

Order recorded under:  
**CODE OF VIRGINIA**  
**§ 45.1-361.26**

Instrument prepared by:  
**VIRGINIA GAS AND OIL BOARD**

**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:** BH114  
**TRACT(S):** 2  
**LOCATION:** RUSSELL County, Virginia

**DOCKET NUMBER:** VGOB-13-0917-4020-01

**APPLICANTS:** Pocahontas Gas LLC on behalf of Connie Thomas - c/o Department of Treasury, Patricia Ann Thomas - c/o Department of Treasury

**HEARING DATE AND LOCATION:** On November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

**FUTURE INQUIRIES/CLAIMS:** Funds for unknown/unlocatable owners in this order are being sent to the Department of Treasury under the provisions of Title 55.1, Section 55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act. To make a claim regarding these funds, please contact the Department of Treasury, Unclaimed Property Division, P. O. Box 2485, Richmond, Virginia 23218-2478. Phone: 1-800-468-1088. E-Mail: UCPmail@trs.virginia.gov

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

**PRIOR PROCEEDINGS:**

- 1. Original Pooling Order Executed 11/07/2013, Recorded on 01/31/2014, Deed Book/Instrument No. 772, Page 298, County RUSSELL.

2. Supplemental Order Executed 05/29/2014, Recorded on 07/01/2014, Deed Book/Instrument No. 777, Page 480, County RUSSELL.

**NOTICE:**

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 2 identified in the attached petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 2 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. Demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended.
- b. Notice of the Disbursement Petition was provided by publication on March 12, 2020 in the Virginia Mountaineer.
- c. See Exhibit T annexed hereto and incorporated herein by reference.

**RELIEF GRANTED:**

VGOB Disbursement  
Unit BH114  
VGOB-13-0917-4020-01

Table 1  
Tracts: 2

Item	Tract	Disbursement Table	Fractional Ownership		Net Acreage Ownership		Royalty Split		Escrowed Acres		Percent of Escrowed Funds		Adjustment Amount	
			in Tract	in Tract	in Tract	in Tract	Agreement	Disbursed	Disbursed	Disbursed	Disbursed			
		Total acreage in escrow before disbursement							0.09722					
2 Tract 2 (total acreage)														
1	2	Patricia Ann Thomas - c/o Department of Treasury\Unclaimed Property Division PO Box 2476 Richmond VA 23218	1/576		0.0486		100.00%		0.0486		50.0011%			
2	2	Connie Thomas - c/o Department of Treasury\Unclaimed Property Division PO Box 2476 Richmond VA 23218	1/576		0.0486		100.00%		0.0486		50.0011%			

Adjustment Comments:

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.

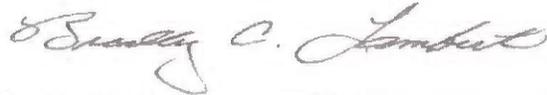
**CONCLUSION:**

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 § 45.1-361.9 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 17 day of June, 2020 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

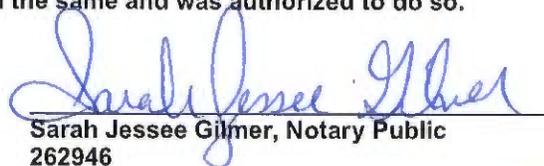
DONE AND PERFORMED this 17 day of June, 2020 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 17<sup>th</sup> day of June, 2020, 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: Pocahontas Gas LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 13-0917-4020-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2 (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:** On November 19, 2019, the Virginia Gas and Oil Board, on its own motion, granted the Director of the Division of Gas and Oil the authority to process previously identified unknown/unlocatable royalty owner(s) disbursements that have no pending deficiencies or issues. All future royalty payments will be paid directly from the operator to the Department of Treasury and/or the rightful identified owner. Effective date: November 19, 2019.

**FUTURE INQUIRIES/CLAIMS:** Funds for unknown/unlocatable owners in this order are being sent to the Department of Treasury under the provisions of Title 55.1, Section 55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act. To make a claim regarding these funds, please contact the Department of Treasury, Unclaimed Property Division, P. O. Box 2485, Richmond, Virginia 23218-2478. Phone: 1-800-468-1088. E-Mail: UCPmail@trs.virginia.gov

DRILLING UNIT: BH114

RUSSELL 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) Disbursement to the Commonwealth of Virginia, Department of the Treasury, Unclaimed Property Division, of funds held in escrow pursuant to Virginia Gas and Oil Board Pooling Orders heretofore entered to protect the correlative rights of unknown coalbed methane owners and unlocatable coalbed methane owners. These disbursements are requested under the provisions of Title 55.1, §§55.1-2500-2545 of the Virginia Disposition of Unclaimed Property Act, and in response to the demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended. (2) Amendment of prior Virginia Gas and Oil Board Orders requiring escrow of the funds attributable to unknown owners and unlocatable owners to order the Operator to pay future royalties directly to the Department of the Treasury for Tract 2.

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

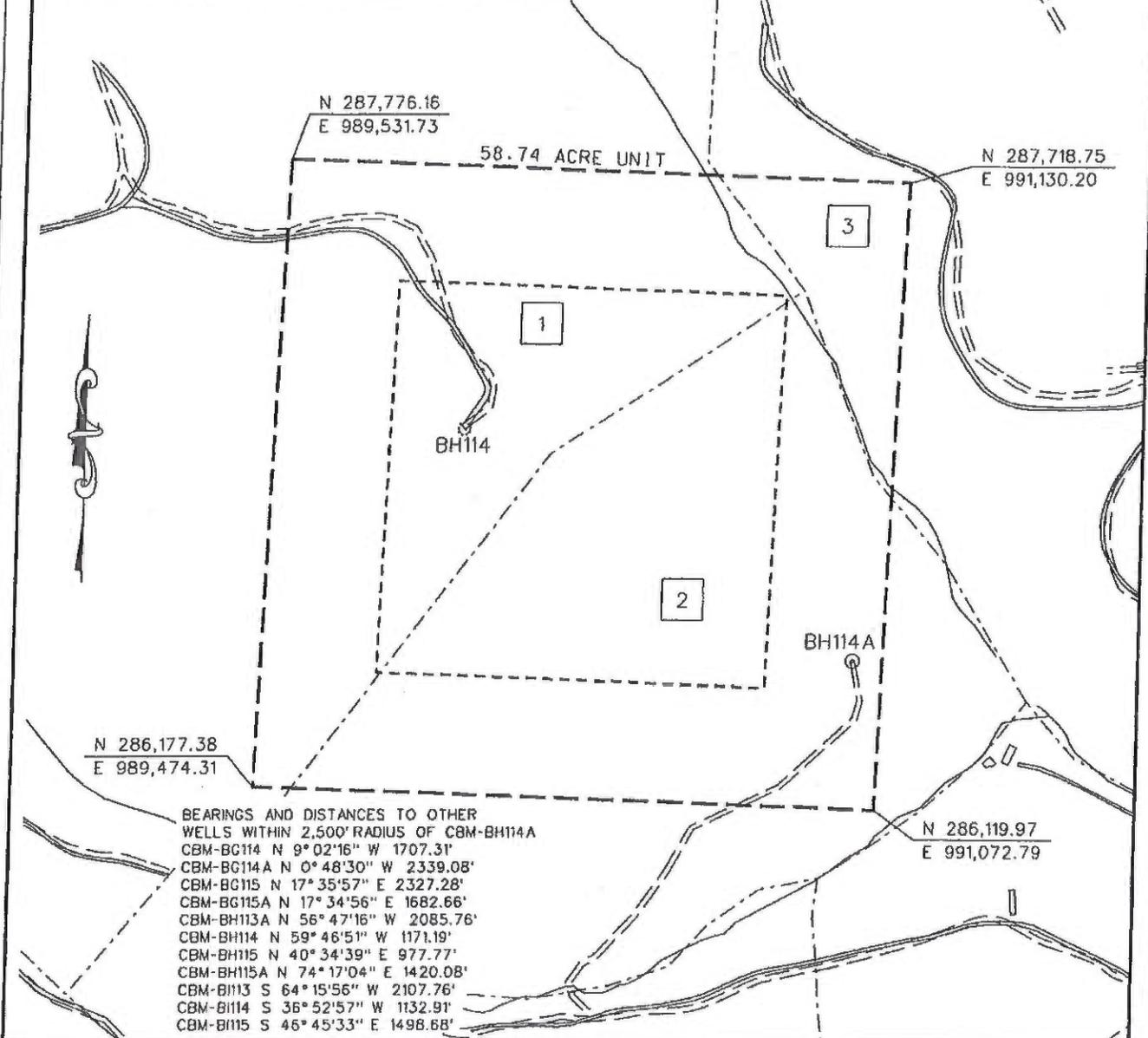
**5. Factual basis for relief requested**

- a. Demand of the Department of the Treasury, Unclaimed Property Division made by letter dated October 3, 2019, as amended.
- b. Notice of the Disbursement Petition was provided by publication on March 12, 2020 in the Virginia Mountaineer.
- c. See Exhibit T annexed hereto and incorporated herein by reference.

**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-BH114A  
 CBM-BG114 N 9° 02' 16" W 1707.31'  
 CBM-BG114A N 0° 48' 30" W 2339.08'  
 CBM-BG115 N 17° 35' 57" E 2327.28'  
 CBM-BG115A N 17° 34' 56" E 1682.66'  
 CBM-BH113A N 56° 47' 16" W 2085.76'  
 CBM-BH114 N 59° 46' 51" W 1171.19'  
 CBM-BH115 N 40° 34' 39" E 977.77'  
 CBM-BH115A N 74° 17' 04" E 1420.08'  
 CBM-BH113 S 64° 15' 56" W 2107.76'  
 CBM-BH114 S 36° 52' 57" W 1132.91'  
 CBM-BH115 S 46° 45' 33" E 1498.68'

⊙ CBM WELL  
 ⊙ PROPOSED CBM WELL

EXHIBIT A  
 MIDDLE RIDGE FIELD  
 UNIT BH114  
 FORCE POOLING  
 VGOB-13-0917-4020

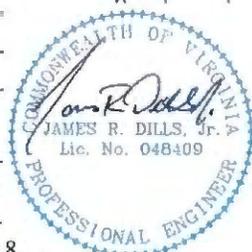
Company CNX Gas Company LLC Well Name and Number UNIT BH114

Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_

County RUSSELL District NEW GARDEN

This plat is a new plat X ; an updated plat \_\_\_\_\_

Form DGO-GO-7 \_\_\_\_\_  
 Rev. 9/91 Licensed Professional Engineer or \_\_\_\_\_



HONAKER  
 Digitally signed by James R  
 4001s Date \_\_\_\_\_  
 DN: cn=James R Dills Jr.,  
 o=US, ou=Trust ACES  
 Business Representative,  
 ou=D. R. BRIDGE Seal  
 ENGINEERING AND LAND  
 SURVEYING INC PC  
 Date: 2013.08.02 10:15:36  
 -04'00'

**CNX Gas Company LLC****Unit BH 114****Tract Identifications****(58.74 Acre Unit)**

1. **Buckhorn Coal Company Tr. 19 (54 Acre Moses Miller Tract) – Fee  
Knox Creek Coal Company – Coal In Tiller Seam and Above Leased  
Reserve Coal Properties Company – Below Drainage Coal Leased  
CNX Gas Company LLC- Oil, Gas and CBM Leased  
26.66 Acres                      45.3864%**
  
2. **Letha F. Vandyke, et al (199.00 Acre Tract) – All Minerals  
Harold Keen Coal Company – All Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased (97.5694%)  
Claude Hart – Surface  
28.00 Acres                      47.6677%**
  
3. **Buckhorn Coal Company Tr. 18 (250.00 Acre Warder #13 Tract) – Fee  
Knox Creek Coal Company – Above Drainage Coal Leased  
Reserve Coal Properties Company – Below Drainage Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
4.08 Acres                      6.9459%**

"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 BH-114  
VGOB# 13-0917-4020-01  
List of all Owners/Claimants requiring Escrow  
(58.74 Acre Unit)

BOOK 872 PAGE 0311

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Acres in Unit	Interest in Unit
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*Escrowing no longer required*

Exhibit EE  
 Unit BH-114  
 VGOB# 13-0917-4020-01  
 List of Respondents with Royalty Split Agreement/Court Order/HB2058  
 (58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b>I. COAL OWNERSHIP</b>			
<u>Tract #2, 28.00 acres</u>			
(1) Letha F. Vandyke, et al. (199.00 Acre Tract)	28.00 acres	47.6677%	
(e) Elizabeth Worley Heirs, Devisees, Successors or Assigns			
(e.1) Patricia Ann Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.049 acres 1/576 of 28.00 acres	0.0828%	n/a
(e.2) Connie Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.049 acres 1/576 of 28.00 acres	0.0828%	n/a
<b>II. OIL &amp; GAS OWNERSHIP</b>			
<u>Tract #2, 28.00 acres</u>			
(1) Letha F. Vandyke, et al. (199.00 Acre Tract)	28.00 acres	47.6677%	
(e) Elizabeth Worley Heirs, Devisees, Successors or Assigns			
(e.1) Patricia Ann Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.049 acres 1/576 of 28.00 acres	0.0828%	50.00% HB2058
(e.2) Connie Thomas Address Unknown c/o Department of Treasury Unclaimed Property Division PO Box 2478 Richmond, VA 23218	0.049 acres 1/576 of 28.00 acres	0.0828%	50.00% HB2058

**TOTAL CONFLICTS RESOLVED:**

Acreeage in Unit 0.0972  
 Percentage of Unit 0.1655%

2001382

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 7-30, 2020. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:43 o'clock P M, after payment of \$ --- tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK

Original returned this date to: Sarah Gilmer

BY: Ann S. Reynolds CLERK