

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 01-0116-0856-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) A portion of 4,
5

HEARING DATE: May 20, 2014

(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

DRILLING UNIT: AW112

BUCHANAN, RUSSELL COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 4 & 5 as depicted upon the annexed Table 1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Gent Enterprises, LLC; Buckhorn Coal Company and CNX Gas Company LLC

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

Under Case #CL10000662-00, executed May 12, 2011, the Circuit Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/PG53, dated 10/26/1970. The conveyances included all right and title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc., which allows the interest to be paid under the terms of the royalty split agreement previously executed by the parties. Buckhorn Coal Company and Gent Enterprises, LLC; Buckhorn Coal Company and CNX Gas Company LLC have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid.

6. Attestation

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

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

N 305,477.51
E 986,966.38

58.7 ACRE UNIT

N 305,420.10
E 988,564.86

3

1

CBM-PGP-AW 112

4

2

N 303,821.33
E 988,507.44

N 303,878.74
E 986,908.96

5

EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AW-112
FORCE POOLING
0116-0856

Company Pocahontas Gas Partnership Well Name and Number UN 116-0856

Tract No. _____ Elevation _____ Quadrangle Honaker

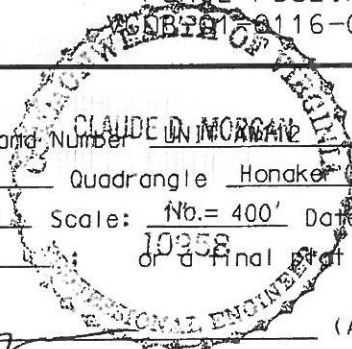
County Buchanan/Russell District Hurricane/New Garden Scale: No. = 400' Date 6/24/01

This plot is a new plot ; an updated plot _____ ; or a final plot _____

Form D60-G0-7
Rev. 9/91

Claude D. May
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)



CNX GAS COMPANY LLC
Unit AW112
Tract Identifications
(58.7 Acre Unit)

1. Buckhorn Coal Company, Tract 8 (Corn & Fletcher 89.50 Acre Tract) – Coal
Knox Creek Coal Company – Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – CBM Leased
H.C. Bostic Coal Co., Inc. AND/OR Heirs of B.W. Stras, et al – Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased (H.C. Bostic Coal Co., Inc.)
H.C. Bostic Coal Co., Inc. – Surface
21.20 acres 36.1158 %

2. Buckhorn Coal Company, Tract 8 (Corn & Fletcher 89.50 Acre Tract) – Coal
Knox Creek Coal Company – Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – CBM Leased
Heirs, Devisees, Successors or Assigns of B.W. Stras, et al – Oil and Gas
OR
Heirs, Devisees, Successors or Assigns of S.J. Corn and Susan E. Corn – Oil and Gas
OR
Heirs, Devisees Successors or Assigns of David Keene – Oil and Gas
OR
Swain Perkins, et al – Oil and Gas (12.50%)
CNX Gas Company LLC – Oil and Gas (87.50%)
CNX Gas Company LLC – Oil, Gas and CBM Leased (10%)
OR
CNX Gas Company LLC (50%)/Dorothy Perkins (50%) - Oil and Gas
Dottie Gay Robinette Miller – Surface
17.03 acres 29.0119 %

3. Hugh MacRae Land Trust, Tract 9 (Sparrell Hale 412 Acre Tract) – Coal
Consolidation Coal Company – Below Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – Surface, Oil and Gas
1.92 acres 3.2709 %

4. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) – Coal
Knox Creek Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC – CBM Leased
Heirs, Devisees, Successors or Assigns of Dr. L. M. Harrison OR Gent Enterprises, LLC -
Oil and Gas (1/8)
Gent Enterprises, LLC – Oil and Gas (7/8)
CNX Gas Company LLC – Oil, Gas and CBM Leased (7/8)
Michael Whited OR Gent Enterprises, LLC – Surface
17.18 acres 29.2675 %

5. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC – Oil and Gas
Consolidation Coal Company - Surface
1.37 acres 2.3339 %

"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 AW112
Docket #VGOB 01-0116-0856-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #1, 21.20 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr. 8 <i>(Corn & Fletcher 89.50 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	21.20 acres	36.1158%
<u>OIL & GAS OWNERSHIP</u>		
(1) H.C. Bostic Coal Co., Inc. P.O. Box 220 Swords Creek, VA 24649	21.20 acres	36.1158%
(AND/OR)		
(1) B.W. Stras, Heirs, Devisees Successors or Assigns, et al. <i>Heirs/Address Unknown</i>	21.20 acres	36.1158%
<u>Tract #2, 17.03 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr. 8 <i>(Corn & Fletcher 89.50 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	17.03 acres	29.0119%
<u>OIL & GAS OWNERSHIP</u>		
(1) B.W. Stras, Heirs, Devisees Successors or Assigns, et al. <i>Heirs/Addresses Unknown</i>	17.03 acres	29.0119%
(OR)		
(2) S. J. and Susan E. Corn, Heirs, Devisees Successors or Assigns, et al. <i>Heirs/Addresses Unknown</i>	17.03 acres	29.0119%
(OR)		
(3) David Keene, Heirs, Devisees Successors or Assigns, et al. <i>Heirs/Addresses Unknown</i>	17.03 acres	29.0119%
(OR)		
(4) Swain Perkins, et al	17.03 acres	29.0119%
(a) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	14.90 acres 7/8 of 17.03 acres	25.3854%
(b) Swain Perkins 801 Long Branch Swords Creek, VA 24649	1.70 acres 1/10 of 17.03 acres	2.9012%
(c) Ricky Allen Perkins <i>Address Unknown</i>	0.21 acres 1/80 of 17.03 acres	0.3626%
(d) Terry Perkins 30 Boyd Dr. Swords Creek, VA 24649	0.21 acres 1/80 of 17.03 acres	0.3626%

Exhibit E
Unit AW112
Docket #VGOB 01-0116-0856-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<i>(OR)</i>		
(5) CNX Gas Company, et al	17.03 acres	29.0119%
(a) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	8.52 acres 1/2 of 17.03 acres	14.5060%
(b) Dorothy Perkins 1595 Drybread Road Salysersville, KY 41465	8.52 acres 1/2 of 17.03 acres	14.5060%
<u>Tract #4, 17.18 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	17.18 acres	29.2675%
<u>OIL & GAS OWNERSHIP</u>		
(1) Gent Enterprises, et al <i>(Previously listed as a title conflict between Michael Whited, et al, Dr L.M. Harrison Heirs, or Gent</i>	17.18 acres	29.2675%
(a) Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	2.15 acres 1/8 of 17.18 acres	3.6584%
-OR-		
(a) Gent Enterprises, LLC. P.O. Box 330 Honaker, VA 24260	2.15 acres 1/8 of 17.18 acres	3.6584%
Total Acreage in Conflict	40.3775	
Total Percentage in Conflict		68.7862%

Exhibit EE
Unit AW112
Docket #VGOB 01-0116-0856-01
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #3, 1.92 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Hugh Macrae Land Trust, Tr.9 <i>(Sparrell Hale 412 Acre Tract)</i> c/o Alan Siegel Esq Gump, Strauss, Akin LLP 1 Bryant Park New York, NY 10036-6715	1.92 acres	3.2709%	<i>n/a</i>
<u>CBM Royalty Owner (Claim from the Coal Estate Owner):</u>			
Torch Oil & Gas Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030			
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701 <i>(Previously Pocahontas Gas Partnership)</i>	1.92 acres	3.2709%	<i>n/a</i>
<u>Tract #4, 17.18 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	17.18 acres	29.2675%	13.2375%
<u>OIL & GAS OWNERSHIP</u>			
(1) Gent Enterprises, et al <i>(Previously listed as a title conflict between Michael Whited, et al, Dr L.M. Harrison Heirs, or Gent Enterprises, LL</i>	17.18 acres	29.2675%	
(2) Gent Enterprises, LLC. P.O. Box 330 Honaker, VA 24260	15.03 acres 7/8 of 17.18 acres	25.6090%	13.2375%
<i>Under Case #CL10000662-00, executed May 12, 2011, the Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/ PG 53, dated 10/26/70 included all right, title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc.</i>			
<i>Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises</i>			
<u>Tract #5, 1.37 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	1.37 acres	2.3339%	1.2064%
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701 <i>(previously Dr. LM Harrison Heirs or Ellen Brown Heirs)</i>	1.37 acres	2.3339%	1.2064%
<i>By decree entered in Russell Co. Chancery File #CH02-88 conveyed oil & gas interest to CNX Gas in its entirety. Deed entered Sept. 18, 2003 and recorded in Russell County under DB 595/PG 103</i>			
Total Acreage Resolved		18.3225	
Total Percentage Resolved			31.2138%

Exhibit J
Unit AW112 Escrow Account Reconciliation
VG0B 01-0116-0856

GNX Deposit Information		
Check Date	Check Number	Total
3/25/2001		\$259.62
4/25/2001		\$2,050.89
5/25/2001		\$2,470.48
6/25/2001		\$2,544.06
7/25/2001		\$2,204.14
8/25/2001		\$1,455.34
9/25/2001		\$902.96
10/25/2001		\$1,223.28
11/25/2001		\$647.24
12/25/2001		\$552.26
1/25/2002		\$575.52
2/25/2002		\$787.30
3/25/2002		\$802.73
4/25/2002		\$657.61
5/24/2002		\$946.14
6/25/2002		\$754.14
7/25/2002		\$1,121.36
8/23/2002		\$1,093.87
9/25/2002		\$1,198.95
10/25/2002		\$1,214.20
11/25/2002		\$1,117.79
12/24/2002		\$795.76
1/24/2003		\$1,389.00
2/25/2003		\$1,592.46
3/25/2003		\$1,641.18
4/30/2003		\$1,459.28
5/23/2003		\$1,579.63
6/25/2003		\$1,462.02
7/25/2003		\$1,594.85
8/25/2003		\$1,581.15
9/25/2003		\$1,484.98
10/24/2003		\$1,460.72
11/25/2003		\$1,340.88
12/24/2003		\$1,283.05
1/23/2004		\$1,244.83
2/25/2004		\$1,403.26
3/25/2004		\$1,719.98
4/23/2004		\$1,351.95
5/25/2004		\$1,597.17
6/25/2004		\$1,797.90
7/23/2004		\$3,092.04
8/25/2004		\$3,998.79
9/24/2004		\$504.78
10/25/2004		\$285.14
11/24/2004		\$1,196.79
12/24/2004		\$1,710.07
1/25/2005		\$1,730.31
2/25/2005		\$1,846.73
3/24/2005		\$1,258.89
4/25/2005		\$1,265.07
5/25/2005		\$1,066.79
6/24/2005		\$679.12

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mktkt Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
													\$259.62	\$259.62
													\$2,310.51	\$2,310.51
													\$4,780.99	\$4,780.99
													\$7,325.05	\$7,325.05
													\$9,529.19	\$9,529.19
8/31/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$0.00	\$10,984.53	\$10,984.53
9/30/2001	\$41.16	\$0.07				\$0.00					\$0.07	\$41.23	\$11,887.56	\$11,887.56
10/31/2001	\$13,110.77	\$0.06				\$0.00					\$0.06	\$13,152.06	\$13,110.90	-\$41.16
11/30/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$13,799.26	\$13,758.14	-\$41.12
12/31/2001	\$567.88	\$17.36				\$0.00					\$17.36	\$14,384.50	\$14,327.76	-\$56.74
1/31/2002	\$561.62	\$10.30				\$0.00					\$10.30	\$14,956.42	\$14,913.58	-\$42.84
2/28/2002	\$801.20	\$7.92				\$0.00					\$7.92	\$15,765.54	\$15,708.80	-\$56.74
3/31/2002	\$802.73	\$9.69				\$0.00					\$9.69	\$16,577.96	\$16,521.22	-\$56.74
4/30/2002	\$657.61	\$0.00				\$0.00					\$0.00	\$17,235.57	\$17,178.83	-\$56.74
5/31/2002	\$946.14	\$11.82				\$0.00					\$11.82	\$18,193.53	\$18,136.79	-\$56.74
6/30/2002	\$754.14	\$9.95				\$0.00					\$9.95	\$18,957.62	\$18,900.88	-\$56.74
7/31/2002	\$1,121.36	\$10.37				\$0.00					\$10.37	\$20,089.35	\$20,032.61	-\$56.74
8/31/2002	\$1,093.87	\$11.50				\$0.00					\$11.50	\$21,194.72	\$21,137.98	-\$56.74
9/30/2002	\$1,198.95	\$11.75				\$0.00					\$11.75	\$22,405.42	\$22,348.68	-\$56.74
10/31/2002	\$1,214.20	\$10.48				\$0.00					\$10.48	\$23,630.10	\$23,573.36	-\$56.74
11/30/2002	\$1,117.79	\$11.60				\$0.00					\$11.60	\$24,759.49	\$24,702.75	-\$56.74
12/31/2002	\$795.76	\$11.82				\$0.00					\$11.82	\$25,567.07	\$25,510.33	-\$56.74
1/31/2003	\$1,389.00	\$6.11				\$0.00					\$6.11	\$26,962.18	\$26,905.44	-\$56.74
2/28/2003	\$1,592.46	\$5.60				\$0.00					\$5.60	\$28,560.24	\$28,503.50	-\$56.74
3/31/2003	\$1,641.18	\$3.14				\$0.00					\$3.14	\$30,204.56	\$30,147.82	-\$56.74
4/30/2003	\$1,459.28	\$5.38				\$0.00					\$5.38	\$31,669.22	\$31,612.48	-\$56.74
5/31/2003	\$1,579.63	\$3.73				\$0.00					\$3.73	\$33,252.58	\$33,195.84	-\$56.74
6/30/2003	\$1,462.02	\$5.62				\$0.00					\$5.62	\$34,720.22	\$34,663.48	-\$56.74
7/31/2003	\$1,594.85	\$3.43				\$0.00					\$3.43	\$36,318.50	\$36,261.76	-\$56.74
8/31/2003	\$1,581.15	\$1.55				\$0.00					\$1.55	\$37,901.20	\$37,844.46	-\$56.74
9/30/2003	\$1,484.98	\$1.41				\$0.00					\$1.41	\$39,387.59	\$39,330.85	-\$56.74
10/31/2003	\$1,460.72	\$2.24				\$0.00					\$2.24	\$40,850.55	\$40,793.81	-\$56.74
11/30/2003	\$1,340.88	\$3.58				\$0.00					\$3.58	\$42,195.01	\$42,138.27	-\$56.74
12/31/2003	\$1,283.05	\$2.39				\$0.00					\$2.39	\$43,480.45	\$43,423.71	-\$56.74
1/31/2004	\$1,244.83	\$4.47				\$0.00					\$4.47	\$44,729.75	\$44,673.01	-\$56.74
2/28/2004	\$1,403.26	\$3.41				\$0.00					\$3.41	\$46,136.42	\$46,079.68	-\$56.74
3/31/2004	\$1,719.98	\$2.07				\$0.00					\$2.07	\$47,858.47	\$47,801.73	-\$56.74
4/30/2004	\$1,351.95	\$5.74				\$0.00					\$5.74	\$49,216.16	\$49,159.42	-\$56.74
5/31/2004	\$1,597.17	\$5.80				\$0.00					\$5.80	\$50,819.13	\$50,762.39	-\$56.74
6/30/2004	\$1,797.90	\$8.13				\$0.00					\$8.13	\$52,625.16	\$52,568.42	-\$56.74
7/31/2004	\$3,092.04	\$11.53				\$0.00					\$11.53	\$55,728.73	\$55,671.99	-\$56.74
8/31/2004	\$3,998.79	\$25.38				\$0.00					\$25.38	\$59,752.90	\$59,696.16	-\$56.74
9/30/2004	\$504.78	\$30.17				\$0.00					\$30.17	\$60,287.85	\$60,231.11	-\$56.74
10/31/2004	\$285.14	\$36.16				\$0.00					\$36.16	\$60,609.15	\$60,552.41	-\$56.74
11/30/2004	\$1,196.79	\$47.27				\$0.00					\$47.27	\$61,806.16	\$61,749.42	-\$56.74
12/31/2004	\$1,710.07	\$47.75				\$0.00					\$47.75	\$63,516.17	\$63,459.43	-\$56.74
1/31/2005	\$1,730.31	\$67.49				\$0.00					\$67.49	\$65,200.16	\$65,143.42	-\$56.74
2/28/2005	\$1,846.73	\$78.89				\$0.00					\$78.89	\$67,046.89	\$66,989.15	-\$56.74
3/31/2005	\$1,258.89	\$78.26				\$0.00					\$78.26	\$68,305.78	\$68,248.04	-\$56.74
4/30/2005	\$1,265.07	\$104.90				\$0.00					\$104.90	\$70,070.85	\$69,913.11	-\$56.74
5/31/2005	\$1,066.79	\$112.13				\$0.00					\$112.13	\$71,137.64	\$71,079.90	-\$56.74
6/30/2005	\$679.12	\$122.92				\$0.00					\$122.92	\$71,816.76	\$71,759.02	-\$56.74

VIRGINIA: IN THE CIRCUIT COURT OF RUSSELL COUNTY

GENT ENTERPRISES, LLC,.....PLAINTIFF,

vs. Case No.: CL10000662-00

**RALPH SNEAD, ADMINISTRATOR
C.T.A. FOR THE ESTATE OF
COLUMBUS EARL WHITED, et als,.....DEFENDANTS.**

FINAL ORDER

THIS ACTION CAME ON TO BE HEARD, upon the Plaintiff's Complaint herein; upon service of process upon Herald Whited, in person, on November 1, 2010, upon Marty Whited by posting on November 1, 2010, upon Ferrell Whited, in person, on November 1, 2010, upon Kathy Ward, by posting, on October 14, 2010, upon Melissa Skeens, by posting, on October 14, 2010, on Michael Whited, by posting, on November 14, 2010, upon Ralph Snead, Administrator CTA of the Estate of Columbus Earl Whited, in person on October 18, 2010; upon answers filed herein on behalf of Ralph Snead, Administrator CTA of the Estate of Columbus Earl Whited, by Stephen M. Quillen, Esq. on January 4, 2011, by answer filed on behalf of Michael Whited, on November 10, 2010, by his attorney, James T. Shortt, II, Esq.; upon answers pro se filed by Melissa Skeens on 11/15/10, by Ferrell Whited on 11/19/10, and by Herald Whited on 11/19/10; and upon Plaintiff's Notice of Trial herein filed and mailed to counsel of record on February 8, 2011, upon the Plaintiff's Notice of Trial giving ten (10) days of notice for judgment of default to Marty Whited

and Kathy Ward by counsel for the Plaintiff on January 6, 2011; upon Notice of trial date given to all pro se Defendants and the Defendants in default by counsel for the Plaintiff on April 19, 2011; upon the Counter-Claim of Michael Whited herein filed on March 24, 2011; upon the Plaintiff's Motion to Dismiss the Defendant's Counter-Claim and Demurrer to the Defendant's Counter-Claim herein filed on April 11, 2011; and upon the trial of this action held on April 29, 2011, and was argued by counsel.

WHEREUPON, the Court first proceeded to hear, pre-trial, the Defendant's Motion for Continuance and Plaintiff's Motion to Dismiss the Defendant's Counter-Claim, after having considered arguments upon both Motions, and finding it proper so to do, it is

ADJUDGED, ORDERED, AND DECREED THAT the Defendant's Counter-Claim be, and the same is hereby dismissed and the Defendant's Motion for Continuance is denied.

THEREUPON, the Plaintiff presented its evidence consisting of the testimony of Charles Gent and documents entered into evidence as Plaintiff's Exhibits 2-4; and rested.

The Defendants then presented the testimony of Michael Whited, with documents consisting of receipts for payment of taxes admitted as Defendant's Exhibit 1.

The Plaintiff offered in rebuttal the testimony of Harvey Gent and mineral tax

receipts for payments of taxes upon the property that is the subject of this action, admitted as Plaintiff's Exhibit 5.

WHEREUPON, the Court, having considered the evidence of the Plaintiff and Defendant, the argument of counsel, and having reviewed the Deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, R. F. Gent, and C. H. Gent dated October 26, 1970 and found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, and having reviewed the deed from Mike and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in the Office of the Clerk of this Court in Deed Book 235, at page 525; it is

ADJUDGED, ORDERED, AND DECREED THAT the deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, et al, dated October 26, 1970 and recorded in Deed Book 223, at page 53 is prior in time, and therefore in right to the later deed from Mike Rasnake and Peggy Rasnake to Earl Whited, dated October 19, 1972 and found of record in Deed Book 235, at page 525 and that accordingly the aforesaid deed from the Rasnakes to the Gents dated October 26, 1970 and found of record in Deed Book 223, at page 53, conveyed all of the right, title, and interest of Mike Rasnake and Peggy Rasnake and their predecessors in title in and to all oil, gas (including coalbed methane gas and deep gas), minerals (other than coal), and timber, along with the other surface rights pertaining to mining, wheelage, prospecting, exploration, and otherwise as set forth in Deed Book 223, pages 54 to

Deed Book 223, page 57 to R. W. Gent, R. F. Gent, and C. H. Gent, predecessors in title to Gent Enterprises, LLC, which rights have, by conveyance in the chain of title since 1970, vested in Gent Enterprises, LLC, the Plaintiff herein.

It is further **ADJUDGED, ORDERED, AND DECREED THAT** the deed from Mike Rasnake and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in Deed Book 235, at page 525 operates to convey only the rights to use the real estate described therein, which is the same real estate as described in the earlier deed to the Gents, above referenced, for agricultural purposes only so long as such use does not interfere with the rights granted to the Gents by the above referenced deed of October 26, 1970, found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, such rights being the only rights which at the time of such conveyance, the Rasnakes had to convey, and which rights, in accordance with the holding of this Court, expressly do not include any rights to oil, gas (both coalbed methane gas and deed gas) minerals (except for coal) and any of the other above stated rights conveyed to the Gents by the aforesaid October 26, 1970 deed; which rights under the Last Will and Testament of Columbus Earl Whited are now vested

in the Defendant, Michael Whited. *This matter is ended. MM*
The Clerk is directed to record this Order in the Land Records for Russell County. MM

REQUESTED:



Of Counsel for the Plaintiff, Gent Enterprises, LLC

SEEN:

[Signature]
Of Counsel for Michael Whited

SEEN:

[Signature]
Of Counsel for Ralph Snead, Administrator, CTA of the
Last Will and Testament of Columbus Earl Whited

Signature of Pro Se Defendants dispensed with per Rule 1:13 of the Rules of the
Supreme Court of Virginia

ENTER: this the 12th day of May, 2011

[Signature]
JUDGE

ALGORY, TESTE
ANN S. McREYNOLDS, CLERK
[Signature] D. CLERK

1101260

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 5-13-2011. This deed was this day
presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:38 o'clock P.M, after payment of
\$ tax imposed by Sec. 58.1-802.

Original returned this date to: In Court File
BY: [Signature] TESTE ANN S. McREYNOLDS, CLERK D. CLERK