

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)

UNIT/WELL NAME: BF99

TRACT(S): 1C

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-09-0818-2577-01

APPLICANTS: Pocahontas Gas LLC on behalf of Commonwealth of VA Department of Transportation

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 1/04/2009, Recorded on 12/04/2009, Deed Book/Instrument No. 90003749, County BUCHANAN.
2. Supplemental Order, Recorded on 08/11/2010, Deed Book/Instrument No. 100002212, County BUCHANAN.

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) 1C identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1C 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 § 45.2-1622 AND § 45.2-1624.

Applicant has certified and represented to the Board that:

- a. Commonwealth of Virginia, Department of Transportation is the gas claimant(s) in Tract 1C. As such, Commonwealth of Virginia, Department of Transportation is entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has previously given the notice(s) required by § 45.2-1624 to all conflicting coal 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 § 45.2-1624 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, further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Commonwealth of Virginia, Department of Transportation 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 close 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.

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DONE AND EXECUTED this 25 day of February, 2022 by a majority of the Virginia Gas and Oil Board.

Interim Chairman, Donald L. Ratliff

DONE AND PERFORMED this 25 day of February, 2022 by Order of the Virginia Gas and Oil Board.

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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 25th day of February, 2022, 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 and appeared James P. Skorupa, 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, 2025

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BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

GAS AND OIL PROGRAM

DOCKET NO: VGOB

09-0818-2577-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1C (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: BF99

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(s) attributable to Tract(s) 1C as depicted upon the annexed Table ; and (2) authorization to begin paying royalties directly to; Commonwealth of Virginia, Department of Transportation; (3) Dismissal of Coal Owner; Harrison-Wyatt LLC

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)

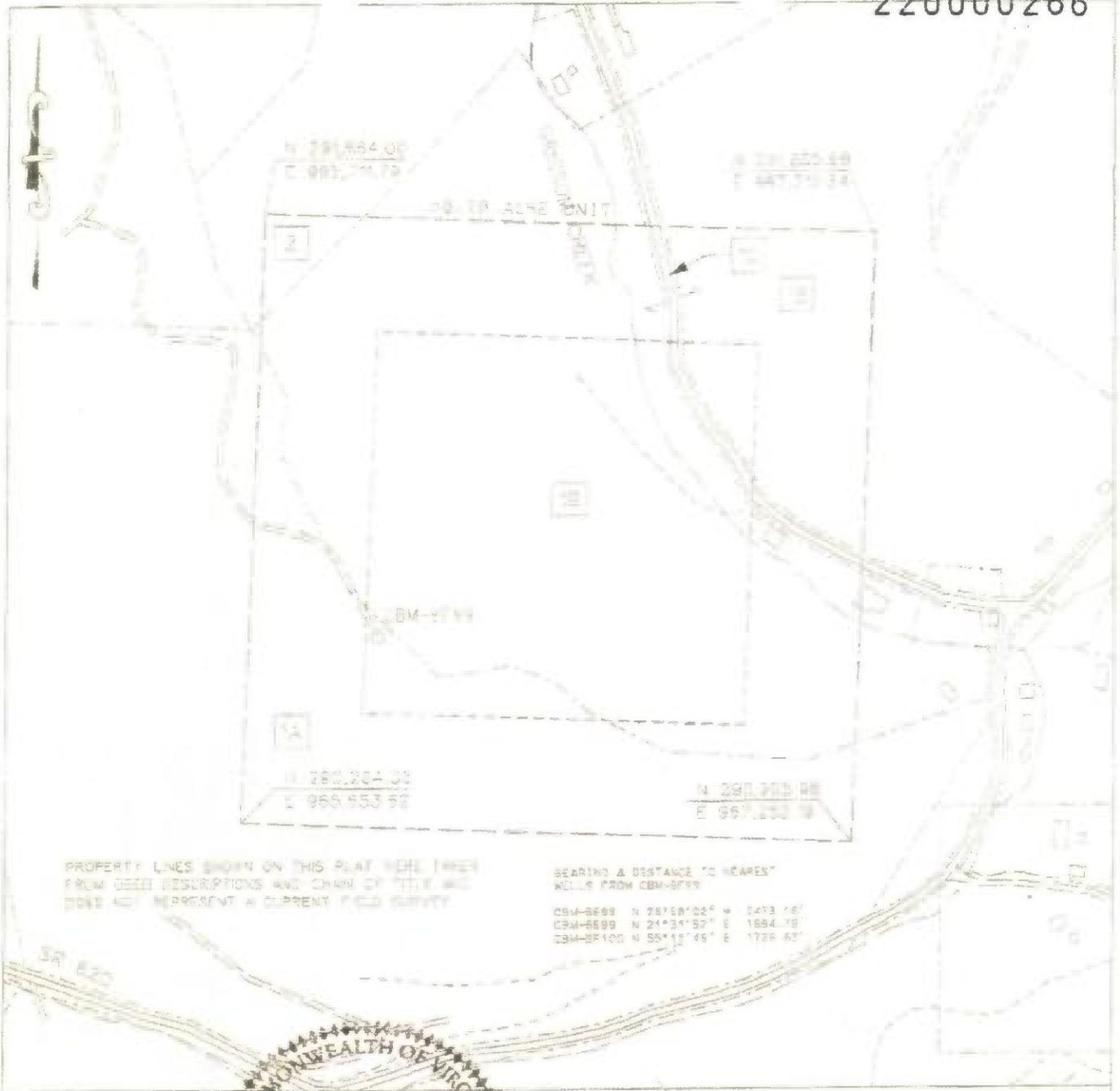
Coalbed Methane

5. Factual basis for relief requested

- a. Commonwealth of Virginia, Department of Transportation is the gas claimant(s) in Tract 1C. As such, Commonwealth of Virginia, Department of Transportation is entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.2-1624.
- b. That Pocahontas Gas LLC (formerly CNX Gas Company LLC) has previously given the notice (s) required by § 45.2-1624 to all conflicting coal 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 § 45.2-1624 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. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Commonwealth of Virginia, Department of Transportation 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.



COMMONWEALTH OF VIRGINIA
Timothy E. Horn
TIMOTHY E. HORN
 Lic. No. 035686
 7/15/09
 PROFESSIONAL ENGINEER

EXHIBIT A *Home Field*
~~CANADIAN FIELD~~
 UNIT BF99
 FORCE POOLING
 VGOB-09-0818-2571

Company CNX Gas Company LLC Well Name and Number UNIT BF99
 Tract No. _____ Elevations _____ Geographic: Big & Mountain
 County Waynes Director Supplican Scale: 1" = 400' Date 7/15/09
 This plat is a new plat X or a modified plat _____ or a final plat _____

Form 300-50-1 *Timothy E. Horn* License No. _____
 Rev. 1/01 Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC
UNIT BF-99
 Tract Identifications
 (58.78 Acre Unit)

- 1A. Harrison-Wyatt, LLC, Big Axe Tract 11-3 (416.00 Acre Tract) - Coal
 Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 CNX Gas Company LLC - Surface and All Minerals except Coal
 15.70 acres 26.7098%
- 1B. Harrison-Wyatt, LLC, Big Axe Tract 11-3 (416.00 Acre Tract) - Coal
 Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Hampton E. Austin, et ux - Surface and All Minerals except Coal
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 41.11 acres 69.9388%
- 1C. Harrison-Wyatt, LLC, Big Axe Tract 11-3 (416.00 Acre Tract) - Coal
 Jewell Smokeless Coal Corporation - Above Drainage Coal 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
 1.15 acres 1.9564%
2. Harrison-Wyatt, LLC, Big Axe Tract 10 (280.00 Acre Tract) - All Minerals
 CNX Gas Company LLC - Oil, Gas and Leased
 Curtis Austin, et ux - Surface
 0.82 acres 1.3950%

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Exhibit E
Unit BF-99
VGOB# 09-0818-2577-01
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

Acres in Unit

Percent
of Unit

Escrowing no longer required

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Exhibit EE
 Unit BF-99
 Docket #VGOB 09-0818-2577-01
 List of Respondents with Royalty Split Agreement/Court Order/HB2058
 (58.78 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
Tract #1A - 15.70 acres			
COAL OWNERSHIP			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) P.O. Box 11000 Danville, VA 24543 (416.00 Acre Tract)	15.70 acres	26.7098%	n/a
OIL & GAS OWNERSHIP			
(1) Pocahontas Gas LLC 1000 Consol Energy Drive Canonsburg, PA 15317	15.70 acres	26.7098%	n/a
Tract #1B - 41.11 acres			
COAL OWNERSHIP			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 (416.00 Acre Tract)	41.11 acres	69.9388%	n/a
OIL & GAS OWNERSHIP			
(1) Hampton & Trula Austin, TE	<i>Hampton Austin DOD 11/19/2015</i>		
(a) Trula Austin 2615 Old Grissom Creek Road Honaker, VA 24260	41.11 acres	69.9388%	n/a
Tract #1C - 1.15 acres			
COAL OWNERSHIP			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 (416.00 Acre Tract)	1.15 acres	1.9564%	n/a
OIL & GAS OWNERSHIP			
<i>Previously shown as a title conflict. Management review of DB 213 PG 004 leads to a clear determination that this is a conveyance of land rather than an easement. Escrowed funds should be released to VDOT.</i>			
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	1.15 acres	1.9564%	100.00% HB2058

Total Acres Resolved 57.96
 Total Percentage Resolved 98.6050%

INSTRUMENT 220000266
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY CIRCUIT COURT ON
 MARCH 18, 2022 AT 03:27 PM
 BEVERLY S. TILLER, CLERK
 RECORDED BY: GGB