

230000384

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.2-1628

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING  
ELECTIONS: VCI-539783  
(hereinafter "Subject Drilling Unit")

DOCKET NO. VGOB-18-0515-4176-01

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 requirements 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 August 30, 2022, and recorded as Instrument No. 220001112 in the Office of the Clerk of the Circuit Court for Buchanan County, Virginia on September 22, 2022, (herein "Board Order") and (2) to complete the record regarding elections. The Board Order established a drilling unit and pooled all interests 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, § 45.2-1600 *et seq.*, Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed EnerVest Operating, LLC, (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;
  - (b) The Designated Operator filed its affidavit of mailing dated November 23, 2022 disclosing that it to mailed to all parties listed

on Exhibit B-3 the Board Order within seven (7) days of receipt of said Board Order by the Unit Operator;

- (c) The Board Order required each Respondent whose interests, 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 November 23, 2022, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.7C (herein "Affidavit of Elections" annexed hereto), wherein it has, for each Respondent whose interests, 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(s) made, if any; and (iii) whether, by reason of 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, interests, estates and claims in Subject Drilling Unit to the Designated Operator;
- (d) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, First Bank and Trust Company, 667 West Main Street, Abingdon, VA 24210; Tel: (276) 466-9222; Attn: Jody Maney, 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 August 30, 2022. The Affidavit of Elections indicates that the escrow of funds is not required with regard to Well No. VCI-539783.
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, to the extent escrow was required and to the extent it pertained to the elections and interests of the Respondents who have entered into a royalty split agreement and no longer require escrow of any funds, the Applicant is hereby directed to provide the Board with reconciliation of its and the Escrow Agent's records so that any funds affected by this Order may be disbursed in an appropriate manner.
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 Supplemental Order stating that a true and correct copy of this Supplemental Order was mailed within seven (7) days from the date of

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receipt of this Supplemental Order to each Respondent 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 Supplemental Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

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**VIRGINIA:**

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

IN RE: Application of EnerVest Operating, LLC, for the Forced Pooling of Interests in VCI-539783, Docket No. VGOB-18-0515-4176-01 in the Hurricane District, Prater Quadrangle, Buchanan County, Virginia.

AFFIDAVIT OF TIMOTHY E. SCOTT, Attorney-at-Law, Agent for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

Timothy E. Scott (herein Affiant), being duly sworn on oath, deposes and says:

1. That the Affiant is an attorney at law and the Agent for the Designated Operator, with offices located at 135 W. Main Street, Suite 200, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on August 30, 2022, by the Virginia Gas and Oil Board regarding the captioned conventional gas 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 and recorded 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; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender written notice of their election of the option selected under Paragraph 9 of the Order to the Designated Operator within thirty (30) days from the date of receipt of a copy of the recorded Order;
5. That the Designated Operator, by and through its agent, Timothy E. Scott, Attorney-at-Law, has established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interests 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 Drilling Unit; that the following persons or entities delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day elections period:

NONE

6. That the interest and/or claims of the following persons or entities (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 under the Board's Order pooling the captioned Unit, as unknown or unlocatable or such interest is the subject of a conflict:

NONE

7. That after the pooling hearing held in the captioned matter, the following persons or entities have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims:

NONE

8. That the Designated Operator with regard to persons previously requiring the services of the Escrow Agent have now reached an agreement regarding their interests or claims that allows Applicant/Designated Operator to make royalty distribution without the need to escrow funds which would otherwise be in conflict:

NONE

9. That the Respondents identified in Exhibit B-3 hereto have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective coalbed methane rights, interests and claims shall be deemed to have leased to Applicant/Designated Operator pursuant to and in accordance with Paragraph 10 of the Board Order dated August 30, 2022:

See Exhibit B-3

10. The Designated Operator requests that the following persons be dismissed as Respondents:

NONE

That pursuant to the provisions of 4VAC 25-160.70.A.10 and .C and VAC 25-160-80, annexed hereto and incorporated herein is a proposed supplemental order to

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be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent **are not required** in this matter pursuant to the terms of §§ 45.2-1620 and 45.2-1622.

Dated at Kingsport, Tennessee, this 23<sup>rd</sup> day of November, 2022.

  
Timothy E. Scott, Affiant

Taken, subscribed and sworn to before me by Timothy E. Scott, the Agent for EnerVest Operating, LLC, a limited liability company, on behalf of the limited liability company, this 23<sup>rd</sup> day of November, 2022.

  
Notary Public

My commission expires: 5/22/2023

[f:\msword2000\enervest\2022\pooling.VCI-539783.supportorder&aff]



DONE AND EXECUTED this 7 day of March, 2023 by a majority of the Virginia Gas and Oil Board.

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Interim Chairman, Donald L. Ratliff

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 7<sup>th</sup> day of March, 2023, 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, that he executed the same and was authorized to do so.

Sarah Jessee Gilmer, Notary Public  
262946



My Commission expires: July 31, 2025

DONE AND PERFORMED this 9 day of March, 2023 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 9<sup>th</sup> day of March, 2023, personally before me a notary public in and for the Commonwealth of Virginia, 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 he executed the same and was authorized to do so.

Sarah Jessee Gilmer, Notary Public  
262946



My Commission expires: July 31, 2025

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**IN RE:**

**Application of EnerVest Operating, LLC  
for the Pooling of Interests in  
Well No. VCI-539783  
Docket No. VGOB-18-0515-4176-01  
Hurricane District, Prater Quadrangle,  
Buchanan County, Virginia**

**AFFIDAVIT OF MAILING**

Timothy E. Scott (herein Affiant), being duly sworn on oath, deposes and says:

1. That the Affiant is an attorney and the Agent for EnerVest Operating, LLC, with offices located at 135 W. Main Street, Suite 200, Kingsport, Tennessee 37660; that your affiant, as one of his duties, is required to mail notices to persons required to be notified of hearings before and of decisions made by the Virginia Oil and Gas Board (hereinafter the "Board");

2. That Paragraph eighteen (18) of a Board Order made in the above-captioned matter effective as of the 30<sup>th</sup> day of August, 2022, and recorded in the Clerk's Office of the Circuit Court of Buchanan County, Virginia, on the 22<sup>nd</sup> day of September, 2022 as Instrument No. 220001112 directed EnerVest Operating, LLC, or its Attorney to cause a copy of said Order as entered by the Board to be mailed to the last known address of each Respondent listed in Exhibit B-3 of the said Order within seven (7) days of receipt by the Unit Operator;

3. That your affiant mailed a copy of the Order referred to in Paragraph "2" above in compliance with the Board's Order by certified mail return receipt requested to the parties respondent named therein within seven (7) days of receipt by the Unit Operator;

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4. That Paragraph eight (8) of the Board's Order required that each owner to whom a copy of the Board's Order was mailed as described above deliver a written election to EnerVest Operating, LLC within thirty (30) days of the date on which copies of the Order were mailed by Timothy E. Scott, Agent for EnerVest Operating, LLC.

Dated at Kingsport, Tennessee, this 23<sup>rd</sup> day of November, 2022.

  
Timothy E. Scott, Affiant

Taken, subscribed and sworn to before me by Timothy E. Scott, the Agent for EnerVest Operating, LLC, a limited liability company, on behalf of the limited liability company, this 23<sup>rd</sup> day of November, 2022.

  
Notary Public

My commission expires: 5/22/2023



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7,345'

Well Coordinates: (Geographic N83)  
37.129419° -82.150043°

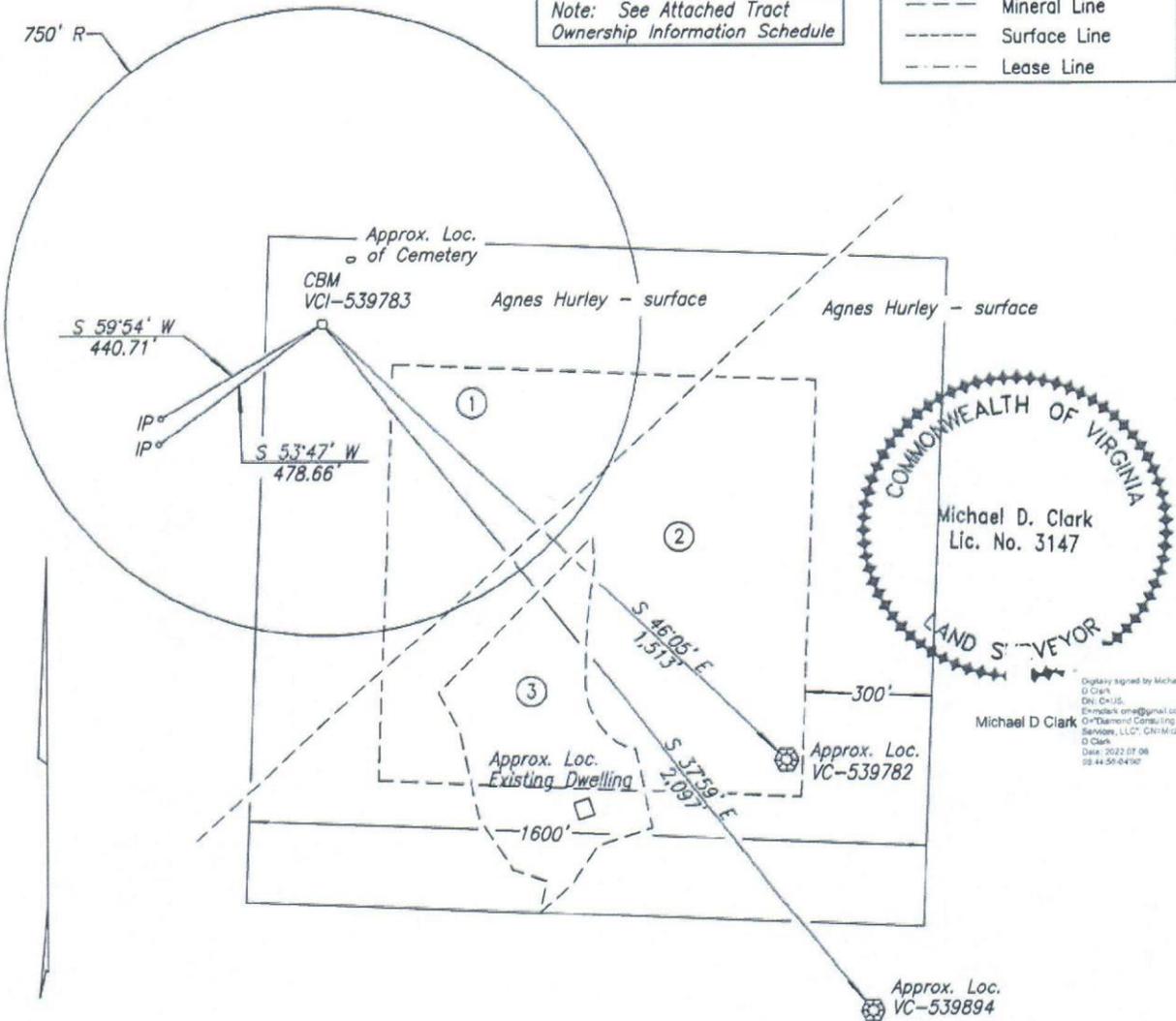
Well Coordinates: (UTM N27, Zone 17)  
N 13,483,020.49 E 1,305,214.66

Latitude 37° 10' 00"

Note: See Attached Tract  
Ownership Information Schedule

---	Mineral Line
----	Surface Line
-.-.-	Lease Line

750' R



Longitude -82° 07' 30"

13,600'

Note 1: The boundary lines shown hereon are based on deeds, plats and maps of record and do not depict a current boundary survey.

Note 2: The well will be drilled within 10' of the permitted coordinates.

Well elevation determined by GPS survey from HARN Monument P-424

Area of Unit = 58.77 Ac.

Well Coordinates: (VA St. Plane S. Zone, NAD 83 (1993))  
N 3,591,245.78 E 10,419,109.41

Well Coordinates: (VA St. Plane S. Zone, NAD 27 Calculated from NAD 83 (1993))  
N 310,369.02 E 936,123.34

Well Coordinates: (Clinchfield Coal Co.)  
N 10,691.15 E 68,032.94

WELL LOCATION PLAT NORA GRID AU-80

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER VCI-539783  
 TRACT NO. Lease No. 243317L ELEVATION 2,136.76' QUADRANGLE Prater  
 COUNTY Buchanan DISTRICT Hurricane SCALE 1" = 400' DATE 7-8-22

This Plat is a new plat x; an updated plat     ; or a final location plat     

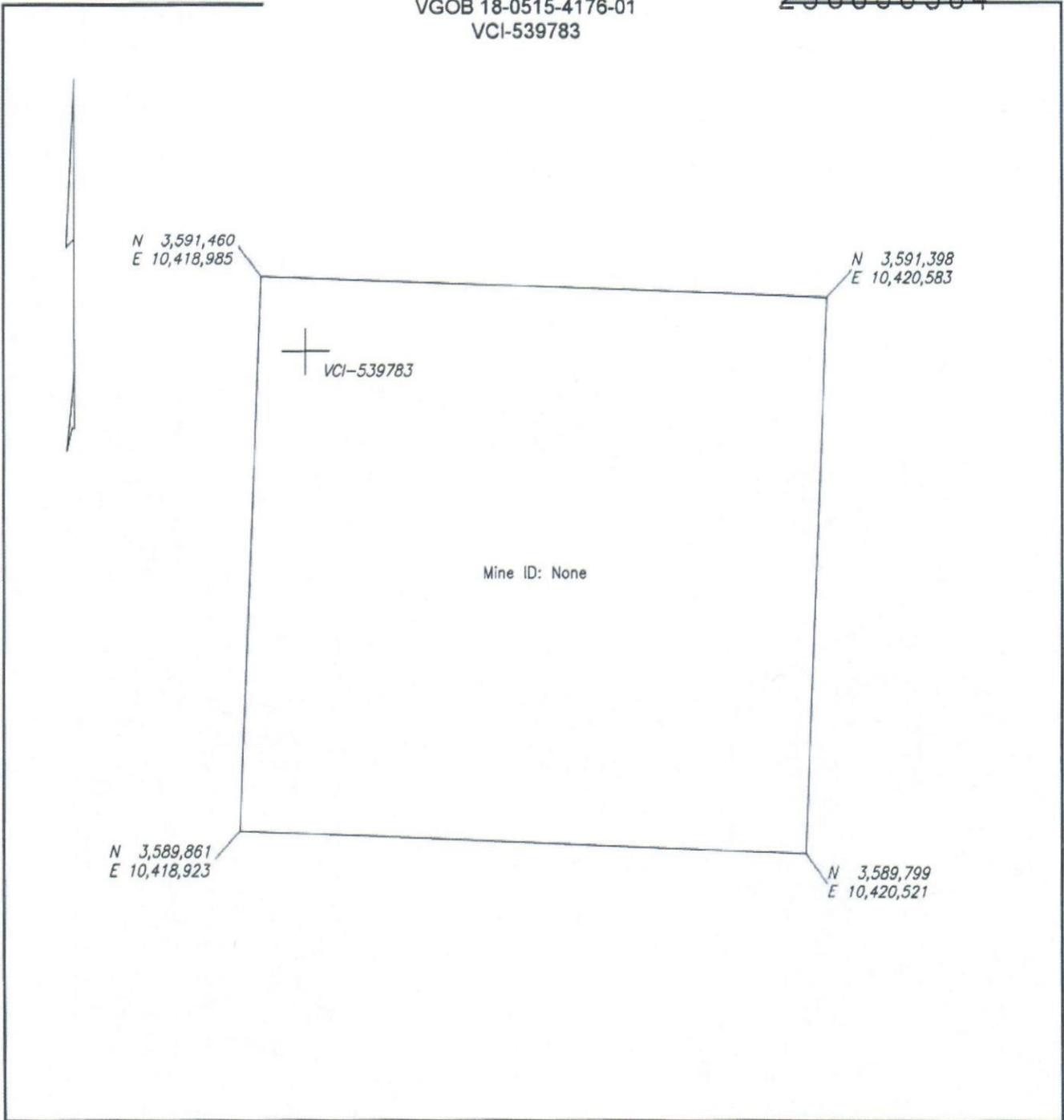
+ Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

~~Licensed Professional Engineer or Licensed Land Surveyor~~

Form DGO-G0-7

Exhibit A  
VGOB 18-0515-4176-01  
VCI-539783

- ① Lease No. 243317L  
Meredith Ellis Jennings et al. - coal, oil, gas & CBM  
93.34 Acres  
Gas 20.60 Ac. 35.05%
- ② TC-224  
John H. Duty  
321 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
Lease No. 241909L  
Agnes Hurley - oil, gas & CBM  
93 Acres  
Gas 33.17 Ac. 56.44 %
- ③ TC-224  
John H. Duty  
321 Acres  
ACIN LLC - coal  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal  
Dickenson-Russell Contura, LLC - coal lessee  
Unleased  
James Leonard Sutherland & Otis Shey Gilbert - oil, gas & CBM  
5 Acres  
Gas 5.00 Ac. 8.51%



WELL & MINE LOCATION MAP NORA GRID AU-80

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER VCI-539783  
QUADRANGLE Prater PERMIT NO. \_\_\_\_\_ SCALE 1" = 400' DATE 10-27-2017

NOTE: The mine locations are approximate locations taken from downloaded DMME data.  
The maps are to be used for anticipated drilling hazards only.

**Exhibit "B"**  
**VCI-539783**  
**VGOB-18-0515-4176-01**  
**Revised 8/2/2022**

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Tract	Lessor	Lease Status	Interest Within Unit	Gross Acreage in Unit
<b>Gas Estate Only</b>				
1	Tax # Minerals Only Buchanan Realty Co LLC 4710 Hunterwood Circle Richmond, TX 77406	Leased	8.76250000	5.15000000
	Meredith Ellis Jennings 542 Butler Mill Rd Maryville, TN 37803	Leased	1.75250000	1.03000000
	Sarah Hoback Weaver Heirs: <i>Allison Paige Weaver Mangrum</i> 3217 Peyton Ct Franklin, TN 37064	Leased	0.98578125	0.57937500
	<i>Jeffery Robert Weaver</i> 1255 Mayberry Ln State College, PA 16801-6955	Leased	0.98578125	0.57937500
	Virginia P Linwick 4324 South Ball Dr Veradale, WA 99037	Leased	0.87625000	0.51500000
	Carl E McAfee PO Box 656 Norton, VA 24273	Leased	0.87625000	0.51500000
	John W Pobst Jr PO Box 86 Revere, PA 18953	Leased	0.87625000	0.51500000
	Catherine Pobst 111 Postelle St Cartersville, GA 30120-5786	Leased	0.87625000	0.51500000
	Richard K Pobst 1024 Oxford Dr St Augustine, FL 32084-1821	Leased	0.87625000	0.51500000
	The Estate of Hugh P Cline, Sr and Nancy Cline: <i>Virginia Cline Black</i> 312 Henry St Norton, VA 24273	Leased	0.43812500	0.25750000
	<i>Hugh P Cline, Jr</i> 1041 Spruce Avenue NW Apt B Norton, VA 24273	Leased	0.43812500	0.25750000

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Jennifer Lynn Crockett 1014 7Th St Charleston, IL 61920	Leased	1.60645833	0.94416667
John Tolman Sheffield Trust C/O EB Seal 204 Verde Park Blvd Center Point, TX 78010	Leased	4.38125000	2.57500000
Lucille Vicars Po Box 797 Wise, VA 24293-0797	Leased	1.75250000	1.03000000
Oryn Treadway Sheffield Trust 204 Verde Park Blvd Center Point, TX 78010	Leased	4.38125000	2.57500000
Sandra Hoback Kidwell 2010 Cypress Dr Culpepper, VA 22701-4067	Leased	1.97156250	1.15875000
Elizabeth Jean Crockett 6601 Leesburg St Lincoln, NE 68516-5416	Leased	1.60645833	0.94416667
Robert Dexter Crockett 10877 San Gabriel Way Valley Center, CA 92082-3120	Leased	1.60645833	0.94416667
<b>Tract 1 Totals</b>		<b>35.05000000</b>	<b>20.60000000</b>
<b>2</b> Tax # Minerals Only Agnes Hurley 5428 Murphy Road Vansant, VA 24656	Leased	56.44000000	33.17000000
<b>3</b> Tax # Minerals Only Otis S Gilbert and Edna L Gilbert 1824 Hollow Poplar Road Davenport, VA 24239	Unleased	8.51000000	5.00000000
<b>TOTAL GAS ESTATE</b>		<b>100.00000000</b>	<b>58.77000000</b>
Percentage of Unit Leased		91.49000000	
Percentage of Unit Unleased		8.51000000	
Acreage in Unit Leased		53.77000000	
Acreage in Unit Unleased		5.00000000	

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**Exhibit "B3"**  
**VCI-539783**  
**VGOB-18-0515-4176-01**  
**Revised 8/2/2022**

<b>Tract</b>	<b>Lessor</b>	<b>Lease Status</b>	<b>Interest Within Unit</b>	<b>Gross Acreage in Unit</b>
<b>Gas Estate Only</b>				
<b>3</b>	Tax # Minerals Only Otis S Gilbert and Edna L Gilbert 1824 Hollow Poplar Road Davenport, VA 24239	Unleased	8.51000000	5.00000000
<b>TOTAL GAS ESTATE</b>			8.51000000	5.00000000

INSTRUMENT 230000384  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY CIRCUIT COURT ON  
MARCH 30, 2023 AT 01:47 PM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: CXE