



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: A32

TRACT(S): A portion of 4

LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-12-0417-3047-03

APPLICANTS: CNX Gas Company LLC on behalf of Cynthia Rhodes, Verna Napier

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
February 20, 2018

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 06/14/2012, Recorded on 08/08/2012, Deed Book/Instrument No. 120001617.
2. Supplemental Order Executed 04/12/2013, Recorded on 05/13/2013, Deed Book/Instrument No. 130000829.
3. Disbursement Order -01 Executed 08/19/2015, Recorded on 08/26/2015, Deed Book/Instrument No. 150001403.
4. Disbursement Order -02 Executed 11/28/2017, Recorded on 12/11/2017, Deed Book/Instrument No. 170002569.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the February 20, 2018 hearing and considered whether to:

- (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 4 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) A portion of 4 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:

Royalties attributable to Cynthia Rhodes & Verna Napier interest can be released due to the fact they have been recently located at the addresses shown on the attached Exhibit EE. The Applicant and Designated Operator are also requesting that they be allowed to pay royalties directly to Cynthia Rhodes & Verna Napier. The annexed Exhibit A-1, further specifies how said royalties are to be paid.

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.

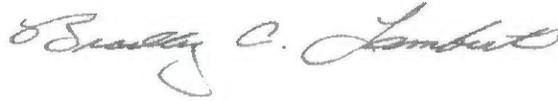
CONCLUSION:

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 § 45.1-361.9 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 21 day of February, 2018 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

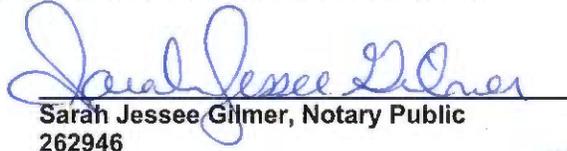
DONE AND PERFORMED this 21 day of February, 2018 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 21st day of February, 2018, 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.


Sarah Jessee Gilmer, Notary Public
262946

My Commission expires: July 31, 2021



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 12-0417-3047-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 4 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES (3) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.

HEARING DATE: February 20, 2018

DRILLING UNIT: A32

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company 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 Tract 4, as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the party/parties previously listed as unlocatable: Cynthia Rhodes & Verna Napier.

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

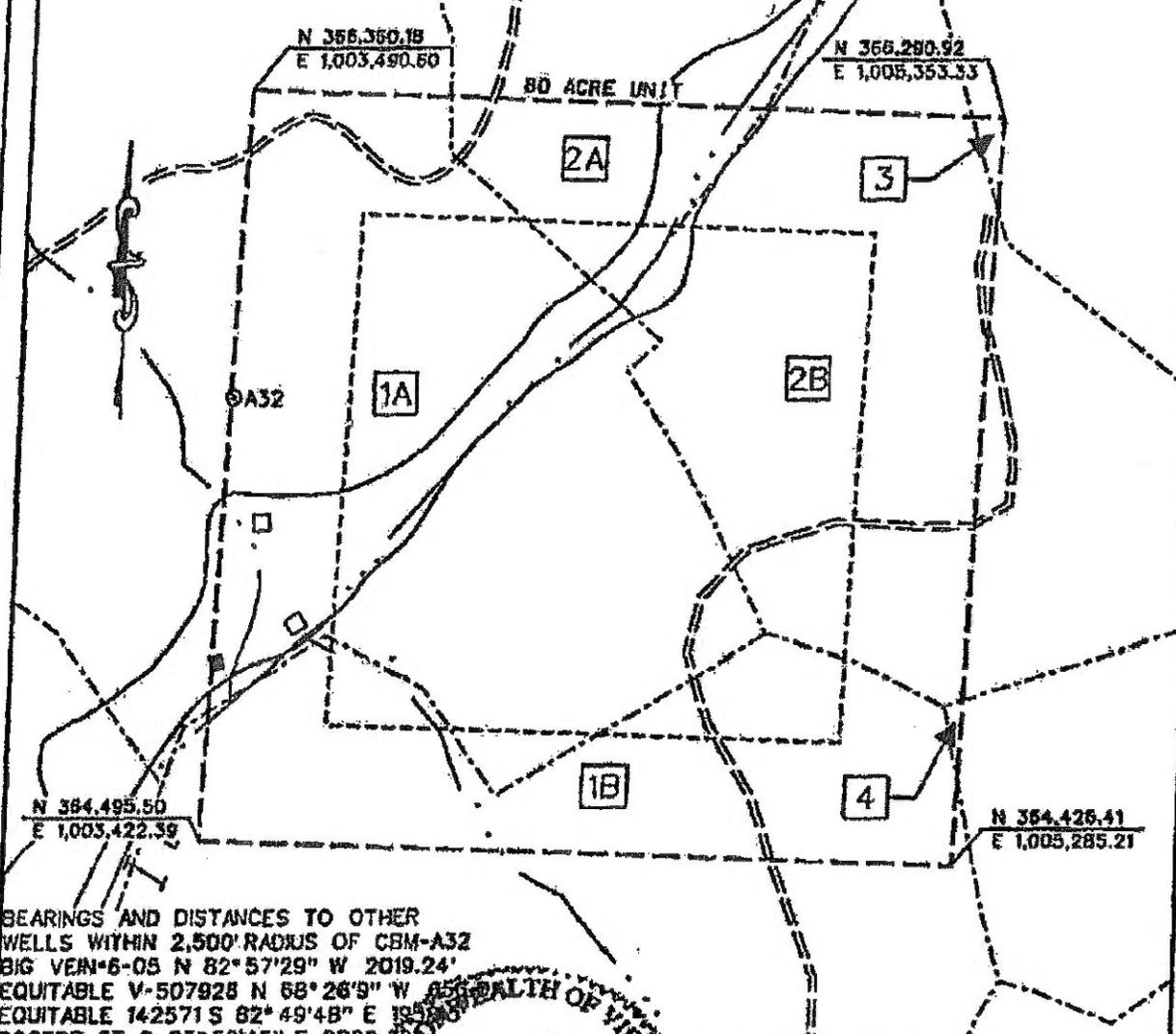
5. Factual basis for relief requested

Royalties attributable to Cynthia Rhodes & Verna Napier interest can be released due to the fact they have been recently located at the addresses shown on the attached Exhibit EE. The Applicant and Designated Operator are also requesting that they be allowed to pay royalties directly to Cynthia Rhodes & Verna Napier. The annexed Exhibit A-1, further specifies how said royalties are to be paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

Property lines shown on this plot were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-A32
 BIG VEAN-6-05 N 82° 57' 29" W 2019.24'
 EQUITABLE V-507928 N 68° 26' 9" W 1957.88'
 EQUITABLE 142571 S 82° 49' 48" E 1957.88'
 ROGERS 37 S 25° 50' 45" E 2222.89'

○ CBM WELL
 ⊙ PROPOSED CBM WELL

OFFICE OF THE
 RICHARD C. MURPHY
 Lic. No. 041898
 03-09-12
 PROFESSIONAL ENGINEER

EXHIBIT A
 OAKWOOD FIELD
 UNIT A32
 FORCE POOLING
 VG08-12-0417-3047

Company CNX Gas Company LLC Well Name and Number UNIT A32
 Tract No. _____ Elevation _____ Quadrangle PATTERSON
 County BUCHANAN District GARDEN Scale: 1" = 400' Date _____
 This plot is a new plot ; an updated plot _____ ; or a final plot _____

Form DCO-30-7 Richard C. Murphy (Affix Seal)
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

**CNX Gas Company LLC
UNIT A32
Tract Identifications**

1. **LBR Holdings, LLC (211.80 Acre Tract) – All Coal**
 Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased (6/7)
 Reserve Coal Properties Company – P-3 Seam Subleased (6/7)
 Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased (6/7)
 LBR Holdings, LLC, et al – Oil and Gas
 EQT Production Company – Oil and Gas Leased (64.2857%)
 CNX Gas Company LLC – CBM Leased (Geomet Farmout) (64.2857%)
 61.99 acres 64.9875%

- 1A. Kevin Keen, et al - Surface
 1B. Kevin Keen, et al - Surface

2. **Cliff Investment Group, LLC, et al (74.10 Acre Tract) – All Minerals**
 Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased (50%)
 Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
 CNX Gas Company LLC – Oil, Gas and CBM Leased (50%)
 27.70 acres 34.6250%

- 2A. Unknown Surface Owner
 2B. Unknown Surface Owner

3. **LBR Holdings, LLC (85.50 Acre Tract) – All Coal**
 Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
 Reserve Coal Properties Company – P-3 Seam Subleased
 Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
 LBR Holdings, LLC, et al – Oil and Gas
 EQT Production Company – Oil and Gas Leased (75%)
 CNX Gas Company LLC – CBM Leased (Geomet Farmout) (75%)
 Unknown Surface Owner
 0.21 acres 0.2625%

4. **Muriel R. Short, et al (30 Acre Tract) – All Minerals**
 Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
 CNX Gas Company LLC – Oil, Gas and CBM Leased (62.12%)
 Unknown Surface Owner
 0.10 acres 0.1250%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit E
 Unit A-32
 Docket # VGOB 12-0417-3047-03
 List of Respondents that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #4, 0.10 Acres</u>		
<i>Escrow due to Unresolved heirship/Unknown/Unlocatable</i>		
COAL OWNERSHIP		
(1) Muriel R. Short, et al (30 Acre Tract)	0.10 acres	0.1250%
(a) Roy Ray Heirs, Devisees, Successors or Assigns (1/2)		
(a.1) Willie Wingo Ray Heirs, Devisees, Successors or Assigns		
(a.1.3) Joe Ray Heirs, Devisees, Successors, or Assigns		
(a.1.3.1) Sharon Ray 15375 Whites Mill Rd #110 Abingdon, VA 24210	0.0125 acres 1/8 of 0.10 acres	0.0156%
(b) George Tolliver Heirs, Devisees, Successors or Assigns		
(b.1) Lou Tolliver Heirs, Devisees, Successors or Assigns		
(b.1.2) Roy Tolliver	<i>Conveyed interest (DB 263/401)</i>	
(b.1.2.2) James Ellenburg Heirs, Devisees, Successors or Assigns <i>(Deceased - Documentation Pending)</i>	0.0019 acres 1/52 of 0.10 acres	0.0024%
(b.1.2.2.1) Donna Pollock Ellenburg 11599 Keran St S. Salem, OH 45681		
(b.1.2.2.2) Gina Lykins 301 Windy Ridge Rd Chillicothe, OH 456001		
(b.1.2.2.3) Lana Fish 198 Rittenour Rd Waverly, OH 45690		
(b.1.8) Versa T. Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.1) Phyllis Graves Heirs, Devisees, Successors or Assigns <i>(Documentation Pending 6/7/12)</i>	0.0004 acres 1/260 of 0.10 acres	0.0005%
(b.1.8.1.1) Robert L. Graves Heirs, Devisees, Successors or Assigns		
(b.1.8.1.1.1) Robert Graves, Jr 8619 Camp Creek Rd Lucasville, OH 45648		
(b.1.8.1.1.2) James Graves 1662 Lapperell rd Peebles, OH 45660		
(b.1.8.1.1.3) Tammy Green <i>Address Unknown</i>		
(b.1.8.1.1.4) Charles Robinson Heirs, Devisees, Successors or Assigns	0.0001 acres 1/780 of 0.10 acres	0.0002%
(b.1.8.1.1.4.1) Pamela Jo Robinson 1029 Greenlee Rd Seaman, OH 45679		

Exhibit E
Unit A-32
Docket # VGOB 12-0417-3047-03
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
(b.1.8.2) Lloyd Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1) Jannet Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1.3) Jody J. Smith 2731 Rainbow Trall Waverly, OH 45690	0.0002 acres 1/624 of 0.10 acres	0.0003%
(b.1.8.6) Roger Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.6.1) Troy Smith Address Unknown	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.2) Terry Smith Address Unknown	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.3) Chrystal Smith Address Unknown	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.4) Todd Smith Address Unknown	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.13) Bertha T. Snyder Heirs, Devisees, Successors or Assigns		
(b.1.13.3) Rodney B Snyder Terez Krt. 39 3/3 H067 Budapest, Hungary	0.0013 acres 1/78 of 0.10 acres	0.0016%
<u>OIL & GAS OWNERSHIP</u>		
(1) Muriel R. Short, et al (30 Acre Tract)	0.10 acres	0.1250%
(a) Roy Ray Heirs, Devisees, Successors or Assigns (1/2)		
(a.1) Willie Wingo Ray Heirs, Devisees, Successors or Assigns		
(a.1.3) Joe Ray Heirs, Devisees, Successors, or Assigns		
(a.1.3.1) Sharon Ray 15375 Whites Mill Rd #110 Abingdon, VA 24210	0.0125 acres 1/8 of 0.10 acres	0.0156%
(b) George Tolliver Heirs, Devisees, Successors or Assigns		
(b.1) Lou Tolliver Heirs, Devisees, Successors or Assigns		
(b.1.2) Roy Tolliver	Conveyed interest (DB 263/401)	
(b.1.2.2) James Eilenburg Heirs, Devisees, Successors or Assigns (Deceased - Documentation Pending)	0.0019 acres 1/52 of 0.10 acres	0.0024%
(b.1.2.2.1) Donna Pollock Eilenburg 11599 Keran St S. Salem, OH 45681		
(b.1.2.2.2) Gina Lykins 301 Windy Ridge Rd Chillicothe, OH 456001		
(b.1.2.2.3) Lana Fish 198 Rittenour Rd Waverly, OH 45690		

Exhibit E
Unit A-32
Docket # VGOB 12-0417-3047-03
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
(b.1.8) Versa T. Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.1) Phyllis Graves Heirs, Devisees, Successors or Assigns <i>(Documentation Pending 6/7/12)</i>	0.0004 acres 1/260 of 0.10 acres	0.0005%
(b.1.8.1.1) Robert L. Graves Heirs, Devisees, Successors or Assigns		
(b.1.8.1.1.1) Robert Graves, Jr 8619 Camp Creek Rd Lucasville, OH 45648		
(b.1.8.1.1.2) James Graves 1662 Lapperell rd Pebbles, OH 45660		
(b.1.8.1.1.3) Tammy Green <i>Address Unknown</i>		
(b.1.8.1.1.4) Charles Robinson Heirs, Devisees, Successors or Assigns	0.0001 acres 1/780 of 0.10 acres	0.0002%
(b.1.8.1.1.4.1) Pamela Jo Robinson 1029 Greenlee Rd Seaman, OH 45679		
(b.1.8.2) Lloyd Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1) Jannet Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1.3) Jody J. Smith 2731 Rainbow Trail Waverly, OH 45690	0.0002 acres 1/468 of 0.10 acres	0.0003%
(b.1.8.6) Roger Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.6.1) Troy Smith <i>Address Unknown</i>	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.2) Terry Smith <i>Address Unknown</i>	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.3) Chrystal Smith <i>Address Unknown</i>	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.8.6.4) Todd Smith <i>Address Unknown</i>	0.0002 acres 1/624 of 0.10 acres	0.0002%
(b.1.13) Bertha T. Snyder Heirs, Devisees, Successors or Assigns		
(b.1.13.3) Rodney B Snyder Terez Krt. 39 3/3 H067 Budapest, Hungary	0.0013 acres 1/78 of 0.10 acres	0.0016%
<u>TOTAL CONFLICTS:</u>		
Acreage in Unit	0.0171	
Percentage of Unit		0.0213%

Exhibit EE
Unit A-32
Docket # VGOB 12-0417-3047-03
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1, 51.99 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. (211.80 Acre Tract)	51.99 acres	64.9875%	
(a) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427	13.00 acres 1/4 of 51.99 acres	16.2469%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. (211.80 Acre Tract)	51.99 acres	64.9875%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	1.62 acres 1/32 of 51.99 acres	2.0309%	n/a
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	1.62 acres 1/32 of 51.99 acres	2.0309%	n/a
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	1.62 acres 1/32 of 51.99 acres	2.0309%	n/a
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 33138	1.62 acres 1/32 of 51.99 acres	2.0309%	n/a
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	2.17 acres 1/24 of 51.99 acres	2.7078%	n/a
(g) Jason Poulos 10870 SW 95 SL Miami, FL 33176	2.17 acres 1/24 of 51.99 acres	2.7078%	n/a
(h) Pamela Poulos 2016 Revocable Trust 5000 SW 83rd St. Miami, FL 33143-8510	2.17 acres 1/24 of 51.99 acres	2.7078%	n/a
<i>*Prevailing plaintiff under Case No. 550-13 Awarded 100% of the CBM royalty.</i>			
	Acres Percent	13.00 16.2469%	

Tract #3, 0.21 Acres**COAL OWNERSHIP**

(1) LBR Holdings, LLC, et al. (85.50 Acre Tract)	0.21 acres	0.2625%	
(a) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427	0.05 acres 1/4 of 0.21 acres	0.0656%	n/a

OIL & GAS OWNERSHIP

(1) LBR Holdings, LLC, et al. (85.50 Acre Tract)	0.21 acres	0.2625%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.01 acres 1/32 of 0.21 acres	0.0082%	n/a

Exhibit EE
 Unit A-32
 Docket # VGOB 12-0417-3047-03
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>			
(1) Muriel R. Short, et al (30 Acre Tract)	0.10 acres	0.1250%	
(b) George Tolliver Heirs, Devisees, Successors or Assigns			
(b.1) Lou Tolliver Heirs, Devisees, Successors or Assigns			
(b.1.11) Opal T. Bowles (aka Opal Ruble) Heirs, Devisees, Successors or Assigns			
(b.1.11.2) Cary Bowles 804 Margaret Dr Kerrville, TX 78028	0.0013 acres 1/78 of 0.10 acres	0.0016%	n/a
(b.1.13) Bertha T. Snyder Heirs, Devisees, Successors or Assigns			
(b.1.13.1) Carolyn S. Gaik 775 Yates Circle Clarksville, GA 30523	0.0013 acres 1/78 of 0.10 acres	0.0016%	n/a
(b.1.13.2) Lawrence B Snyder 5719 Roscoe Rd Lewisburg, OH 45338	0.0013 acres 1/78 of 0.10 acres	0.0016%	n/a
(b.1.6) Edna T. Hollandsworth Heirs, Devisees, Successors or Assigns			
(b.1.6.2.3) Cynthia Rhodes 146 Oak St Fairborn, OH 45324	0.0005 acres 1/208 of 0.10 acres	0.0006%	2.6709%
(b.1.6.2.4) Verna Napler 731 Sherman Ave Springfield, OH 45503	0.0005 acres 1/208 of 0.10 acres	0.0006%	2.6709%
	Acres 0.0048	Percent 0.0060%	
<u>TOTAL CONFLICTS RESOLVED:</u>			
	Acreage in Unit 13.0548	Percentage of Unit 16.3185%	

INSTRUMENT 180000419
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY CIRCUIT COURT ON
 March 7, 2018 AT 09:54 AM
 BEVERLY S. TILLER, CLERK
 RECORDED BY: CXE