

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 03-0916-1191-01

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

HEARING DATE: February 17, 2015

DRILLING UNIT: U35

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 attributable to Tract 3B as depicted upon the annexed Table. (Royalties currently being paid under BUC1SGU2, VGOB 08-1118-2367).

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

Trustees of the Wilderness Tabernacle Church is entitled to 100% of the CBM royalties granted under Case No. CL 12-174, Final Order entered on November 13, 2014. The Annexed Table, specifies how said royalties are to be 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 CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

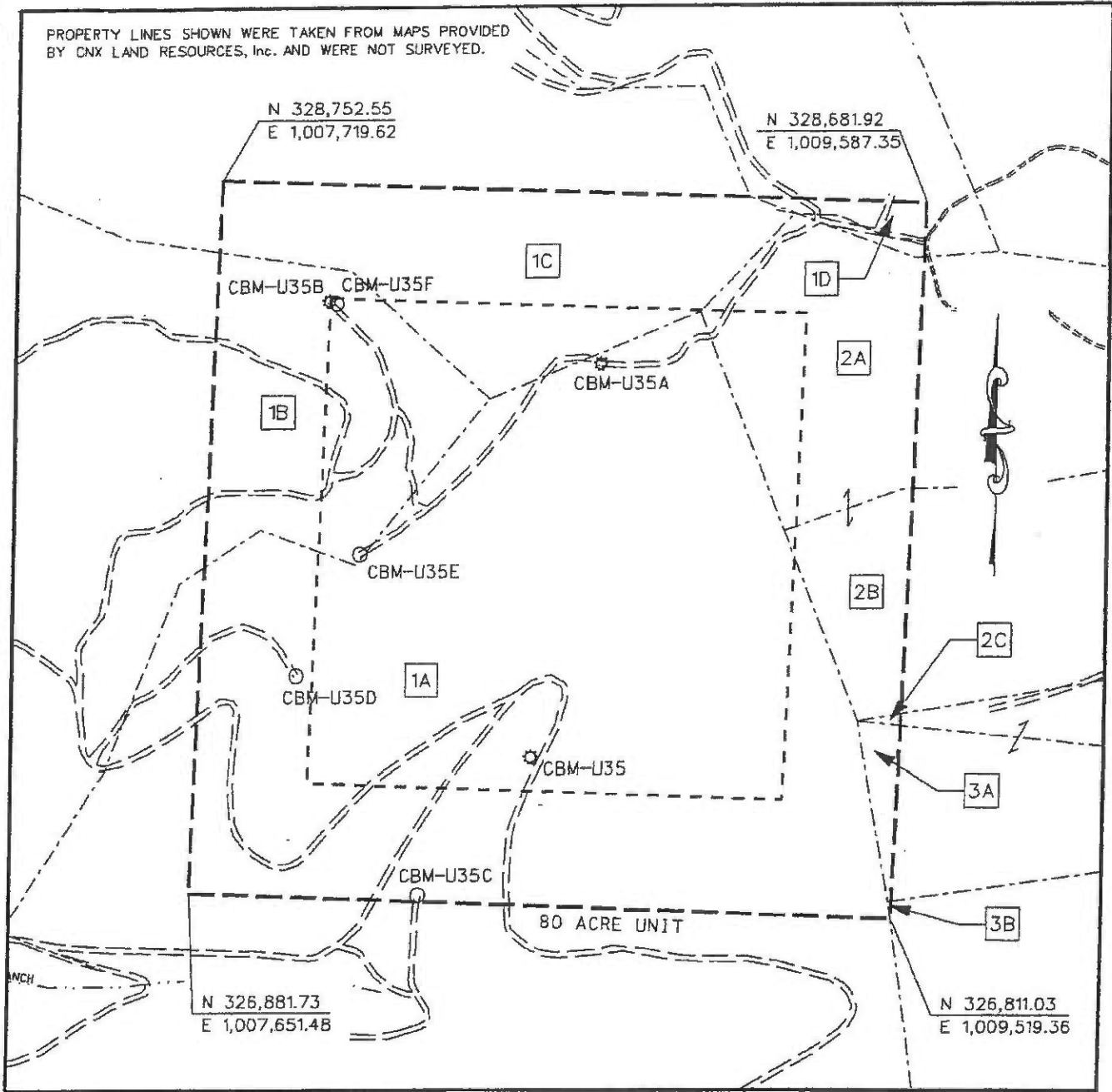
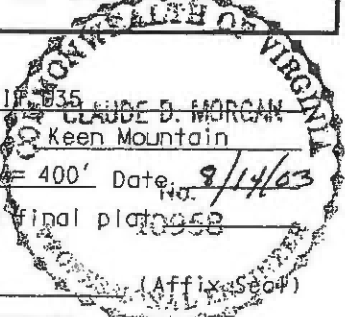


EXHIBIT A
 OAKWOOD FIELD UNIT U-35
 FORCE POOLING
 VGOB-03-0916-1191

Company CNX Gas Company LLC Well Name and Number UNIT U-35
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale: 1" = 400' Date: 9/14/03
 This plat is a new plat X; an updated plat _____; or a final plat _____



Form DGO-GO-7
 Rev. 9/91

 Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC
UNIT U-35
Tract Identification

- 1. **H.S.T. Group, LC - All Minerals**
 Island Creek Coal Co./Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
 CNX Gas Company LLC - CBM Leased
 68.54 acres 85.6750%

- 1A. **CNX Gas Company LLC - Surface**
- 1B. **H.S.T. Group, LC - Surface**
- 1C. **Consolidation Coal Company - Surface**
- 1D. **CNX Gas Company LLC - Surface**

- 2. **New Garden Coal Company - All Minerals**
 Consolidation Coal Company - Below Drainage Coal Leased
 A. T. Massey - Above Drainage Coal Leased
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 10.83 acres 13.5375%

- 2A. **Consolidation Coal Company - Surface**
- 2B. **Consolidation Coal Company - Surface**
- 2C. **CNX Gas Company LLC - Surface**

- 3A. **Hurt - McGuire Land Trust (62 Acre Tract) - Coal**
 CNX Gas Company LLC - Coal Below Tiller Seam Leased
 A. T. Massey - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 CNX Gas Company LLC - Surface and All Minerals except Coal
 0.62 acres 0.7750%

- 3B. **Hurt - McGuire Land Trust (62 Acre Tract) - Coal**
 CNX Gas Company LLC - Coal Below Tiller Seam Leased
 A. T. Massey - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Wilderness Tabernacle Church Trustees - Surface and All Minerals except Coal
 0.01 acres 0.0125%

June 16, 2003

Exhibit E
Unit U-35
Docket #VGOB 03-0916-1191-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right	6-Right
			15.69343%	10.34483%

All Conflicts Resolved

Exhibit EE
Unit U-35
Docket #VGOB 03-0916-1191-01
List of Conflicting Owners/Claimants with Royalty Split Agreements or Court Decisions

	Acres in Unit	Percent of Unit	Division of Interest in		Percent of Escrow
			5-Right 15.69343%	6-Right 10.34483%	
<u>Tract #3A, 0.62 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	0.62 acres	0.77500%	0.12162%	0.08017%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>					
(1) CNX Gas Company, LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.62 acres	0.77500%	0.12162%	0.08017%	<i>n/a</i>
<u>Tract #3B, 0.01 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Hurt McGuire Land Trust c/o Charles Green P. O. Box 1067 Bluefield, VA 24605	0.01 acres	0.01250%	0.00196%	0.00129%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>					
(1) Trustees of the Wilderness Tabernacle Church 4656 Osborne Mountain Rd. Raven, VA 24639	0.01 acres	0.01250%	0.00196%	0.00129%	100.0000%
<i>Prevailing plaintiff under Case No. CL 12-174 Awarded 100% of the CBM royalty.</i>					

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **BUCHANAN**

Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for U35
VGOB: 03-0916-1191-01

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 **January 16, 2015** 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 2nd day of February,
2015.



Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit U35 & V36

VGOB 03-0916-1191-01 & 98-0324-0638-06

Misc. Petition, Disbursement

NAME	MAILED	RECEIPT #	RECEIVED
Trustees of the Wilderness Tabernacle Church	1/16/15	7014287000015546 4747	01/20/15
Cook T. Shea	1/16/15	7014287000015546 4754	01/22/15

Courtesy Copy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Address</p> <p>C. Date of Delivery 1-22-13</p>
<p>1. Article Addressed to:</p> <p>Terrence Shea Cook PO BOX 507 RICHLANDS VA 24641-0507</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>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 2870 0001 5546 4754 U35-01 * V36 Dist</p> <p>PS Form 3811, July 2013 Domestic Return receipt</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Address</p> <p>C. Date of Delivery 1-20</p>
<p>1. Article Addressed to:</p> <p>Trustees of the Wilderness Tabernacle 4656 OSBORNE MNT. RD. RAVEN VA 24639</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>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 2870 0001 5546 4747 U35-01 * V36 Dist</p> <p>PS Form 3811, July 2013 Domestic Return receipt</p>	

**Exhibit J
Unit U35 Escrow Account Reconciliation
VGOB 03-0916-1191**

CNX Deposit Information		
Check Date	Check Number	Total

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
3/31/2014			\$0.01	\$0.00	(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
4/30/2014			\$0.01	\$0.00	(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
5/31/2014			\$0.01	\$0.00	(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
6/30/2014			\$0.01	\$0.00	(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
7/31/2014			\$0.01	\$0.00	(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
8/31/2014			\$0.01		(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
9/30/2014			\$0.01		(\$0.01)						\$0.00	\$67.50	\$67.51	\$0.01
Total											\$0.27			

Total Deposited	\$67.24
Interest & Fees	\$0.27
Grand Total	\$67.51
First Bank and Trust b 9/30/2014	\$67.50
difference	-\$0.01

POWER OF ATTORNEY
of
RAYMOND DAVIS

I, Raymond Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:


RAYMOND DAVIS (SEAL)

D/O/B: 8-11-41

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 2nd day of December, 2014 by Raymond Davis.


Notary Public

My commission expires 9/30/18



POWER OF ATTORNEY
of

JEFFERY DAVIS

I, Jeffery Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

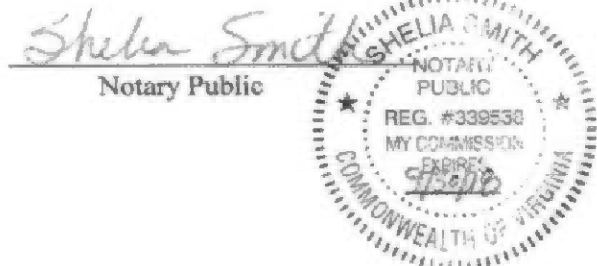
 (SEAL)
JEFFERY DAVIS

D/O/B: 8-5-69

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 24th day of November, 2014 by Jeffery Davis.

My commission expires 9/30/18



**POWER OF ATTORNEY
of**

JESSEE DAVIS

I, Jessee Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

Jessee Davis (SEAL)
JESSEE DAVIS

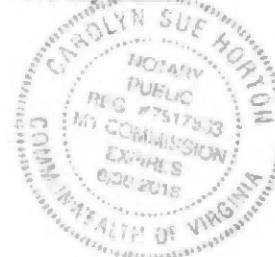
D/O/B: 7-24-1944

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Jessee Davis.

Carolyn Horton
Notary Public

My commission expires 6-30-16



POWER OF ATTORNEY
of
MELINDA DAVIS

I, Melinda Davis, a resident of Raven, Virginia (Grantor and Grantee for the purpose of indexing in the event this power of attorney is recorded) make this Power of Attorney appointing T. SHEA COOK my true and lawful attorney-in-fact. THIS POWER OF ATTORNEY IS LIMITED TO THE FOLLOWING

1. To receive the escrow royalty check from the VGOB;
2. To compare what is obtained versus production record;
3. Deposit the same into the trust account of T. Shea Cook P.C. and distribute the proceeds according to fee agreement.

This Power of attorney shall be Limited in nature.

WITNESS the following signature and seal:

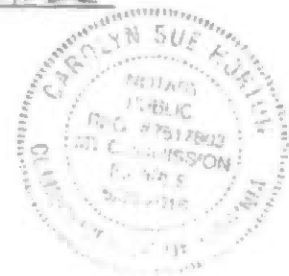
Melinda Davis (SEAL)
MELINDA DAVIS
D/O/B: 5/26/66

STATE OF VIRGINIA
COUNTY OF Tazewell To wit:

The foregoing instrument was acknowledged before me the 22 day of November, 2014 by Melinda Davis.

Carolyn Sue Furlow
Notary Public

My commission expires 6-30-16



VIRGINIA:
IN THE CIRCUIT COURT FOR THE COUNTY OF BUCHANAN

RAYMOND DAVIS, et al,

Plaintiffs,

v.

Case No. CL 12 - 174

**HURT-MCGUIRE HEIRS LAND TRUST,
BY ITS TRUSTEE CHARLES GREEN,**

Defendants.

FINAL ORDER GRANTING JUDGMENT FOR PLAINTIFF

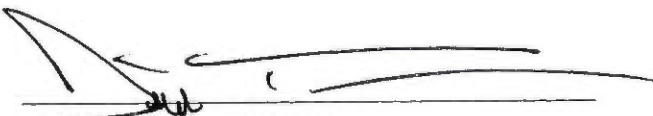
Upon the joint motion of Plaintiffs, Raymond Davis, Jesse Davis, Jeffrey Davis, and Melinda Davis, in their capacity as Trustees of the Wilderness Tabernacle Church, and Defendant, Hurt-McGuire Heirs Land Trust, for entry of judgment in favor of Plaintiff upon the issue that it is the owner of the coal-bed methane gas at issue in this action and it is thereby entitled to all royalties relating to the production thereof, it is, therefore,

ADJUDGED, ORDERED and DECREED that Plaintiffs, Raymond Davis, et al, are the owners of the coal-bed methane gas at issue in this action and are entitled to all royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC.

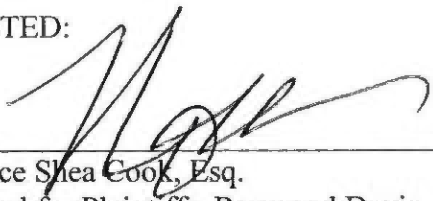
All other claims asserted by either of the remaining parties against the other are denied, any motions pending before the Court are denied as moot, and this action is dismissed with prejudice to the Plaintiff and Defendant, Hurt-McGuire, as to any such other claims.

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.

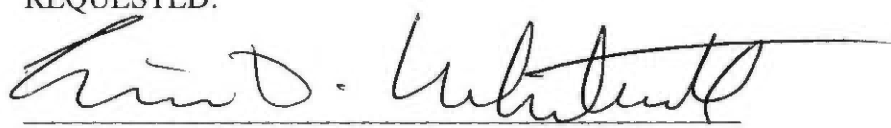
ENTER: This the 13th day November, 2014.


PATRICK R. JOHNSON
~~KEARY R. WILLIAMS, JUDGE~~

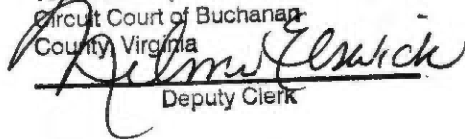
REQUESTED:


Terence Shea Cook, Esq.
Counsel for Plaintiffs, Raymond Davis, Jessee Davis,
Jeffrey Davis, and Melinda Davis, in their capacity as
Trustees of the Wilderness Tabernacle Church,

REQUESTED:


Eric D. Whitesell, Esq.
Of Counsel for Defendant,
Hurt-McGuire Heirs Land Trust

A Copy
Text: Beverly S. Tiller, Clerk
Circuit Court of Buchanan
County, Virginia


Deputy Clerk