

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 06-0815-1693-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 5
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES**

HEARING DATE: December 16, 2014

DRILLING UNIT: N76

BUCHANAN 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) 5 as depicted upon the annexed Table 1; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff(s); ELE, 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

ELE, LLC is entitled to 100% of the CBM royalties awarded under Case No. CL 753-09 dated October 3, 2014. Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be paid.

There are no remaining conflicts after the disbursement, escrow is no longer required and account is to be closed after disbursement.

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 CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

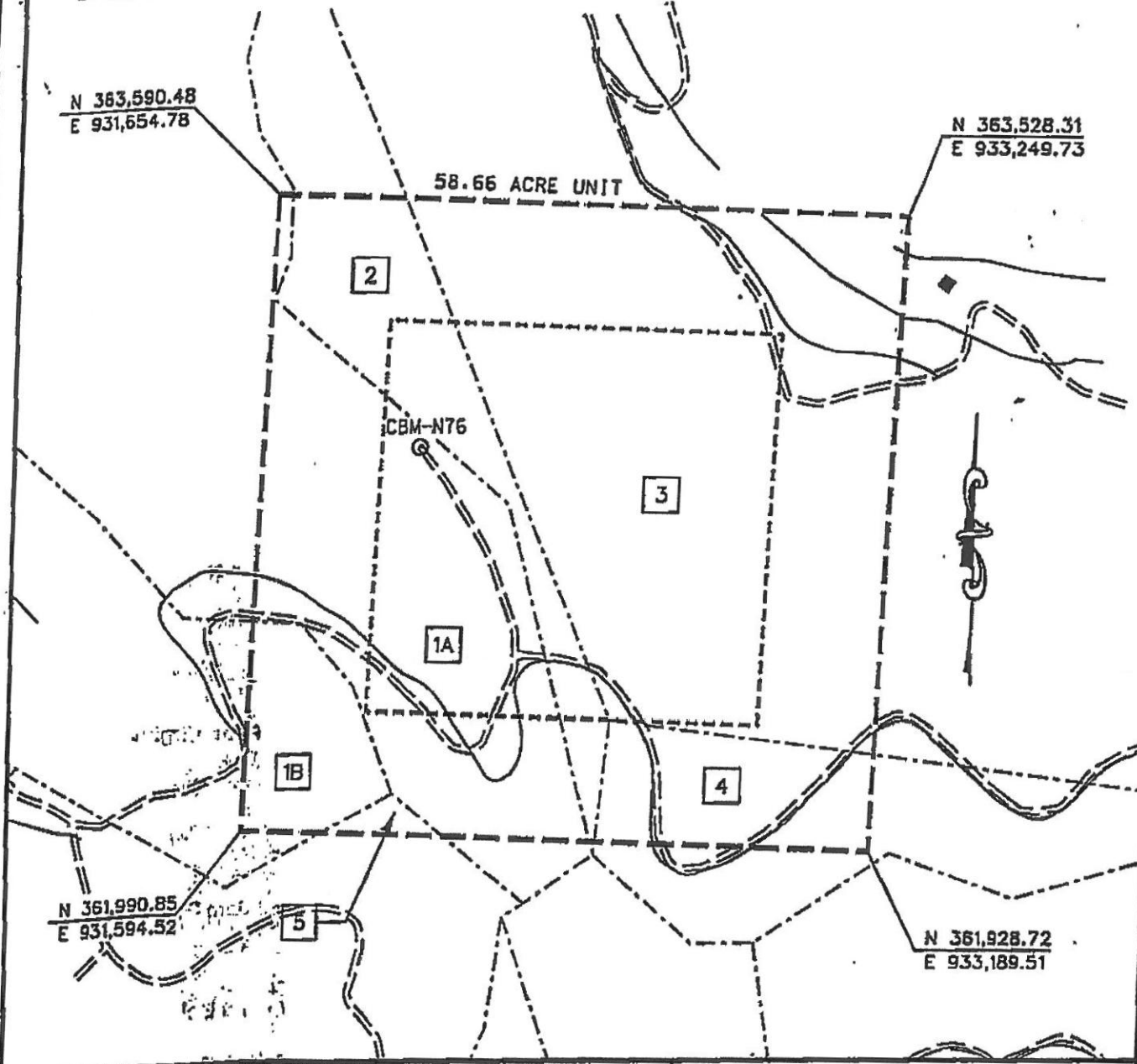
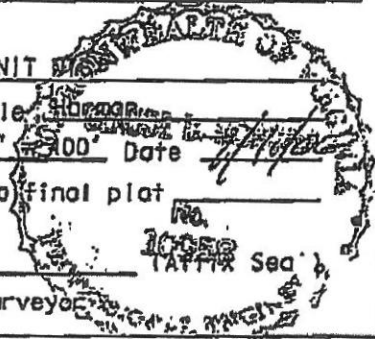


EXHIBIT A
 NORA FIELD
 UNIT N-76
 FORCE POOLING
 VGOB-06-0815-1693

Company CNX Gas Company LLC Well Name and Number UNIT N-76
 Tract No. _____ Elevation _____ Quadrangle 180800
 County Buchanan District Rock Lick Scale: 1" = 100' Date 7/1/2008
 This plat is a new plat X an updated plat _____ or a final plat _____
 Form DGO-GO-7 Rev. 9/91
Charles D. May
 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT N76

Tract Identifications
(58.66 Acre Unit)

1. Bull Creek Coal Company (H.W. & H.C. Pobst 177 Acre Tract) -- All Minerals
Rapoca Energy -- Coal In Hagy and Above Seams Leased
Rapoca Energy -- Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources -- Oil and Gas Leased
CNX Gas Company LLC -- CBM Leased
18.25 acres 31.1115%
- 1A. Paul Dawson, et ux -- Surface
- 1B. Virgil Lloyd Webb - Surface
2. Bull Creek Coal Company (Enoch Branham 9 Acre Tract) -- All Minerals
Rapoca Energy -- Coal In Hagy and Above Seams Leased
Rapoca Energy -- Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources -- Oil and Gas Leased
CNX Gas Company LLC -- CBM Leased
Martha Rice Heirs and Fred Rice Heirs - Surface
6.37 acres 10.8592%
3. Bull Creek Coal Company (Joseph S. Childress 193.37 Acre Tract) -- Fee
Rapoca Energy -- Coal In Hagy and Above Seams Leased
Rapoca Energy -- Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources -- Oil and Gas Leased
CNX Gas Company LLC -- CBM Leased
29.34 acres 50.0170%
4. Jack G. Watkins, et al -- All Minerals less Coal In Splashdam Seam
Penn Virginia Operating Company, LLC -- Surface and Coal In Splashdam Seam
4.33 acres 7.3815%
5. Bull Creek Coal Company (Josh Clevinger 90.52 Acre Tract) -- Coal
Island Creek Coal Company/Consolidation Coal Company -- Coal In and Below
Pocahontas No. 6 Seam Leased
Rapoca Energy -- Coal In Hagy Seam Leased
ELE, LLC -- Surface and All Minerals except Coal
CNX Gas Company LLC -- Oil, Gas and CBM Leased
0.37 acres 0.6308%

Exhibit E
Unit N-76
Docket #VGOB 06-0815-1693-01
List of Conflicting Owners/Claimants that require escrow
(58.66 Acre Tract)

Acres in Unit	Percent of Unit
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All Conflicts Resolved

Exhibit EE
Unit N-76
Docket #VGOB 06-0815-1693-01
List of Conflicting Owners/Claimants with Royalty Split Agreements or Court Orders
(58.65 Acre Tract)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #5, 0.37 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	0.37 acres	0.6309%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) E.L.E, LLC PO Box 7 Maxie, VA 24628	0.37 acres	0.6309%	100.0000%

Prevailing plaintiff under CL 753-09, awarded 100% of the CBM royalty.

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **BUCHANAN**


Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for N76
VGOB: 06-0815-1693-01

I, Anita D. Duty, after being duly sworn upon oath, state as follows:

1. I am the Pooling Supervisor for CNX Land Resources, Inc. and am responsible for the notification process required by Va. Code Ann. §45.1-361.19 of the Code of Virginia and 4VAC25-160-40.

2. That on November 14, 2014 a true and correct copy of the Notice of Hearing and Exhibits were mailed, via certified mail return receipt requested, based upon information and belief, the names and last-known addresses, where such addresses are known, of the parties owning an interest in this cause are set forth and attached hereto.

3. Notice of this cause has therefore been served by mail pursuant to the applicable statutes and rules of the Board.


Anita D. Duty
Pooling Supervisor
for CNX Land LLC

STATE OF WEST VIRGINIA

COUNTY OF MERCER, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 8th day of December,
2014.


Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit N76 & O76
VGOB 06-0815-1693-01 & 06-0620-1647-01
Misc. Petition, Disbursement

NAME	MAILED	RECEIPT #	RECEIVED
ELE, LLC	11/14/14	7014212000020879 0061	11/17/14
Cook T. Shea	11/14/14	7014212000020879 0078	11/17/14

Courtesy Copy

SENDER - COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Terrence Shea Cook PO BOX 607 Richlands VA 24641-0607</p>		<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: ELE, LLC c/o David Delaney PO BOX 7 MAXIE VA 24628-0007</p>	
<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) [Signature]</p> <p>C. Date of Delivery 11-11-14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) [Signature]</p> <p>C. Date of Delivery 11-11-14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>		<p>Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article (Transfer from Service) 7014 2120 0002 0879 0078 PS Form 3811, July 2013</p>		<p>2. Article (Transfer from Service) 7014 2120 0002 0879 0061 PS Form 3811, July 2013</p>	



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Tracking Number: 70142120000208790061

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
November 17, 2014 , 11:37 am	Delivered	MAXIE, VA 24628
Your item was delivered at 11:37 am on November 17, 2014 in MAXIE, VA 24628.		
November 15, 2014 , 10:43 am	Available for Pickup	MAXIE, VA 24628
November 15, 2014 , 4:11 am	Departed USPS Facility	CHARLESTON, WV 25350
November 14, 2014 , 10:19 pm	Arrived at USPS Facility	CHARLESTON, WV 25350

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Exhibit J
Unit N76 Escrow Account Reconciliation
VGOB 06-0815-1693

CNX Deposit Information		
Check Date	Check Number	Total
6/19/2013	E000008733	\$30.74
9/12/2013	26760	\$172.05
10/10/2013	E000015398	\$10.90
5/19/2014	E000026379	\$28.66
6/30/2014	E000029142	\$3.59
7/18/2014	E000029983	\$3.88
8/20/2014	E000031744	\$3.62
9/18/2014	E000033626	\$3.42

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
6/30/2013	\$30.74		\$0.00	\$0.00	\$0.00						\$0.00	\$30.74	\$30.74	\$0.00
7/31/2013			\$0.01	\$0.00	\$0.00						\$0.01	\$30.75	\$30.75	\$0.00
8/31/2013			\$0.01	\$0.00	\$0.00						\$0.01	\$30.76	\$30.76	\$0.00
9/30/2013	\$172.05		\$0.01	\$0.00	\$0.00						\$0.01	\$202.82	\$202.82	\$0.00
10/31/2013	\$10.90		\$0.03	\$0.00	(\$0.02)						\$0.01	\$213.73	\$213.73	\$0.00
11/30/2013			\$0.03	\$0.00	(\$0.02)						\$0.01	\$213.74	\$213.74	\$0.00
12/31/2013			\$0.04	\$0.00	(\$0.02)						\$0.02	\$213.76	\$213.76	\$0.00
1/31/2014			\$0.04	\$0.00	(\$0.02)						\$0.02	\$213.78	\$213.78	\$0.00
2/28/2014			\$0.03	\$0.00	(\$0.02)						\$0.01	\$213.79	\$213.79	\$0.00
3/31/2014			\$0.04	\$0.00	(\$0.02)						\$0.02	\$213.81	\$213.81	\$0.00
4/30/2014			\$0.04	\$0.00	(\$0.02)						\$0.02	\$213.83	\$213.83	\$0.00
5/31/2014	\$28.66		\$0.04	\$0.00	(\$0.02)						\$0.02	\$242.51	\$242.51	\$0.00
6/30/2014			\$0.04	\$0.00	(\$0.02)						\$0.02	\$242.53	\$246.12	\$3.59
7/31/2014	\$7.47		\$0.04	\$0.00	(\$0.02)						\$0.02	\$250.02	\$250.02	\$0.00
8/31/2014	\$3.62		\$0.04		(\$0.02)						\$0.02	\$253.66	\$253.66	\$0.00
9/30/2014	\$3.42		\$0.04		(\$0.02)						\$0.02	\$257.10	\$257.10	\$0.00
											Total	\$0.24		

Total Deposited **\$256.86**

Interest & Fees **\$0.24**

Grand Total **\$257.10**

First Bank and Trust **\$257.10**
9/30/2014

difference **\$0.00**

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

E.L.E., LLC,
PLAINTIFF,

vs.

CASE NO.: CL753-09

BULL CREEK COAL COMPANY, LLLP,
DEFENDANT.

FINAL ORDER GRANTING JUDGMENT FOR PLAINTIFF


Upon the join motion of Plaintiff, E.E.E. LLC and Defendant, Bull Creek Coal Company, LLLP, for entry of judgment in favor of Plaintiff upon the issue that it is the owner of the coal-bed methane gas at issue in this action and it is thereby entitled to all royalties relating to the production thereof, it is;

WHEREFORE, it is **ADJUDGED** and **ORDERED** that the Plaintiff, E.L.E., LLC is the owner of the coal-bed methane gas at issue in this action and is entitled to all royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC.

All other claims asserted by either party against the other are denied, and this action is dismissed with prejudice to the Plaintiff and Defendant as to any such other claims and made part of this **FINAL ORDER**.

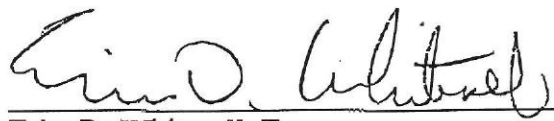
The Clerk is directed to forward an attested copy of this Final Order to all counsel of record, to remove this matter from the active docket of this Court and to place the same among the ended actions before this Court.

ENTER: This the 3rd day October, 2014.



KEARY R. WILLIAMS, JUDGE

REQUESTED:



Eric. D. Whitesell, Esq.
Counsel for Defendant, BULL CREEK COAL COMPANY, LLLP

REQUESTED:



T. Shea Cook, Esq.
Counsel for Plaintiff, E.L.E.; LLC