.152 (George W. Reynolds 70 Acre Tract) 300 Summers St., Suite 1050 Charleston, WV 25301	3.16 acres	3.9500%	
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OIL & GAS OWNERSHIP

(1) Michael Newton Altizer, et al (aka George D. Altizer Heirs) (5.30 Acre Tract)	3.16 acres	3.9500%	
(a) Frances Buchanan Altizer	Conveyed to Holly Altizer Bilbro, et al 6/30/08 per DB 1034/906		
(a.1) Holly Altizer Bilbro	Conveyed to Donald Graham Altizer, et al 7/28/09 per DB 1059/1005		
(a.2) Michael Newton Altizer 2273 Maiden Lane Roanoke, VA 24015	1.58 acres 1/2 of 3.16 acres	1.9750%	44.3820% HB 2058
(a.3) Donald Graham Altizer 5152 Remington Rd Roanoke, VA 24218	1.58 acres 1/2 of 3.16 acres	1.9750%	44.3820% HB 2058

Tract #4B, 0.40 acres

COAL OWNERSHIP

(1) Berwind Land Company, Tr.152 (George W. Reynolds 70 Acre Tract) 300 Summers St., Suite 1050 Charleston, WV 25301	0.40 acres	0.5000%	
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OIL & GAS OWNERSHIP

(1) Oscar F. & Eliza Dailey, et ux.	Conveyed by deed dated 2/16/10 BK1071/PG0184		
(a) Mark W. Dailey 1501 Reynolds Ridge Rd Bandy, VA 24602	0.40 acres	0.5000%	11.2360% HB 2058

Total Conflicts Resolved

Total Acres	3.5600
Total Percentage	100.00%

INSTRUMENT #160000571
RECORDED IN THE CLERK'S OFFICE OF
TAXWELL COUNTY ON
MARCH 4, 2016 AT 10:08AM
ANGELA KAY
TAMMY B. ALLISON, CLERK
RECORDED BY: ADR