

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: VC-536261  
(hereinafter "Subject Drilling Unit")

DOCKET NO. VGOB-22-0628-4245

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 September 26, 2022, and recorded in Deed Book 599, Page 261 in the Office of the Clerk of the Circuit Court for Dickenson County, Virginia on October 26, 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 who were known and locatable 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 September 26, 2022. The Affidavit of Elections indicates that the escrow of funds is **not** required with regard to Well No. VC-536261.
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 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.

**VIRGINIA:**

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

IN RE: Application of EnerVest Operating, LLC, for the Forced Pooling of Interests in VC-536261, Docket No. VGOB-22-0628-4245 in the Ervinton District, Duty Quadrangle, Dickenson 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 September 26, 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 September 26, 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

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.VC-536261.supporter&aff]

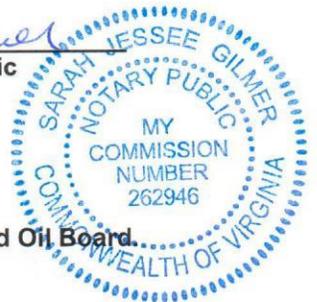


DB 502 00412  
DONE AND EXECUTED this 8 day of March, 2023 by a majority of the Virginia Gas and Oil Board.

Interim Chairman, Donald L. Ratliff

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<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. VC-536261  
Docket No. VGOB-22-0628-4245  
Ervington District, Duty Quadrangle,  
Dickenson 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 26<sup>th</sup> day of September, 2022, and recorded in the Clerk's Office of the Circuit Court of Dickenson County, Virginia, on the 26<sup>th</sup> day of October, 2022 in Book 599, Page 261 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;

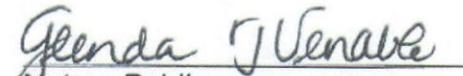
3. That your affiant mailed a copy of the Order referred to in Paragraph "2" above in compliance with the Board's Order by certified mail return receipt requested to the parties respondent named therein within seven (7) days of receipt by the Unit Operator;

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

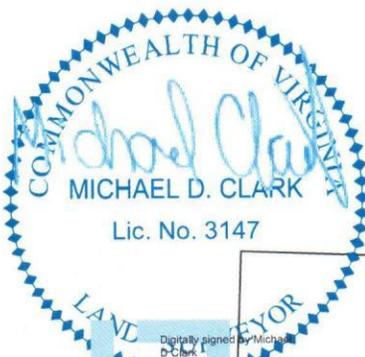


11,069'

Well Coordinates: (Geographic N83)  
37.096252° -82.246146°

Well Coordinates: (UTM N27, Zone 17)  
N 13,471,302.59 E 1,277,048.90

Latitude 37° 07' 30"



Michael D Clark  
Digitally signed by Michael D Clark  
DN: cn=Michael D Clark, o=Diamond Consulting Services, LLC, email=mclarkr.com@gmail.com, c=US  
Date: 2022.05.19 08:06:21-04'00'

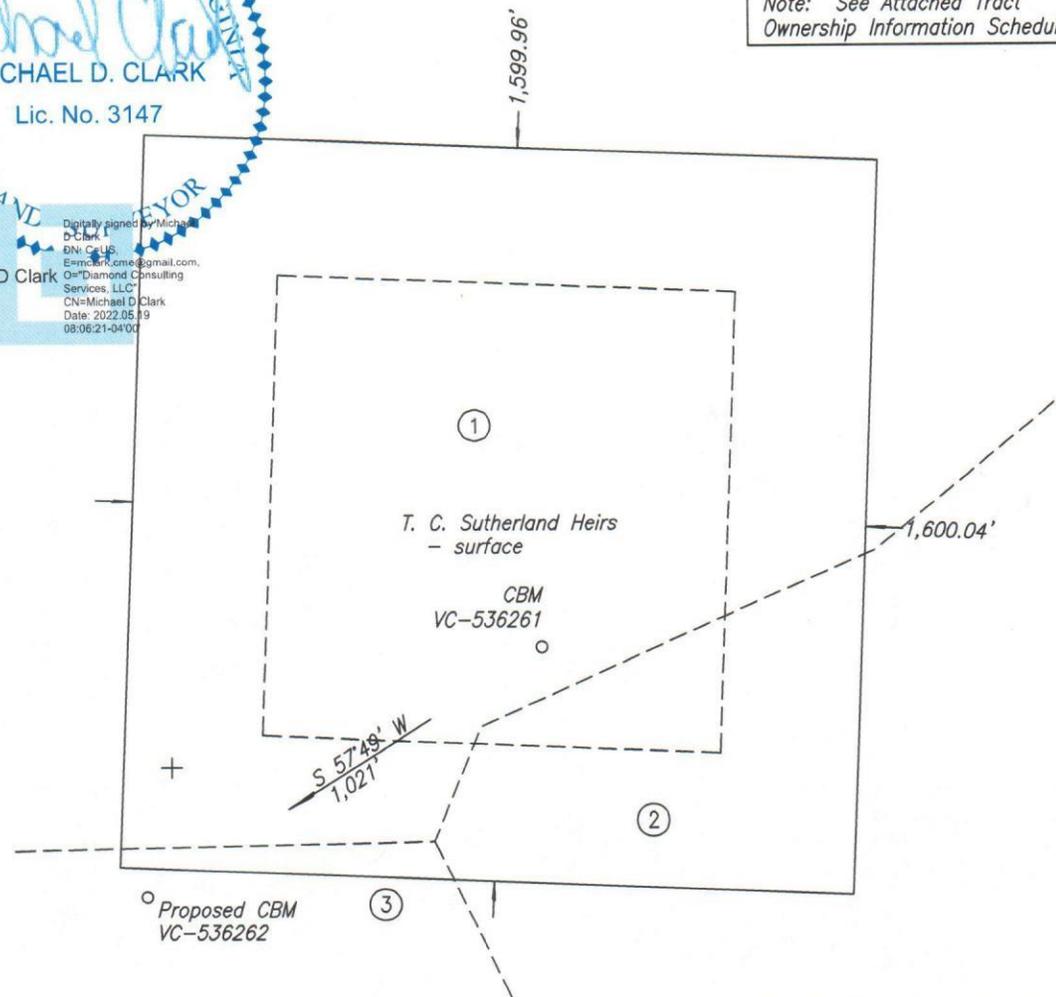
Area of Unit = 58.77 Ac.

--- Mineral Line  
- - - Surface Line  
- · - · Lease Line

Note: See Attached Tract Ownership Information Schedule

Longitude -82° 12' 30"

10,506'



1. ELEVATIONS WERE DETERMINED BY GPS & TRIGONOMETRIC METHODS BASED ON A NGS OPUS SOLUTION/CORS STATIONS.
2. THE BOUNDARY LINES SHOWN HEREON ARE BASED ON DEEDS, PLATS, AND MAPS OF RECORD OR SURVEYS BY OTHERS, AND DO NOT DEPICT A CURRENT BOUNDARY SURVEY. NO BOUNDARY SURVEY PERFORMED.
3. PROPERTY INFORMATION PROVIDED BY ENERVEST OPERATING, LLC.
4. THE WELL WILL BE DRILLED WITHIN 10 (TEN) FEET OF THE PERMITTED COORDINATES.

Well Coordinates: (VA St. Plane S. Zone, NAD 83 (1993))  
N 3,580,277.75 E 10,390,635.15

Well Coordinates: (VA St. Plane S. Zone, NAD 27 Calculated from NAD 83 (1993))  
N 299,400.74 E 907,650.24

Well Coordinates: (Clinchfield Coal Co.)  
S 1,384.59 E 40,003.78

WELL LOCATION PLAT NORA GRID BB-62

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER VC-536261  
 TRACT NO. T-368 ELEVATION 2,197.22 QUADRANGLE Duty  
 COUNTY Dickenson DISTRICT Ervinton SCALE 1" = 400' DATE 5-19-22

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

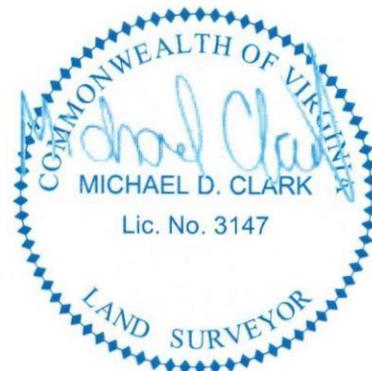
+ Denotes the location of a well on United States topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

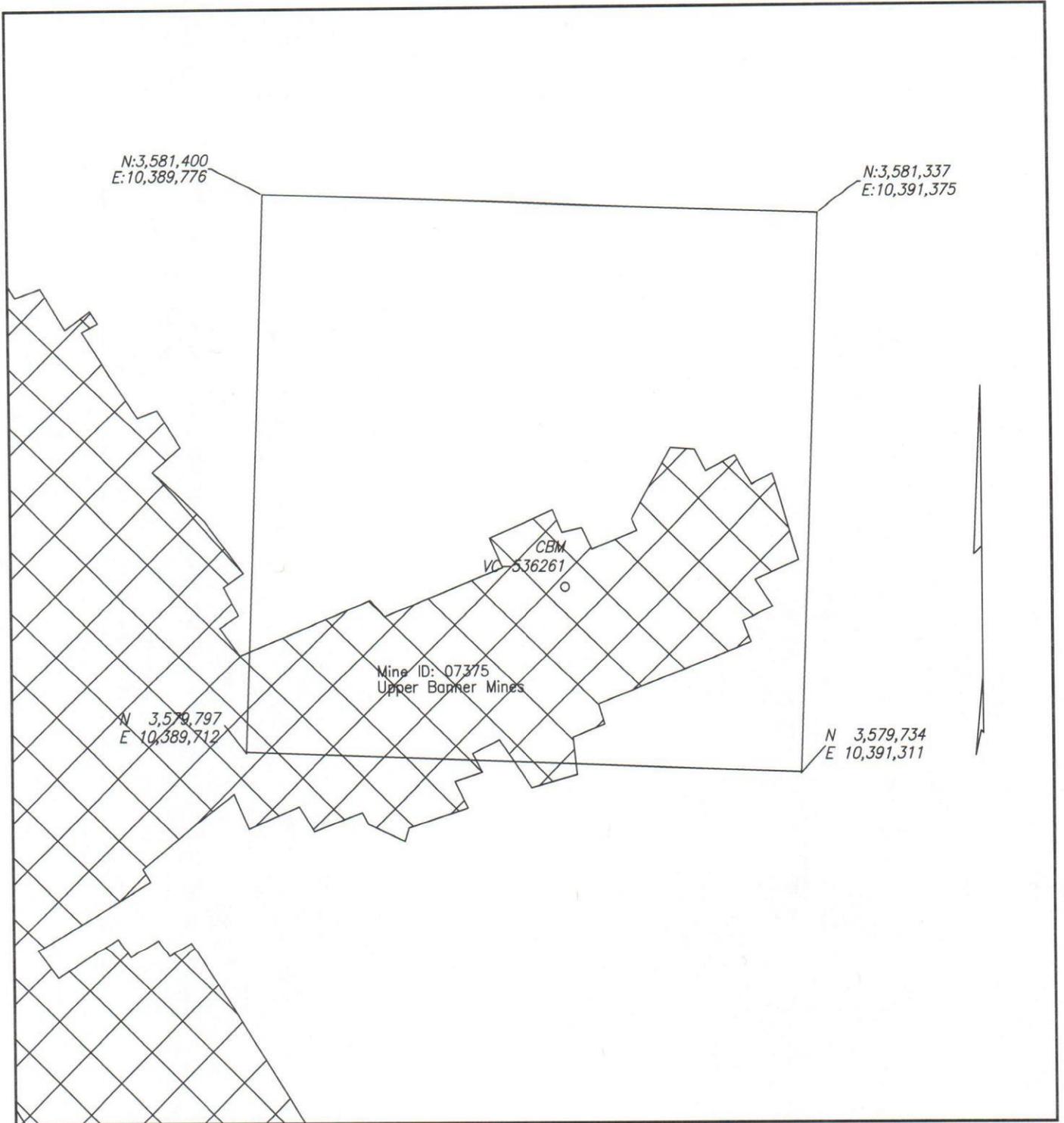
Licensed Professional Engineer or Licensed Land Surveyor

① T-368  
Joshua Sutherland  
927.3 Acres  
ACIN LLC - coal (except Upper Banner seam)  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal (except Upper Banner seam)  
Dickenson-Russell Contura, LLC - coal lessee  
Mullins Land & Mineral, Inc. - coal (Upper Banner seam only)  
EnerVest XIV-A NORA LLC, EnerVest Energy Institutional Fund XIV-1A, L.P., &  
EnerVest XIV-WIC NORA, LLC - oil, gas & CBM  
Gas 47.13 Ac. 80.19%

② TC-219  
J.H. Powers  
1,108.79 Acres  
ACIN LLC - coal (except Upper Banner seam)  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal (except Upper Banner seam)  
Dickenson-Russell Contura, LLC - coal lessee  
Mullins Land & Mineral, Inc. - coal (Upper Banner seam only)  
Lease No. \_\_\_\_\_  
Cecil S. Powers et al. - oil, gas & CBM  
75 3/4 Acres  
Gas 10.60 Ac. 18.04%

③ TC-180  
Hagan & Rasnick  
426.6 Acres  
ACIN LLC - coal (except Upper Banner seam)  
Paramont Contura, LLC - coal lessee  
WBRD LLC - coal (except Upper Banner seam)  
Dickenson-Russell Contura, LLC - coal lessee  
Mullins Land & Mineral, Inc. - coal (Upper Banner seam only)  
Lease No. 10000736  
Jennifer B. Osborne, et al. - oil, gas & CBM  
353.5 Acres  
Gas 1.04 Ac. 1.77%





WELL & MINE LOCATION MAP NORA GRID BB-62

COMPANY EnerVest Operating, LLC WELL NAME AND NUMBER VC-536261  
QUADRANGLE Duty PERMIT NO. \_\_\_\_\_ SCALE 1" = 400' DATE 6-1-22

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"**  
**VC-536261**  
**22-0628-4245**  
**5/20/2022**

Tract	Lessor	Lease Status	Interest Within Unit	Gross Acreage in Unit
<b>Gas Estate Only</b>				
1	EnerVest XIV-A Nora, LLC EnerVest XIV-WIC Nora, LLC EnerVest Energy Institutional Fund XIV, 1A, L.P. Attn: Kevin Miller 408 West Main Street Abingdon, VA 24210 Tax # Minerals Only	Owner	80.19000000	47.13000000
2	<i>Tax ID - 3517</i> <b>Heirs of Harvey W. Powers and Ina A. Powers</b>			18.04000000 10.60000000
	Harvey W. Powers Jr. 6426 Big Ridge Rd Haysi, VA 24256	Unleased	2.25500000	1.32500000 1/8
	<b>Heirs of Margaret L. Mullins</b> Devin Stanley 160 Crescent Dr Bristol, VA 24201	Unleased	1.12750000	0.66250000 0
	Alysa Stanley 792 Centennial Hights, Apt 203 Haysi, VA 24256	Leased	1.12750000	0.66250000 0
	Glenn E. Powers 1316 CC Rd Kingstown Springs, TN 37082	Unleased	2.25500000	1.32500000 1/8
	Vada Edna Bartley Unknown/Unlocateable	Unleased	2.25500000	1.32500000 1/8
	Dolly R. Mullins Unknown/Unlocateable	Unleased	2.25500000	1.32500000 1/8
	Elizabeth E. Epling Unknown/Unlocateable	Unleased	2.25500000	1.32500000 1/8
	Loretta S. Baker Unknown/Unlocateable	Unleased	2.25500000	1.32500000 1/8
	Cecil S. Powers Unknown/Unlocateable	Unleased	2.25500000	1.32500000 1/8
	<b>Tract 2 Totals</b>		<b>18.04000000</b>	<b>10.60000000</b>
3	<i>Tax ID - 2087</i> Jennifer & Brown Osborne 792 E Meadows Rd Moravian Falls, NC 28654	Leased	0.29500000	0.17333333
	Benjamin & Ethel Beshears 2163 Big Ivy Rd Purlear, NC 28665	Leased	0.29500000	0.17333333
	Kimberly T. Beshears 728 Haynes Rd Hays, NC 28635	Leased	0.29500000	0.17333333
	Susan & Terry Odum 4007 Hazel Ln Greensboro, NC 27408	Leased	0.29500000	0.17333333
	Bobby K. White 8100 Statesville Rd North Wilkesboro, NC 28659	Leased	0.29500000	0.17333333
	Jessica & Allyn Morrow 428 Will Faw Rd Millers Creek, NC 28651	Leased	0.29500000	0.17333333
	<b>Tract 3 Totals</b>		<b>1.77000000</b>	<b>1.04000000</b>
	<b>TOTAL GAS ESTATE</b>		<b>100.00000000</b>	<b>58.77000000</b>
	Percentage of Unit Leased		83.08750000	
	Percentage of Unit Unleased		16.91250000	
	Acreage in Unit Leased		48.83250000	
	Acreage in Unit Unleased		9.93750000	

**Exhibit "B-3"**  
**VC-536261**  
**22-0628-4245**  
**5/20/2022**

Tract	Lessor	Lease Status	Interest Within Unit	Gross Acreage in Unit	
<b>Gas Estate Only</b>					
2	<i>Tax ID - 3517</i> <b>Heirs of Harvey W. Powers and Ina A. Powers</b>			18.04000000	10.60000000
	Harvey W. Powers Jr. 6426 Big Ridge Rd Haysi, VA 24256	Unleased	2.25500000	1.32500000	1/8
	<b>Heirs of Margaret L. Mullins</b> Devin Stanley 160 Crescent Dr Bristol, VA 24201	Unleased	1.12750000	0.66250000	0
	Glenn E. Powers 1316 CC Rd Kingstown Springs, TN 37082	Unleased	2.25500000	1.32500000	1/8
	Vada Edna Bartley Unknown/Unlocateable	Unleased	2.25500000	1.32500000	1/8
	Dolly R. Mullins Unknown/Unlocateable	Unleased	2.25500000	1.32500000	1/8
	Elizabeth E. Epling Unknown/Unlocateable	Unleased	2.25500000	1.32500000	1/8
	Loretta S. Baker Unknown/Unlocateable	Unleased	2.25500000	1.32500000	1/8
	Cecil S. Powers Unknown/Unlocateable	Unleased	2.25500000	1.32500000	1/8
	<b>Tract 2 Totals</b>		<b>16.91250000</b>	<b>9.93750000</b>	
	<b>TOTAL GAS ESTATE</b>		<b>16.91250000</b>	<b>9.93750000</b>	

INSTRUMENT 230000289  
 RECORDED IN THE CLERK'S OFFICE OF  
 DICKENSON CIRCUIT COURT ON  
 MARCH 29, 2023 AT 11:49 AM  
 RICHARD W. EDWARDS, CLERK  
 RECORDED BY: SHM