

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 01-0320-0875-02

**RELIEF SOUGHT: (1) DISBURSEMENT FROM  
ESCROW REGARDING TRACT(S) 3, 7  
(2) AND AUTHORIZATION FOR DIRECT  
PAYMENT OF ROYALTIES**

**HEARING DATE:** May 20, 2013

**DRILLING UNIT:** AY110

**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) 3&7 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

**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 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 CONSCL Inc. AND WERE NOT SURVEYED.

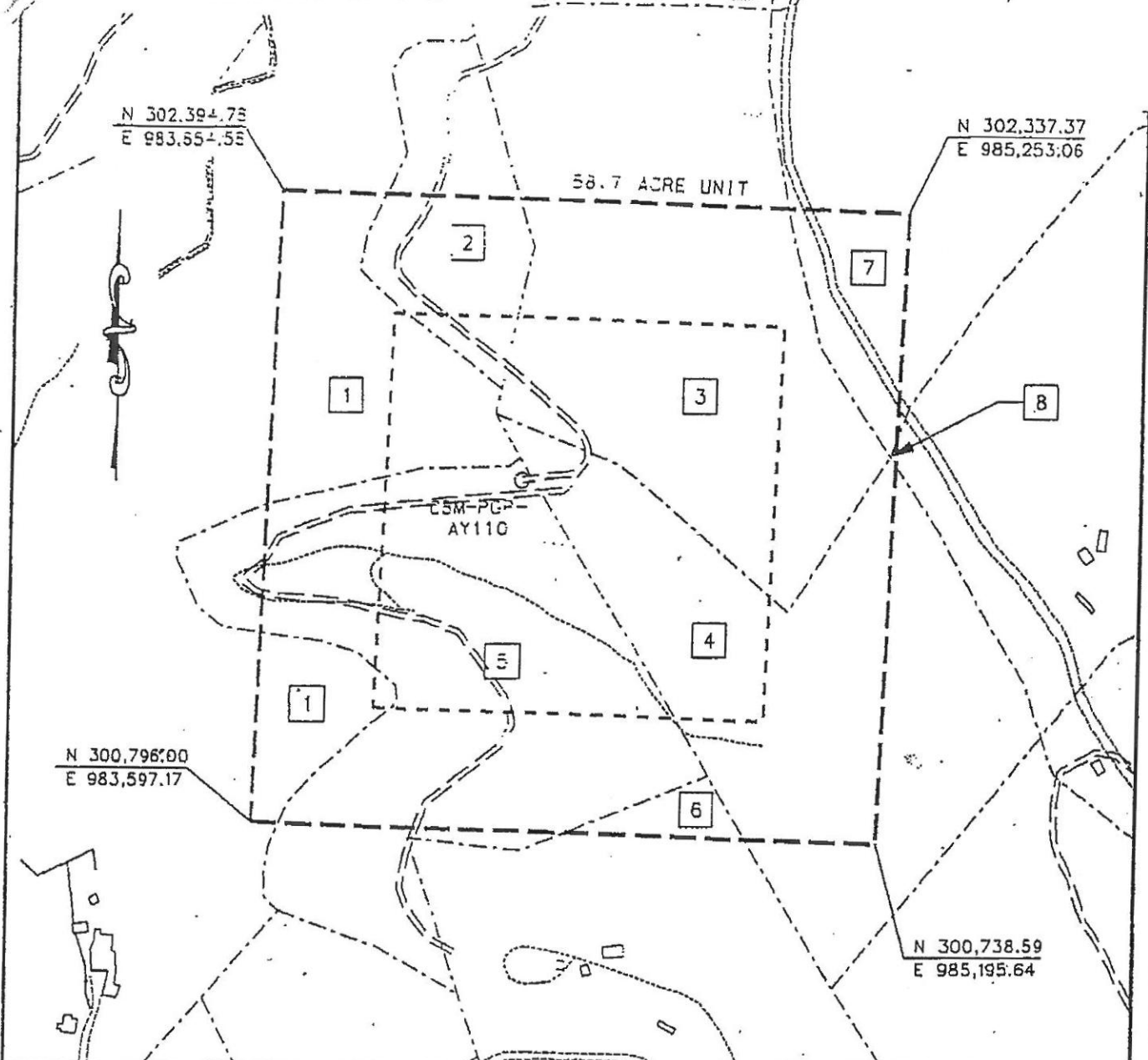


EXHIBIT A  
MIDDLE RIDGE 1 FIELD  
UNIT AY-110  
FORCE POOLING  
VGOB-01-0320-0875

Company Pocahontas Gas Partnership Well Name and Number UNIT AY110  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker  
County Russell District New Garden Scale: 1" = 400' Date 4/3/01  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GD-7 Rev. 9/91  
Charles E. Meyer  
Licensed Professional Engineer or Licensed Land Surveyor  
10000 (Affix Seal)

**CNX Gas Company LLC**  
**UNIT AY110**  
**Tract Identifications**  
**(58.70 Acre Unit)**

1. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Peggy Rasnake, et al – Surface, Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
9.41 acres      16.0306%
  
2. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Michael Whited, et al – Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Michael Whited – Surface  
3.28 acres      5.5877%
  
3. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Gent Enterprises, LLC –Oil and Gas  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Michael Whited OR Gent Enterprises, LLC – Surface  
14.56 acres      24.8041%
  
4. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Michael Whited, et al – Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Michael Whited – Surface  
11.37 acres      19.3697%
  
5. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Michael Whited, et al – Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Michael Whited – Surface  
16.51 acres      28.1261%

"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."

**CNX Gas Company LLC**  
**UNIT AY110**  
**Tract Identifications**  
**(58.70 Acre Unit)**

6. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal  
Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Company – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Goldie Hess – Surface, Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.83 acres      1.4140%
  
7. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Gent Enterprises, LLC –Oil and Gas  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Michael Whited OR Gent Enterprises, LLC – Surface  
2.73 acres      4.6508%
  
8. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Michael Whited, et al OR Elijah Stacy Heirs –Oil and Gas  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Michael Whited OR Elijah Stacy Heirs –Surface  
0.01 acres      0.0170%

"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 AY110  
Docket #VGOB-01-0320-0875-02  
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<b><u>Tract #8, 0.01 acres</u></b>		
<b><i>Escrow due to Title Conflict</i></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	0.01 acres	0.0170%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
Michael Whited, et al <i>(Previously Columbus Earl Whited)</i>		
(1) Michael Whited, et al <i>(Previously Columbus Earl Whited)</i>	0.01 acres	0.0170%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.001 acres 1/10 of 0.01 acres	0.0017%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	0.002 acres 9/50 of 0.01 acres	0.0031%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.002 acres 9/50 of 0.01 acres	0.0031%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
<b>(OR)</b>		
(1) Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns	0.01 acres	0.0170%
(a) Fayne E. Stacy 209 Windham Lane Mars, PA 16046	0.003 acres 1/3 of 0.01 acres	0.0057%
(b) Nancy C. Stacy 2830 German Town Road Oakton, VA 22124	0.002 acres 1/6 of 0.01 acres	0.0028%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	0.002 acres 1/6 of 0.01 acres	0.0028%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	<i>Life Estate</i>	
(e) Alan Stacy 2611 Stoneridge Court Arlington, TX 76014	0.003 acres 1/3 of 0.01 acres	0.0057%

Exhibit EE  
Unit AY110  
Docket #VGOB-01-0320-0875-02  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #1, 9.41 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	9.41 acres	16.0306%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Peggy Rasnake, et al <i>122 Acre Tract - Michael O. Rasnake Heirs</i>	9.41 acres	16.0307%	
(a) Mike O. Rasnake Heirs, Devisees, Successors or Assigns			
(a.1) Peggy Rasnake			<i>By Deed of Gift dated October 26, 2012 and Corrective Deed of Gift dated February 11, 2013,</i>
(a.2) Bobby Lee Rasnake			<i>Peggy Rasnake, Bobby Rasnake &amp; Donna Whitt assign all their royalty and minerals to Peggy</i>
(a.3) Donna Jean Whitt			<i>Rasnake for her lifetime. They further convey the remainder to Bobby Rasnake, Donna Whitt,</i>
			<i>Harold Dye and Deborah Carlock; DB 758/305 (RC).</i>
Peggy Rasnake * 73 Miller Creek Road Honaker, VA 24260	9.41 acres	16.0307%	<i>n/a</i>
<i>* Entitled to a 100% of all royalties and minerals for her lifetime, paid under the terms of the Royalty Agreement</i>			
(b.1) Bobby Lee Rasnake 1233 Miller Creek Rd. Honaker, VA 24260			<i>1/4 Interest subject to the Life Estate of Peggy Rasnake</i>
(b.2) Donna Jean Whitt 6980 Drill Rd. Honaker, VA 24260			<i>1/4 Interest subject to the Life Estate of Peggy Rasnake</i>
(b.3) Harold David Dye 1162 Fescue Road Rowe, VA 24646			<i>1/4 Interest subject to the Life Estate of Peggy Rasnake</i>
(b.4) Deborah Cook Carlock 1394 Elk Garden Road Lebanon, VA 24266			<i>1/4 Interest subject to the Life Estate of Peggy Rasnake</i>

**Tract #2, 3.28 acres**

**COAL OWNERSHIP**

(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	3.28 acres	5.5877%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Michael Whited, et al <i>(Previously Columbus Earl Whited)</i>	3.28 acres	5.5877%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.328 acres 1/10 of 3.28 acres	0.5588%	<i>n/a</i>
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	<i>n/a</i>

Exhibit EE  
Unit AY110  
Docket #VGOB-01-0320-0875-02  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	<i>n/a</i>
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	0.590 acres 9/50 of 3.28 acres	1.0058%	<i>n/a</i>
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.590 acres 9/50 of 3.28 acres	1.0058%	<i>n/a</i>
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	<i>n/a</i>

**Tract #3, 14.56 acres**

**COAL OWNERSHIP**

(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	14.56 acres	24.8041%	<b>42.0809%</b>
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**OIL & GAS OWNERSHIP**

(1) Gent Enterprises, LLC <i>(50 Acre Tract)</i> P.O. Box 330 Honaker, VA 24260 <i>(Previously listed as a title conflict between Michael Whited, or Gent Enterprises, LLC)</i>	14.56 acres	24.8041%	<b>42.0809%</b>
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*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.*

*Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises*

**Tract #4, 11.37 acres**

**COAL OWNERSHIP**

(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	11.37 acres	19.3697%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Michael Whited, et al <i>(Previously Columbus Earl Whited)</i>	11.37 acres	19.3697%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.137 acres 1/10 of 11.37 acres	1.9370%	<i>n/a</i>
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	<i>n/a</i>
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	<i>n/a</i>
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.047 acres 9/50 of 11.37 acres	3.4865%	<i>n/a</i>

Exhibit EE  
Unit AY110  
Docket #VGOB-01-0320-0875-02  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.047 acres 9/50 of 11.37 acres	3.4865%	<i>n/a</i>
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	<i>n/a</i>
<b><u>Tract #5, 16.51 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	16.51 acres	28.1261%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Michael Whited, et al <i>(Previously Columbus Earl Whited)</i>	16.51 acres	28.1261%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.651 acres 1/10 of 16.51 acres	2.8126%	<i>n/a</i>
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	<i>n/a</i>
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	<i>n/a</i>
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.972 acres 9/50 of 16.51 acres	5.0627%	<i>n/a</i>
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.972 acres 9/50 of 16.51 acres	5.0627%	<i>n/a</i>
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	<i>n/a</i>
<b><u>Tract #6, 0.83 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company <i>(H.C. Stuart 405 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	0.83 acres	1.4140%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Clyde Hess, et ux P.O. Box 118 Rowe, VA 24646	0.83 acres	1.4140%	<i>n/a</i>
<b><u>Tract #7, 2.73 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	2.73 acres	4.6508%	<b>7.8902%</b>

**Exhibit EE**  
**Unit AY110**  
**Docket #VGOB-01-0320-0875-02**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements**

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Gent Enterprises, LLC <i>(50 Acre Tract)</i> P.O. Box 330 Honaker, VA 24260 <i>(Previously listed as a title conflict between Michael Whited, or Gent Enterprises, LLC)</i>	2.73 acres	4.6508%	<b>7.8902%</b>
<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>			
	<b>Total Acreage Resolved</b>	58.69	
	<b>Total Percentage Resolved</b>		99.9830%

**Exhibit J**  
**Unit AY110 Escrow Account Reconciliation**  
**VGOB 01-0320-0875**

CNX Deposit Information		
Check Date	Check Number	Total
9/25/2001		\$496.78
10/25/2001		\$1,194.58
11/25/2001		\$610.00
12/25/2001		\$546.06
1/25/2002		\$563.06
2/25/2002		\$685.62
3/25/2002		\$664.05
4/25/2002	16498	\$560.24
5/24/2002	17362	\$691.43
6/25/2002	18011	\$704.54
7/25/2002	18587	\$586.21
8/23/2002	19198	\$546.55
9/25/2002	19532	\$563.58
10/25/2002	20427	\$550.67
11/25/2002	21100	\$491.92
12/24/2002	21562	\$498.17
1/24/2003	23056	\$597.17
2/25/2003	23748	\$697.93
3/25/2003	24556	\$678.13
4/25/2003	25408	\$631.62
5/23/2003	26306	\$678.06
6/25/2003	26780	\$608.35
7/25/2003	27871	\$655.31
8/25/2003	28710	\$633.58
9/25/2003	29553	\$580.96
10/24/2003	30385	\$565.89
11/25/2003	31328	\$499.25
12/24/2003	32849	\$2,422.92
1/23/2004	33564	\$510.15
2/25/2004	34556	\$902.52
3/25/2004	35449	\$1,020.27
4/23/2004	36468	\$858.08
5/25/2004	37536	\$943.71
6/25/2004	38503	\$885.97
7/23/2004	39529	\$893.54
8/25/2004	40645	\$919.47
9/24/2004	41751	\$876.75
10/25/2004	42922	\$838.42
11/24/2004	43967	\$695.56
12/24/2004	45605	\$763.71
1/25/2005	46537	\$787.80
2/25/2005	47808	\$979.77
3/24/2005	49008	\$852.69
4/25/2005	50322	\$746.92
5/25/2005	51559	\$847.31
6/24/2005	52629	\$540.62

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Corrections	Audit Costs	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
8/31/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$0.00	\$496.78	\$496.78
9/30/2001	\$19.47	\$0.03				\$0.00					\$0.03	\$19.50	\$1,691.39	\$1,671.89
10/31/2001	\$1,667.18	\$0.03				\$0.00					\$0.03	\$1,686.71	\$2,301.42	\$614.71
11/30/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$2,323.13	\$2,847.48	\$524.35
12/31/2001	\$538.24	\$3.46				\$0.00					\$3.46	\$2,864.83	\$3,414.00	\$549.17
1/31/2002	\$554.98	\$2.05				\$0.00					\$2.05	\$3,421.86	\$4,101.67	\$679.81
2/28/2002	\$701.90	\$1.81				\$0.00					\$1.81	\$4,125.57	\$4,103.48	-\$22.09
3/31/2002	\$664.05	\$2.80				\$0.00					\$2.80	\$4,792.42	\$4,770.33	-\$22.09
4/30/2002	\$560.24	\$0.00				\$0.00					\$0.00	\$5,352.66	\$5,330.57	-\$22.09
5/31/2002	\$691.43	\$3.93				\$0.00					\$3.93	\$6,048.02	\$6,025.93	-\$22.09
6/30/2002	\$704.54	\$3.31				\$0.00					\$3.31	\$6,755.87	\$6,733.78	-\$22.09
7/31/2002	\$586.21	\$3.79				\$0.00					\$3.79	\$7,345.87	\$7,323.78	-\$22.09
8/31/2002	\$546.55	\$4.28				\$0.00					\$4.28	\$7,896.70	\$7,874.61	-\$22.09
9/30/2002	\$563.58	\$4.44				\$0.00					\$4.44	\$8,464.72	\$8,442.63	-\$22.09
10/31/2002	\$550.67	\$4.00				\$0.00					\$4.00	\$9,019.39	\$8,997.30	-\$22.09
11/30/2002	\$491.92	\$4.43				\$0.00					\$4.43	\$9,515.74	\$9,493.65	-\$22.09
12/31/2002	\$498.17	\$4.63				\$0.00					\$4.63	\$10,018.54	\$9,996.45	-\$22.09
1/31/2003	\$597.17	\$2.40				\$0.00					\$2.40	\$10,618.11	\$10,596.02	-\$22.09
2/28/2003	\$697.93	\$2.20				\$0.00					\$2.20	\$11,318.24	\$11,296.15	-\$22.09
3/31/2003	\$678.13	\$1.24				\$0.00					\$1.24	\$11,997.61	\$11,975.52	-\$22.09
4/30/2003	\$631.62	\$2.14				\$0.00					\$2.14	\$12,631.37	\$12,609.28	-\$22.09
5/31/2003	\$678.06	\$1.49				\$0.00					\$1.49	\$13,310.92	\$13,288.83	-\$22.09
6/30/2003	\$608.35	\$2.25				\$0.00					\$2.25	\$13,921.52	\$13,899.43	-\$22.09
7/31/2003	\$655.31	\$1.37				\$0.00					\$1.37	\$14,578.20	\$14,556.11	-\$22.09
8/31/2003	\$633.58	\$0.62				\$0.00					\$0.62	\$15,212.40	\$15,190.31	-\$22.09
9/30/2003	\$580.96	\$0.56				\$0.00					\$0.56	\$15,793.92	\$15,771.83	-\$22.09
10/31/2003	\$565.89	\$0.89				\$0.00					\$0.89	\$16,360.70	\$16,338.61	-\$22.09
11/30/2003	\$499.25	\$1.43				\$0.00					\$1.43	\$16,861.38	\$16,839.29	-\$22.09
12/31/2003	\$2,422.92	\$1.06				\$0.00					\$1.06	\$19,285.36	\$19,263.27	-\$22.09
1/31/2004	\$510.15	\$1.98				\$0.00					\$1.98	\$19,797.49	\$19,775.40	-\$22.09
2/28/2004	\$902.52	\$1.53				\$0.00					\$1.53	\$20,701.54	\$20,679.45	-\$22.09
3/31/2004	\$1,020.27	\$0.93				\$0.00					\$0.93	\$21,722.74	\$21,700.65	-\$22.09
4/30/2004	\$858.08	\$2.60				\$0.00					\$2.60	\$22,583.42	\$22,561.33	-\$22.09
5/31/2004	\$943.71	\$2.66				\$0.00					\$2.66	\$23,529.79	\$23,507.70	-\$22.09
6/30/2004	\$885.97	\$3.76				\$0.00					\$3.76	\$24,419.52	\$24,397.43	-\$22.09
7/31/2004	\$893.54	\$5.23				\$0.00					\$5.23	\$25,318.29	\$25,296.20	-\$22.09
8/31/2004	\$919.47	\$11.15				\$0.00					\$11.15	\$26,248.91	\$26,226.82	-\$22.09
9/30/2004	\$876.75	\$13.25				\$0.00					\$13.25	\$27,138.91	\$27,116.82	-\$22.09
10/31/2004	\$838.42	\$16.70				\$0.00					\$16.70	\$27,994.03	\$27,971.94	-\$22.09
11/30/2004	\$695.56	\$21.83				\$0.00					\$21.83	\$28,711.42	\$28,689.33	-\$22.09
12/31/2004	\$763.71	\$22.16				\$0.00					\$22.16	\$29,497.29	\$29,475.20	-\$22.09
1/31/2005	\$787.80	\$31.28				\$0.00					\$31.28	\$30,316.37	\$30,294.28	-\$22.09
2/28/2005	\$979.77	\$36.71				\$0.00					\$36.71	\$31,332.85	\$31,310.76	-\$22.09
3/31/2005	\$852.69	\$36.72				\$0.00					\$36.72	\$32,222.26	\$32,200.17	-\$22.09
4/30/2005	\$746.92	\$49.45				\$0.00					\$49.45	\$33,018.63	\$32,996.54	-\$22.09
5/31/2005	\$847.31	\$52.86				\$0.00					\$52.86	\$33,918.80	\$33,896.71	-\$22.09
6/30/2005	\$540.62	\$58.54				\$0.00					\$58.54	\$34,517.96	\$34,495.87	-\$22.09



3/22/2010		\$1,250.80
4/20/2010		\$195.06
5/19/2010		\$208.69
6/21/2010		\$118.07
7/20/2010		\$128.50
8/20/2010		\$97.67
9/22/2010		\$100.27
10/19/2010		\$93.92
11/19/2010		\$87.92
12/20/2010		\$106.33
1/20/2011		\$56.77
2/24/2011		\$102.09
3/21/2011		\$95.78
4/20/2011		\$76.33
5/19/2011		\$79.89
6/21/2011		\$161.63
7/19/2011		\$186.13
8/19/2011		\$164.35
9/19/2011		\$123.89
10/13/2011		\$114.84
11/14/2011		\$93.15
12/15/2011		\$89.52
1/18/2012		\$79.70
2/20/2012		\$76.54
3/20/2012		\$65.73
4/20/2012		\$64.15
5/21/2012		\$55.37
6/20/2012		\$37.44
7/25/2012		\$35.32
8/23/2012	0214000621	\$48.29
9/24/2012	0214001632	\$33.08
10/22/2012	0214006158	\$70.82
11/20/2012	0214011745	\$55.89
12/19/2012	0214016995	\$73.32
1/22/2013	0214022333	\$90.06
2/20/2013	E000004016	\$95.72
3/20/2013	E000005132	\$102.64
4/22/2013	E000006215	\$186.42
5/21/2013	E000007412	\$299.29
6/20/2013	E000008724	\$439.09
7/22/2013	E000010130	\$462.34
8/20/2013	E000011470	\$438.70
9/20/2013	E000012777	\$364.87
10/21/2013	E000015972	\$317.09
11/19/2013	E000017079	\$329.56
12/18/2013	E000018439	\$312.95
1/21/2014	E000019795	\$312.87
2/24/2014	E000021271	\$356.29

1/1/2010	\$0.00	\$5.36			\$0.00	\$0.00				\$5.36	\$28,888.37	\$28,973.89	\$85.52
2/1/2010	\$0.00	\$5.55			(\$2.32)	\$0.00				\$3.23	\$28,891.60	\$28,977.12	\$85.52
3/1/2010	\$1,250.80	\$6.18			(\$2.41)	\$0.00	\$0.00			\$3.77	\$30,146.17	\$30,231.69	\$85.52
4/1/2010	\$195.06	\$6.62			(\$2.51)	\$0.00				\$4.11	\$30,345.34	\$30,430.86	\$85.52
5/1/2010	\$208.69	\$6.04			(\$2.53)	\$0.00				\$3.51	\$30,557.54	\$30,643.06	\$85.52
6/1/2010	\$118.07	\$6.28			(\$2.55)	\$0.00		(\$27.01)		(\$23.28)	\$30,652.33	\$30,737.85	\$85.52
7/1/2010	\$128.50		\$6.33	\$0.88	(\$2.55)	\$0.00				\$4.66	\$30,785.49	\$30,871.01	\$85.52
8/1/2010	\$97.67		\$5.42	\$2.13	(\$2.57)	\$0.00				\$4.98	\$30,888.14	\$30,973.66	\$85.52
9/1/2010	\$100.27		\$5.06	\$3.00	(\$2.57)	\$0.00				\$5.49	\$30,993.90	\$31,079.42	\$85.52
10/1/2010	\$93.92		\$4.70	\$4.33	(\$2.58)	\$0.00		(\$33.56)		(\$27.11)	\$31,060.71	\$31,146.23	\$85.52
11/1/2010	\$87.92		\$4.04	\$5.39	(\$2.59)	\$0.00				\$6.84	\$31,155.47	\$31,240.99	\$85.52
12/1/2010	\$106.33		\$3.16	\$7.97	(\$2.60)	\$0.00		(\$26.88)		(\$18.35)	\$31,243.45	\$31,328.97	\$85.52
1/31/2011	\$56.77		\$3.24	\$10.50	(\$2.89)	\$0.00		(\$2.24)		\$8.61	\$31,308.83	\$31,394.35	\$85.52
2/28/2011	\$102.09		\$2.15	\$10.69	(\$2.61)	\$0.00		(\$8.28)		\$1.95	\$31,412.87	\$31,498.39	\$85.52
3/31/2011	\$95.78		\$1.81	\$12.71	(\$2.62)	\$0.00		(\$10.98)		\$0.92	\$31,509.57	\$31,595.09	\$85.52
4/30/2011	\$76.33		\$1.36	\$12.88	(\$2.63)	\$0.00		(\$8.82)		\$2.79	\$31,588.69	\$31,674.21	\$85.52
5/31/2011	\$79.89		\$1.33	\$13.54	(\$2.63)	\$0.00		(\$6.23)		\$6.01	\$31,674.59	\$31,760.11	\$85.52
6/30/2011	\$161.63		\$1.22	\$13.18	(\$2.64)	\$0.00	\$0.04	(\$7.32)		\$4.48	\$31,840.70	\$31,926.22	\$85.52
7/31/2011	\$186.13		\$1.29	\$13.64	(\$2.65)	\$0.00		(\$4.70)		\$7.58	\$32,034.41	\$32,119.93	\$85.52
8/30/2011	\$164.35		\$1.04	\$13.71	(\$2.67)	\$0.00		(\$10.97)		\$1.11	\$32,199.87	\$32,285.39	\$85.52
9/30/2011	\$123.89		\$1.25	\$13.37	(\$2.68)	\$0.00		(\$6.38)		\$5.56	\$32,329.32	\$32,414.84	\$85.52
10/31/2011	\$114.84		\$1.06	\$14.14	(\$2.69)	\$0.00		(\$9.89)		\$2.62	\$32,446.78	\$32,532.30	\$85.52
11/30/2011	\$93.15		\$1.02	\$13.88	(\$2.70)	\$0.00		(\$8.32)		\$3.88	\$32,543.81	\$32,629.33	\$85.52
12/31/2011	\$89.52		\$1.09	\$14.67	(\$2.71)	\$0.00		(\$5.88)		\$7.17	\$32,640.50	\$32,726.02	\$85.52
1/31/2012	\$79.70		\$1.22	\$14.48	(\$2.72)	\$0.00		(\$10.99)		\$1.99	\$32,722.19	\$32,807.71	\$85.52
2/28/2012	\$76.54		\$1.11	\$13.43	(\$2.73)			(\$5.66)		\$6.15	\$32,804.88	\$32,890.40	\$85.52
3/31/2012	\$65.73		\$1.20	\$14.35	(\$2.73)			(\$4.59)		\$8.23	\$32,878.84	\$32,964.36	\$85.52
4/30/2012	\$64.15		\$0.73	\$13.96	(\$2.74)			(\$5.79)		\$6.16	\$32,949.15	\$33,034.67	\$85.52
5/31/2012	\$55.37		\$0.50	\$14.47	(\$2.75)			(\$2.35)		\$9.87	\$33,014.39	\$33,099.91	\$85.52
6/30/2012	\$37.44		\$0.44	\$14.39	(\$2.75)			(\$3.78)		\$8.30	\$33,060.13	\$33,145.65	\$85.52
7/31/2012			\$0.51	\$13.88	(\$2.76)			(\$2.43)		\$9.20	\$33,069.33	\$33,190.17	\$120.84
8/31/2012	\$83.61		\$0.56	\$12.18	(\$2.76)			(\$12.35)		(\$2.37)	\$33,150.57	\$33,236.09	\$85.52
9/30/2012			\$0.55	\$11.27	(\$2.76)			(\$3.28)		\$5.78	\$33,156.35	\$33,274.95	\$118.60
10/31/2012	\$103.90		\$0.55	\$11.26	(\$2.76)			(\$4.10)		\$4.95	\$33,265.20	\$33,350.72	\$85.52
11/30/2012	\$55.89		\$0.58	\$10.08	(\$2.77)			(\$3.29)		\$4.60	\$33,325.69	\$33,411.21	\$85.52
12/31/2012	\$73.32		\$0.57	\$8.92	(\$2.78)			(\$3.91)		\$2.80	\$33,401.81	\$33,487.33	\$85.52
1/31/2013	\$90.06		\$0.58	\$7.88	(\$2.78)			(\$2.99)		\$2.69	\$33,494.56	\$33,580.08	\$85.52
2/28/2013	\$95.72		\$0.54	\$7.14	(\$2.79)			(\$5.22)		(\$0.33)	\$33,589.95	\$33,675.47	\$85.52
3/31/2013	\$102.64		\$0.60	\$7.59	(\$2.80)			(\$3.33)		\$2.06	\$33,694.65	\$33,780.17	\$85.52
4/30/2013	\$186.42		\$0.61	\$7.08	(\$2.81)					\$4.88	\$33,885.95	\$33,971.47	\$85.52
5/31/2013	\$299.29		\$0.67	\$7.30	(\$2.82)					\$5.15	\$34,199.39	\$34,275.91	\$85.52
6/30/2013	\$439.09		\$0.71	\$7.06	(\$2.85)			(\$3.40)		\$1.52	\$34,631.00	\$34,716.52	\$85.52
7/31/2013	\$462.34		\$0.81	\$7.34	(\$2.89)					\$5.26	\$35,098.60	\$35,184.12	\$85.52
8/31/2013	\$635.49		\$0.94	\$7.37	(\$2.93)					\$5.38	\$35,739.47	\$35,628.20	-\$111.27
9/30/2013	\$364.87		\$0.92	\$7.13	(\$2.98)					\$5.07	\$36,109.41	\$35,998.14	-\$111.27
10/31/2013	\$317.09		\$1.02	\$7.36	(\$3.01)					\$5.37	\$36,431.87	\$36,320.60	-\$111.27
11/30/2013	\$329.56		\$1.05	\$6.94	(\$3.04)					\$4.95	\$36,766.38	\$36,655.11	-\$111.27
12/31/2013	\$312.95		\$1.15	\$7.05	(\$3.06)					\$5.14	\$37,084.47	\$36,973.20	-\$111.27
1/31/2014	\$312.87		\$1.24	\$7.22	(\$3.09)					\$5.37	\$37,402.71	\$37,291.44	-\$111.27
2/28/2014	\$356.29		\$1.08	\$6.62	(\$3.12)			(\$196.79)		(\$192.21)	\$37,566.79	\$37,455.52	-\$111.27
										Total	\$6,805.73		

Check was credited to this account in error should go to AX110 \$196.79  
Transaction complete 2/28/2014 accounting

**Total Deposited** \$99,834.85

**01 Disbursement** -\$69,185.06

**Interest and Fees** \$6,805.73

**Total** \$37,455.52

**February 2014 First Bank and Trust balance**

\$37,566.79

**Difference** -\$111.27

\* indicates estimated interest

**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.*

*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:

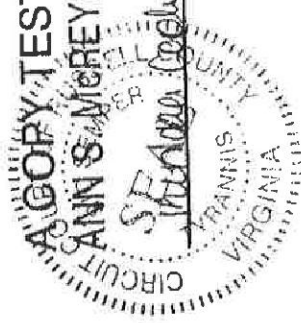
[Signature]  
Of Counsel for Ralph Snead, Administrator, CTA of the  
Last Will and Testament of Columbus Earl Whited

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

ENTER: this the 12<sup>th</sup> 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