

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 02-0618-1033-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1D, 1G, 1H, 1L
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: March 17, 2015

DRILLING UNIT: FF34

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, Hillard & Swartz, LLP, 124 Capital Street, Suite 201, Charleston, WV 25301.

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1D, 1G, 1H, & 1L as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs; Patricia C. Steele, Brenda C. Taylor, Hubert L. Lawson, Brian K. Lawson, Rita D. Griffith, Samuel D. Lawson, Lesia Robin Lawson, Dollie S. Absher, and Doris E. Dye

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

Patricia C. Steele, Brenda C. Taylor, Hubert L. Lawson, Brian K. Lawson, Rita D. Griffith, Samuel D. Lawson, Lesia Robin Lawson, Dollie S. Absher, and Doris E. Dye are entitled to 100% of the CBM royalties awarded under Case No. 11000283-00 and affirmed by Senior Justice Charles S. Russell, Opinion dated September 12, 2014, Record No: 131590. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table, further, 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.

BEFORE THE VIRGINIA OIL AND GAS BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO.: VGOB 02-0618-1033-02

RELIEF SOUGHT: (1) Disbursement from escrow
Regarding tracts 1D, 1G, 1H, & 1L; and
(2) Dismissal of coal claimants

UNIT: FF34

RUSSELL COUNTY, VIRGINIA

HEARING DATE: March 17, 2015
PLACE: Russell County Government Conference Center
139 Highland Drive
Lebanon, Virginia
TIME: 9:00 a.m.

NOTICE OF HEARING

COMMONWEALTH OF VIRGINIA: To the following persons who will receive a disbursement of escrowed funds if the relief sought by Applicant's Petition is granted by the Virginia Gas and Oil Board:

Patricia C. Steele, Brenda C. Taylor, Hubert L. Lawson, Brian K. Lawson, Rita D. Griffith, Samuel D. Lawson, Lesia Robin Lawson, Dollie S. Absher, & Doris E. Dye

COMMONWEALTH OF VIRGINIA: To the following persons identified as **COAL OWNERS** in the pooling application(s) and Virginia Gas and Oil Board Orders pertaining to the referenced Docket No. who were previously pooled by Virginia Gas and Oil Board Order as conflicting claimants to the coalbed methane to be produced from the Unit, **YOUR CLAIMS TO COALBED METHANE ROYALTIES AND/OR WORKING OR CARRIED INTERESTS** for coalbed methane gas produced from this Unit **ARE SUBJECT TO DISMISSAL BY BOARD ORDER AT THE HEARING NOTICED ABOVE:**

Swords Creek Land Partnership (Tracts 1E & 1F)

NOTICE IS HEREBY GIVEN that Applicant is requesting that the Virginia Gas and Oil Board (hereinafter Board) issue an order as follows:

- (1) Directing the Board's Escrow Agent to make the disbursements to the persons identified in Table 1 hereto using the percentages stated therein;
- (2) Dismissing the Respondents/coal owners listed above as Respondents and as conflicting claimants.

NOTICE IS FURTHER GIVEN that this cause has been set for hearing and the taking of evidence before the Board at 9:00 a.m., on March 17, 2015 at the Russell County Government Conference Center, 139 Highland Drive, Lebanon, Virginia, and that notice will be published as required by law and the Rules of the Board.

NOTICE IS FURTHER GIVEN that you may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information or a copy of the Application and Exhibits, either contact the Virginia Gas and Oil Board, the Department of Mines, Minerals and Energy, the Division of Gas and Oil, 135 Highland Drive, Lebanon, Virginia, (276) 415-9700, or the Applicant at the address shown Below.

NOTICE IS FURTHER GIVEN that any Coal Owner identified above who does not appear at the said hearing and provide the Board with evidence and/or a credible theory/argument that he/she/it has a good faith basis under existing law to claim an interest in the coalbed methane produced from the Unit, is subject to dismissal as a pooled Respondent and as a conflicting claimant to coalbed methane royalties, working interest and/or carried interest

CNX Gas Company LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER
By: 
Anita D. Duty
Pooling Supervisor
2481 John Nash Blvd.
Bluefield, West Virginia 24701

BEFORE THE VIRGINIA OIL AND GAS BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO.: VGOB 02-0618-1033-02

RELIEF SOUGHT: (1) Disbursement from escrow
Regarding tracts 1D, 1G, 1H, & 1L and
(2) Dismissal of coal claimants

UNIT: FF34

HEARING DATE: March 17, 2015

RUSSELL COUNTY, VIRGINIA

PETITION TO DISBURSE AND MODIFY

1. **Applicant and its counsel:** Applicant is **CNX Gas Company LLC**, 2481 John Nash Blvd., Bluefield, WV, 24701, 304.323.6500. Applicant's counsel is Mark A. Swartz, Hilliard & Swartz, LLP, 122 Capitol St., FL 2, Charleston, WV 25301.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tracts **1D, 1G, 1H, & 1L** to the persons identified in Table 1 using the percentages set forth in Table 1; and (2) dismissal of coal owner(s)/claimant(s) named in the Notice of Hearing and identified in Exhibit B2 who were pooled by the Board as conflicting claimants.
3. **Factual basis for disbursements:** (a) **Patricia C. Steele, Brenda C. Taylor, Hubert L. Lawson, Brian K. Lawson, Rita D. Griffith, Samuel D. Lawson, Lesia Robin Lawson, Dollie S. Absher, & Doris E. Dye is entitled to 100% of the CBM royalties awarded under Case No. 11000283-00 and affirmed by Senior Justice Charles S. Russell, Opinion dated September 12, 2014, Record No: 131590.**Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 specifies how said royalties are to be paid.
4. **Reason for Dismissal:** Given legislative action and Supreme Court decision(s) following adoption of the 1990 Act, the Board's policy of identifying a conflict between coal owners and oil and gas owners to protect correlative rights should be changed to a policy of not requiring coal owners to be identified as conflicting claimants, subject to coal owner(s) offering evidence of a viable claim, after receiving notice.
5. **Legal Authority:** *Va. Code Ann. §§ 45.1-361.13, 45.1-361.14.B, 45.1-361.15.A.3, B.2, B.10, B.12,361.19.A., 45.1-361.21:1, 45.1-361.22.1, .5, 4VAC25-160-10, 80, Swords Creek Land Partnership v. Belcher, et al., #131590, September 12, 2014.*
6. **Exhibits:** The relevant exhibits are annexed to the Notice of Hearing and this Application.
7. **Applicant's standing:** Designated Operator.
8. **Attestation:** The foregoing application, to the best of my knowledge, information and belief, is true and correct.

CNX Gas Company LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER
Applicant

By: 

Anita D. Duty
Pooling Supervisor
2481 John Nash Blvd.
Bluefield, West Virginia 24701

PROPERTY LINES SHOWN WERE DERIVED FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

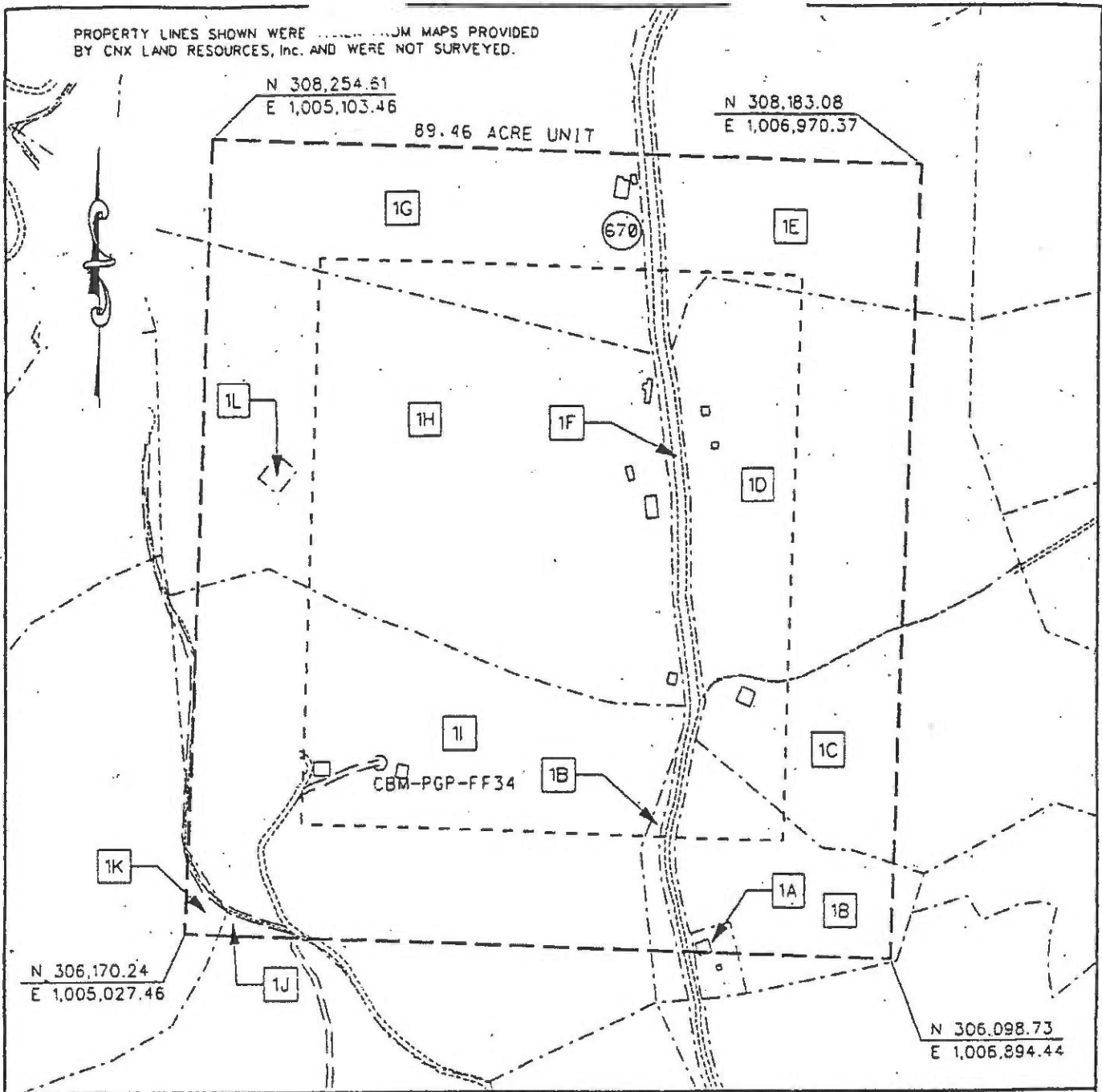


EXHIBIT A
 OAKWOOD FIELD UNIT FF-34
 FORCE POOLING
 VGOB-02-0618-1033

Company Pocahontas Gas Partnership Well Name and Number UNIT FF34
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Russell District New Garden Scale: 1" = 400' Date 5/16/02
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 _____ (Affix Seal)
 Rev. 9/91 Charles A. May
 Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP

UNIT FF-34

Tract Identifications

- 1A. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Barrle R. Hess – Surface and All Minerals except Coal
Pocahontas Gas Partnership – Oil, Gas and CBM Leased
0.17 acres 0.1900 %
- 1B. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Harold Wilson, et ux. – Surface and All Minerals except Coal
5.19 acres 5.8015 %
- 1C. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Nellie J. Stillwell – Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased
4.80 acres 5.3655 %
- 1D. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Ruby Ball Lawson – Surface and All Minerals except Coal
13.26 acres 14.8223 %
- 1E. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Paul Richardson, et ux. – Surface and All Minerals except Coal
5.53 acres 6.1815 %
- 1F. Swords Creek Land Partnership Tr. 21 - Coal
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dollie S. Belcher and/or Paul E. Richardson, et al – All Minerals except Coal
Commonwealth of Virginia - Surface
2.33 acres 2.6045 %

POCAHONTAS GAS PARTNERSHIP
UNIT FF-34
Tract Identifications

- 1G. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dollie S. Belcher – Surface and All Minerals except Coal
10.34 acres 11.5582 %
- 1H. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Doris E. Dye – Surface and All Minerals except Coal
25.14 acres 28.1019 %
- 1I. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Pocahontas Gas Partnership – Surface and All Minerals except Coal
22.05 acres 24.6480 %
- 1J. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Dennis Richardson, et al. – All Minerals except Coal
Roy H. Meadows, et ux. - Surface
0.17 acres 0.1900 %
- 1K. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Edith R. Plaster, et al. – Surface and All Minerals except Coal
Pocahontas Gas Partnership - Oil, Gas and CBM Leased (50%)
0.36 acres 0.4024 %
- 1L. Swords Creek Land Partnership Tr. 21 - Coal**
Reserve Coal Properties Company - Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Pocahontas Gas Partnership - CBM Gas Leased
Doris E. Dye – Surface and All Minerals except Coal
0.12 acres 0.1342 %

Exhibit E
Unit FF34
Docket #VGOB 02-0618-1033-02
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit
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SECTION I. - Owners in escrow after dismissal of persons identified on Exhibit B2

Tract #1E, 5.53 acres

OIL & GAS OWNERSHIP

(1) Paul Richardson, et ux. 8444 S. County Road 350W Stilesville, IN 46180	5.53 acres	6.1815%
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Tract #1F, 2.33 acres

OIL & GAS OWNERSHIP

(1) Paul E. Richardson, et al. (24.50 acre tract)	2.33 acres	2.6045%
(a) Paul Eugene Richardson 8444 S. County Rd. 350W Stilesville, IN 46180	0.78 acres 1/3 of 2.33 acres	0.8682%
(b) Laudy Richardson Heirs, Devisees, Successors or Assigns		
(b.1) Shelby Ruth Richardson, widow 6169 Turner Street Clayton, IN 46118	0.78 acres 1/3 of 2.33 acres	0.8682%
(c) Leonard Richardson Heirs, Devisees, Successors or Assigns		
(c.1) Loretta Mae Richardson P.O. Box 1282 Honaker, VA 24260-1282	0.78 acres 1/3 of 2.33 acres	0.8682%

SECTION I TOTALS:

	7.8600	
Acreage in Unit		
Percentage of Unit		8.7860%

SECTION II. - Owners currently in Escrow with Split Agreements

Tract #1J, 0.17 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	0.17 acres	0.1900%
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OIL & GAS OWNERSHIP

Dennis Eugene Richardson Heirs, et al.	0.17 acres	0.1900%
(1) Bessie Mae Richardson Dye Heirs, Devisees, Successors or Assigns		
(1.1) Shirley Richardson White Heirs, Devisees, Successors or Assigns		
(1.1.1) Ulys Paul White Heirs, Devisees, Successors or Assigns		
(1.1.1.1) Randall Wayne White, Sr. Heirs, Devisees, Successors or Assigns		
(1.1.1.1.1) Kimberly White 111 S. Monte Vista Drive Glade Springs, VA 24340	0.007 acres 1/24 of 0.17 acres	0.0079%

Exhibit E
Unit FF34
Docket #VGOB 02-0618-1033-02
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit
(1.1.1.1.2) Randali Wayne White, Jr. 547 Tanglewood Drive Glade Springs, VA 24340	0.004 acres 1/48 of 0.17 acres	0.0040%
(1.1.1.1.3) Anne Elizabeth Byrd White 36 Locust Street Wading River, NY 11792	0.004 acres 1/48 of 0.17 acres	0.0040%
(1.1.1.1.4) Laura Katherine White 111 S. Monte Vista Drive Glade Springs, VA 24340	0.004 acres 1/48 of 0.17 acres	0.0040%
(1.1.1.1.5) Jeremy Russell White 111 S. Monte Vista Drive Glade Springs, VA 24340	0.004 acres 1/48 of 0.17 acres	0.0040%
(1.1.1.2) Ulys C. White P.O. Box 131 Jewell Ridge, VA 24622	0.021 acres 1/8 of 0.17 acres	0.0238%
(1.1.1.2) Dewey N. White 810 Matney Road Cedar Bluff, VA 24609	0.021 acres 1/8 of 0.17 acres	0.0238%
(1.1.1.2) Kimberly Blankenship 578 Matney Road Cedar Bluff, VA 24609	0.021 acres 1/8 of 0.17 acres	0.0238%
(1.2) Dennis Eugene Richardson Heirs, Devisees, Successors or Assigns		
(1.2.1) Joann Richardson 122 Kimcora Drive Bucyrus, OH 44820-8643	0.085 acres 1/2 of 0.17 acres	0.0950%
<u>SECTION II TOTALS:</u>		
	Acreage in Unit	0.1700
	Percentage of Unit	0.1900%

Exhibit EE
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1A, 0.17 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	0.17 acres	0.1900%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Edgar S. Wilson			<i>Conveyed by Deed of Gift dated 10/5/2000 and recorded in DB515 / PG44:</i>
(a) Barrie R. Hess			<i>Conveyed by Deed dated 6/3/2004 and recorded in DB619 / PG257</i>
(a.1) Stephanie H. Adams			
(a.1.1) David L. and Ruthie Richardson (TE)			<i>Conveyed by Deed dated 9/12/2007 and recorded on 9/17/2008 in DB696 / PG931</i>
(a.1.2) Jackie D. and Mechelle L. Shortt (TE) 3988 Mill Creek Road Raven, VA 24639	0.17 acres	0.1900%	<i>n/a</i>
<u>Tract #1B, 5.19 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	5.19 acres	5.8015%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Harold Wilson, et ux			<i>Conveyed to CNX on June 27, 2003 under DB586 / PG026</i>
(a) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	5.19 acres	5.8015%	<i>n/a</i>
<u>Tract #1C, 4.80 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	4.80 acres	5.3655%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Nellie J. Stillwell 4200 Miller Creek Rd. Raven, VA 24639	4.80 acres	5.3655%	<i>n/a</i>
<u>Tract #1D, 13.26 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	13.26 acres	14.8223%	<i>n/a</i>

Exhibit EE
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
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OIL & GAS OWNERSHIP

Ruby Ball Lawson Heirs, Devisees, Successors or Assigns

The heirs of Ruby Ball Lawson conveyed by Deed of Gift to Lesia R. Lawson on 11/4/2014, recorded in Russell County on 11/13/2014 under DB782/PG907.

(1) Lesia Robin Lawson 879 Mill Creek Road Raven, VA 24639	13.26 acres	14.8223%	
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The heirs will receive a one time payout from escrow of the royalties that have accumulated prior to the date of the Deed of Gift, per Virginia intestate succession. Lesia Lawson will be paid 100% of the royalty after disbursement.

Royalties to be paid as follows:

Patricia C. Steele P.O. Box 877 Raven, VA 24639	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Brenda C. Taylor 153 Little Acres Rd. North Tazewell, VA 24630	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Hubert L. Lawson 897 Mill Creek Rd. Raven, VA 24639	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Brian K. Lawson 879 Mill Creek Rd. Raven, VA 24639	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Rita D. Griffith 2478 Mill Creek Rd. Raven, VA 24639	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Samuel D. Lawson 10179 Swords Creek Rd. Swords Creek, VA 24649	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%
Lesia Robin Lawson 879 Mill Creek Road Raven, VA 24639	1.89 acres 1/7 of 13.26 acres	14.8223%	3.3297%

*Prevailing plaintiff under Case No. 11000283-00 and Appeal Record No. 131590.
Awarded 100% of the CBM royalty.*

Tract #1G, 10.34 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	10.34 acres	11.5582%	n/a
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OIL & GAS OWNERSHIP

(1) Dollie S. Absher 178 Mill Creek Rd. Raven, VA 24639 <i>Previously Dollie S. Belcher (remarried)</i>	10.34 acres	11.5582%	18.1754%
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*Prevailing plaintiff under Case No. 11000283-00 and Appeal Record No. 131590.
Awarded 100% of the CBM royalty.*

Exhibit EE
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1H, 25.14 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	25.14 acres	28.1019%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Doris E. Dye 292 Arch Barrett Drive Rosedale, VA 24280	25.14 acres	28.1019%	44.1905%
<i>Prevailing plaintiff under Case No. 11000283-00 and Appeal Record No. 131590. Awarded 100% of the CBM royalty.</i>			
<u>Tract #1I, 22.05 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	22.05 acres	24.6479%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Edgar S. Wilson - <i>Conveyed to PGP on 5/10/2002 under DB556 / PG439</i> Glenn Wilson - <i>Conveyed to PGP on 5/10/2002 under DB556 / PG442</i> Hubert Wilson - <i>Conveyed to PGP on 5/10/2002 under DB556 / PG436</i>			
(a) Pocahontas Gas Partnership			
(a.1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	22.05 acres	24.6479%	<i>n/a</i>
<u>Tract #1K, 0.36 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	0.36 acres	0.4024%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) Edith R. Plaster, et al. <i>(107.11 acre tract)</i>	0.36 acres	0.4024%	
(1) Myrtle Richardson Heirs, Devisees, Successors or Assigns			
(2) Edith Truia Plaster Heirs, Devisees, Successors or Assigns			
(2.1) Rita P. McGlothlin Box 103 Nickle Road Swords Creek, VA 24649	0.090 acres 1/4 of 0.36 acres	0.1006%	<i>n/a</i>
(3) Rosa R. Jackson Heirs, Devisees, Successors or Assigns			
(3.1) Jewell N. Casey P.O. Box 1711 Cedar Bluff, VA 24609	0.018 acres 1/20 of 0.36 acres	0.0201%	<i>n/a</i>
(3.2) Shirley Jamison 3414 Pine Creek Rd. Swords Creek, VA 24649	0.018 acres 1/20 of 0.36 acres	0.0201%	<i>n/a</i>

Exhibit EE
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(3.3) Linda L. Cruey 758 Harbor Street Pounding Mill, VA 24637-3920	0.018 acres 1/20 of 0.36 acres	0.0201%	<i>n/a</i>
(3.4) Janet L. McGlothlin 731 Donald C. Moore Drive Lebanon, VA 24266	0.018 acres 1/20 of 0.36 acres	0.0201%	<i>n/a</i>
(3.5) Douglas Wayne Jackson Heirs, Devisees, Successors or Assigns			
(3.5.1) Rosa Lee Jackson 2517 Pine Creek Rd Swords Creek, VA 24649	0.018 acres 1/20 of 0.36 acres	0.0201%	<i>n/a</i>
(4) James W. Richardson Heirs, Devisees, Successors or Assigns			
(4.1) Myrtle Richardson Heirs, Devisees, Successors or Assigns			
(4.1.1) Edith Trula Plaster Heirs, Devisees, Successors or Assigns			
(4.1.1.1) Rita P. McGlothlin Box 103 Nickle Road Swords Creek, VA 24649	0.030 acres 1/12 of 0.36 acres	0.0335%	<i>n/a</i>
(4.1.2) Rosa R. Jackson Heirs, Devisees, Successors or Assigns			
(4.1.2.1) Jewell N. Casey P.O. Box 1711 Cedar Bluff, VA 24609	0.006 acres 1/60 of 0.36 acres	0.0067%	<i>n/a</i>
(4.1.2.2) Shirley Jamison 3414 Pine Creek Rd. Swords Creek, VA 24649	0.006 acres 1/60 of 0.36 acres	0.0067%	<i>n/a</i>
(4.1.2.3) Linda L. Cruey 758 Harbor Street Pounding Mill, VA 24637-3920	0.006 acres 1/60 of 0.36 acres	0.0067%	<i>n/a</i>
(4.1.2.4) Janet L. McGlothlin 731 Donald C. Moore Drive Lebanon, VA 24266	0.006 acres 1/60 of 0.36 acres	0.0067%	<i>n/a</i>
(4.1.2.5) Douglas Wayne Jackson Heirs, Devisees, Successors or Assigns			
(4.1.2.5.1) Rosa Lee Jackson 2517 Pine Creek Rd Swords Creek, VA 24649	0.006 acres 1/60 of 0.36 acres	0.0067%	<i>n/a</i>
(4.1.3) Lawrence Richardson Heirs, Devisees, Successors or Assigns			
(4.1.3.1) Edith Trula Plaster Heirs, Devisees, Successors or Assigns			
(4.1.3.1.1) Rita P. McGlothlin Box 103 Nickle Road Swords Creek, VA 24649	0.015 acres 1/24 of 0.36 acres	0.0168%	<i>n/a</i>
(4.1.3.2) Rosa R. Jackson Heirs, Devisees, Successors or Assigns			
(4.1.3.2.1) Jewell N. Casey P.O. Box 1711 Cedar Bluff, VA 24609	0.003 acres 1/120 of 0.36 acres	0.0034%	<i>n/a</i>
(4.1.3.2.2) Shirley Jamison 3414 Pine Creek Rd. Swords Creek, VA 24649	0.003 acres 1/120 of 0.36 acres	0.0034%	<i>n/a</i>

Exhibit EE
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents with Royalty Split Agreements and/or Court Orders
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(4.1.3.2.3) Linda L. Cruey 758 Harbor Street Pounding Mill, VA 24637-3920	0.003 acres 1/120 of 0.36 acres	0.0034%	<i>n/a</i>
(4.1.3.2.4) Janet L. McGlothlin 731 Donald C. Moore Drive Lebanon, VA 24266	0.003 acres 1/120 of 0.36 acres	0.0034%	<i>n/a</i>
(4.1.3.2.5) Douglas Wayne Jackson Heirs, Devisees, Successors or Assigns			
(4.1.3.2.5.1) Rosa Lee Jackson 2517 Pine Creek Rd Swords Creek, VA 24649	0.003 acres 1/120 of 0.36 acres	0.0034%	<i>n/a</i>
(5) Lawrence Richardson Heirs, Devisees, Successors or Assigns			
(5.1) Edith Trula Plaster Heirs, Devisees, Successors or Assigns			
(5.1.1) Rita P. McGlothlin Box 103 Nickle Road Swords Creek, VA 24649	0.045 acres 1/8 of 0.36 acres	0.0503%	<i>n/a</i>
(5.2) Rosa R. Jackson Heirs, Devisees, Successors or Assigns			
(5.2.1) Jewell N. Casey P.O. Box 1711 Cedar Bluff, VA 24609	0.009 acres 1/40 of 0.36 acres	0.0101%	<i>n/a</i>
(5.2.2) Shirley Jamison 3414 Pine Creek Rd. Swords Creek, VA 24649	0.009 acres 1/40 of 0.36 acres	0.0101%	<i>n/a</i>
(5.2.3) Linda L. Cruey 758 Harbor Street Pounding Mill, VA 24637-3920	0.009 acres 1/40 of 0.36 acres	0.0101%	<i>n/a</i>
(5.2.4) Janet L. McGlothlin 731 Donald C. Moore Drive Lebanon, VA 24266	0.009 acres 1/40 of 0.36 acres	0.0101%	<i>n/a</i>
(5.2.5) Douglas Wayne Jackson Heirs, Devisees, Successors or Assigns			
(5.2.5.1) Rosa Lee Jackson 2517 Pine Creek Rd Swords Creek, VA 24649	0.009 acres 1/40 of 0.36 acres	0.0101%	<i>n/a</i>

Tract #1L, 0.12 acres

COAL OWNERSHIP

(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	0.12 acres	0.1341%	<i>n/a</i>
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OIL & GAS OWNERSHIP

(1) Doris E. Dye 292 Arch Barrett Drive Rosedale, VA 24280	0.12 acres	0.1341%	0.2109%
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*Prevailing plaintiff under Case No. 11000283-00 and Appeal Record No. 131590.
Awarded 100% of the CBM royalty.*

Total Acreage Resolved 81.43
Total Percentage Resolved 91.0239%

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **RUSSELL**

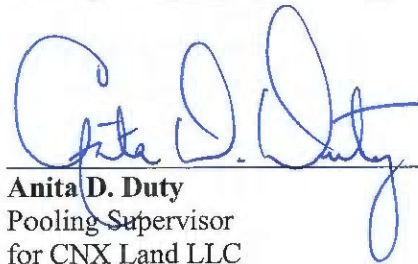
Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for FF34
VGOB: 02-0618-1033-02

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 February 13, 2015 and March 2, 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 9th day of March,
2015.



Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit FF-34 & FF35
VGOB 02-0618-1033-02 & 02-0820-1057-02
Misc. Petition, Disbursement

NAME		FF34	FF35	MAILED	RECEIPT #	RECEIVED
Absher	Dollie S.	X		2/13/15	7014287000015546 6697	02/20/15
Absher	Dollie S.	X		3/2/2015 - remail	7014287000015546 2545	03/05/15
Cook	T. Shea	X	X	2/13/15	7014287000015546 6703	02/17/15
Dye	Doris E.	X		2/13/15	7014287000015546 6710	02/25/15
Dye	Doris E.	X		3/2/2015 - remail	7014287000015546 2552	Unclaimed
Griffith	Rita D.	X	X	2/13/15	7014287000015546 6727	02/18/15
Lawson	Hubert L.	X	X	2/13/15	7014287000015546 6734	02/18/15
Lawson	Brian K.	X	X	2/13/15	7014287000015546 6741	02/18/15
Lawson	Samuel D.	X	X	2/13/15	7014287000015546 6758	02/20/15
Lawson	Lesia Robin	X	X	2/13/15	7014287000015546 6765	02/18/15
Steele	Patricia C.	X	X	2/13/15	7014287000015546 6772	02/23/15
Swords Creek Land Partnership		X	X	2/13/15	7014287000015546 6789	02/20/15
Taylor	Brenda C.	X	X	2/13/15	7014287000015546 6796	02/19/15

Courtesy Copy

English

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USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 70142870000155466796

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME

February 19, 2015 , 2:51 pm

STATUS OF ITEM

Delivered

LOCATION

TAZEWELL, VA 24651

Your item was delivered at 2:51 pm on February 19, 2015 in TAZEWELL, VA 24651.

February 17, 2015 , 3:31 pm

Notice Left (Receptacle Blocked)

TAZEWELL, VA 24651

February 14, 2015 , 8:38 am

Departed USPS Facility

CHARLESTON, WV 25350

February 13, 2015 , 10:48 pm

Arrived at USPS Facility

CHARLESTON, WV 25350

Available Actions

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Tracking (or receipt) number

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Have questions? We're here to help.

Tracking Number: 70142870000155466710

Updated Delivery Day: Wednesday, February 18, 2015

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

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DATE & TIME	STATUS OF ITEM	LOCATION
February 25, 2015 , 10:22 am	Delivered	ROSEDALE, VA 24280

Your item was delivered at 10:22 am on February 25, 2015 in ROSEDALE, VA 24280.

February 17, 2015 , 11:31 am	Notice Left (No Authorized Recipient Available)	ROSEDALE, VA 24280
February 17, 2015 , 10:23 am	Sorting Complete	ROSEDALE, VA 24280
February 17, 2015 , 9:12 am	Arrived at Unit	ROSEDALE, VA 24280
February 15, 2015 , 3:06 pm	Departed USPS Facility	KNOXVILLE, TN 37950
February 14, 2015 , 11:17 pm	Arrived at USPS Facility	KNOXVILLE, TN 37950
February 14, 2015 , 2:50 am	Departed USPS Facility	CHARLESTON, WV 25350
February 13, 2015 , 10:49 pm	Arrived at USPS Facility	CHARLESTON, WV 25350

Track Another Package

Tracking (or receipt) number

Track It



USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: 70142870000155462552

Product & Tracking Information

Postal Product:

Extra Svc:
Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

March 6, 2015 , 11:36 am

Notice Left (No Authorized Recipient Available)

ROSEDALE, VA 24280

We attempted to deliver your item at 11:36 am on March 6, 2015 in ROSEDALE, VA 24280 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting <http://www.usps.com/redelivery> or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed after 15 days then it will be returned to the sender.

March 4, 2015 , 6:18 pm

Departed USPS Facility

KNOXVILLE, TN 37950

March 4, 2015 , 8:38 am

Arrived at USPS Facility

KNOXVILLE, TN 37950

March 3, 2015 , 2:51 am

Departed USPS Facility

CHARLESTON, WV 25350

March 2, 2015 , 11:25 pm

Arrived at USPS Facility

CHARLESTON, WV 25350

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Customer Service ›
Have questions? We're here to help.

Tracking Number: 70142870000155462545

Updated Delivery Day: Wednesday, March 4, 2015

Product & Tracking Information

Postal Product: Extra Svc:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
March 5, 2015 , 8:48 am	Delivered	RAVEN, VA 24639

Your item was delivered at 8:48 am on March 5, 2015 in RAVEN, VA 24639.

March 4, 2015 , 11:43 am	Notice Left (No Authorized Recipient Available)	RAVEN, VA 24639
March 4, 2015 , 8:04 am	Out for Delivery	RAVEN, VA 24639
March 4, 2015 , 7:54 am	Sorting Complete	RAVEN, VA 24639
March 4, 2015 , 7:12 am	Arrived at Unit	RAVEN, VA 24639
March 3, 2015 , 11:36 am	Departed USPS Facility	CHARLESTON, WV 25350
March 2, 2015 , 11:25 pm	Arrived at USPS Facility	CHARLESTON, WV 25350

Available Actions

Text Updates

Email Updates

Return Receipt After Mailing

Track Another Package

Tracking (or receipt) number

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<p>PS Form 3811, July 2013</p> <p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>	<p>7034 2870 0001 5546 6741</p> <p>PS Form 3811, July 2013</p>
<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Brian K. Lawson 879 Mill Creek Rd. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Hubert L. Lawson 807 Mill Creek Rd. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Leslie Robin Lawson 879 Mill Creek Rd. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Samuel D. Lawson 1079 Swords Creek Rd. Swords Creek VA 24649</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Jolie S. Asher 1874 Road Ridge PkE. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Jolie S. Asher 1874 Road Ridge PkE. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Jolie S. Asher 1874 Road Ridge PkE. Raven VA 24639</p>	<p>SENDER: COMPLETE THIS SECTION</p> <p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>1. Article addressed to: Jolie S. Asher 1874 Road Ridge PkE. Raven VA 24639</p>
<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>	<p>2. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail® <input type="checkbox"/> Insured Mail® <input type="checkbox"/> Restricted Delivery® (Extra Fee)</p>
<p>3. Signature X <i>Jolie S. Asher</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Hubert L. Lawson</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Leslie Robin Lawson</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Samuel D. Lawson</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Jolie S. Asher</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Jolie S. Asher</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Jolie S. Asher</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>3. Signature X <i>Jolie S. Asher</i> A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Print and attach to the reverse side of this card to the back of the multipiece, on the front if space permits.

1. Article Addressed to:

Brenda C. Taylor
153 Little Acres Rd.
North Tazewell VA 24630

2. ZIP Code: 7034 2420
PS Form 3811, July 2013

3. Service Type:
 Registered Mail
 Registered Mail Express™
 Registered Mail Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

4. Return Receipt for Merchandise:
 Return Receipt for Merchandise
 Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

Print and attach to the reverse side of this card to the back of the multipiece, on the front if space permits.

1. Article Addressed to:

Patricia C. Steele
P.O. Box 877
Raven VA 24639

2. ZIP Code: 7034 2420
PS Form 3811, July 2013

3. Service Type:
 Registered Mail
 Registered Mail Express™
 Registered Mail Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

4. Return Receipt for Merchandise:
 Return Receipt for Merchandise
 Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

Print and attach to the reverse side of this card to the back of the multipiece, on the front if space permits.

1. Article Addressed to:

Swords Creek Land Partnership
PO BOX 29
TAZEWELL VA 24651-0029

2. ZIP Code: 7034 2420
PS Form 3811, July 2013

3. Service Type:
 Registered Mail
 Registered Mail Express™
 Registered Mail Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

4. Return Receipt for Merchandise:
 Return Receipt for Merchandise
 Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

Print and attach to the reverse side of this card to the back of the multipiece, on the front if space permits.

1. Article Addressed to:

Patricia C. Steele
P.O. Box 877
Raven VA 24639

2. ZIP Code: 7034 2420
PS Form 3811, July 2013

3. Service Type:
 Registered Mail
 Registered Mail Express™
 Registered Mail Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

4. Return Receipt for Merchandise:
 Return Receipt for Merchandise
 Collect on Delivery
 Restricted Delivery (Extra Fee)
 Yes

Exhibit J
Unit FF34 Escrow Account Reconciliation
VGOB 02-0618-1033

CNX Deposit Information		
Issue Date	Check Number	Check Amount
	Bonus Payment	\$56.97
6/25/2003	26801	\$352.10
7/25/2003	27350	\$646.41
8/25/2003	28228	\$536.23
9/25/2003	28965	\$457.40
10/24/2003	29843	\$392.56
11/25/2003	30751	\$332.03
12/24/2003	31610	\$300.53
1/23/2004	33106	\$283.91
2/25/2004	33941	\$309.24
3/25/2004	34809	\$469.27
4/23/2004	35747	\$405.48
5/25/2004	36841	\$407.68
6/25/2004	37778	\$340.12
7/23/2004	38745	\$436.79
8/25/2004	39887	\$397.92
9/24/2004	41022	\$401.28
10/25/2004	42129	\$384.99
11/24/2004	43228	\$341.14
12/24/2004	44252	\$292.70
1/23/2005	45897	\$162.13
2/25/2005	46923	\$171.39
3/24/2005	48227	\$157.67
4/25/2005	49418	\$148.58
5/25/2005	50720	\$190.36
6/24/2005	51885	\$190.46
7/25/2005	52922	\$478.50
8/25/2005	54260	\$701.40
9/23/2005	55590	\$769.41
10/25/2005	56815	\$876.94
11/25/2005	58099	\$1,107.99
12/23/2005	59356	\$1,333.30
1/25/2006	61247	\$1,081.45
2/24/2006	62550	\$1,369.15
3/24/2006	63927	\$1,479.50
4/25/2006	65285	\$1,182.87
5/25/2006	66715	\$1,187.91
6/23/2006	67874	\$1,213.10
7/25/2006	69400	\$1,243.02
8/25/2006	158	\$1,067.00
9/25/2006	1322	\$973.39
10/25/2006	2728	\$1,458.47
11/25/2006	4157	\$1,138.17
12/25/2006	5723	\$842.37
1/25/2007	6980	\$970.31
1/31/2007	8247	\$568.43
2/25/2007	9385	\$1,835.13
3/25/2007	10918	\$1,265.05
4/25/2007	12372	\$1,360.03
5/25/2007	13798	\$1,058.13
	14965	\$605.31
6/25/2007	15993	\$1,553.01
7/25/2007	17457	\$1,662.40
8/25/2007	18945	\$1,570.03
9/25/2007	20538	\$1,414.99
10/25/2007	22122	\$1,077.47
11/25/2007	24290	\$1,056.98
12/25/2007	25529	\$1,026.72
1/25/2008	27130	\$1,660.12
2/25/2008	28777	\$1,728.65

Escrow Bank Data												
Date	Royalty Deposits	Income	\$ Mirket int	CDARS Int	Fees	Distributions	Corrections	Audit Costs	Total Int. and Fees	Ending Mkt Value	Running Balance	Difference
4/30/2003	\$56.97	\$0.00				\$0.00			\$0.00	\$56.97	\$56.97	\$0.00
5/31/2003	\$0.00	\$0.00				\$0.00			\$0.00	\$56.97	\$56.97	\$0.00
6/30/2003	\$352.10	\$0.06				\$0.00			\$0.06	\$409.13	\$409.13	\$0.00
7/31/2003	\$646.41	\$0.04				\$0.00			\$0.04	\$1,055.58	\$1,055.58	\$0.00
8/31/2003	\$536.23	\$0.06				\$0.00			\$0.06	\$1,591.87	\$1,591.87	\$0.00
9/30/2003	\$457.40	\$0.07				\$0.00			\$0.07	\$2,049.34	\$2,049.34	\$0.00
10/31/2003	\$392.56	\$0.13				\$0.00			\$0.13	\$2,442.03	\$2,442.03	\$0.00
11/30/2003	\$332.03	\$0.23				\$0.00			\$0.23	\$2,774.29	\$2,774.29	\$0.00
12/31/2003	\$300.53	\$0.16				\$0.00			\$0.16	\$3,074.98	\$3,074.98	\$0.00
1/31/2004	\$283.91	\$0.31				\$0.00			\$0.31	\$3,359.20	\$3,359.20	\$0.00
2/28/2004	\$309.24	\$0.27				\$0.00			\$0.27	\$3,668.71	\$3,668.71	\$0.00
3/31/2004	\$469.27	\$0.16				\$0.00			\$0.16	\$4,138.14	\$4,138.14	\$0.00
4/30/2004	\$405.48	\$0.49				\$0.00			\$0.49	\$4,544.11	\$4,544.11	\$0.00
5/31/2004	\$407.68	\$0.53				\$0.00			\$0.53	\$4,952.32	\$4,952.32	\$0.00
6/30/2004	\$340.12	\$0.79				\$0.00			\$0.79	\$5,293.23	\$5,293.23	\$0.00
7/31/2004	\$436.79	\$1.18				\$0.00			\$1.18	\$5,731.20	\$5,731.20	\$0.00
8/31/2004	\$397.92	\$2.60				\$0.00			\$2.60	\$6,131.72	\$6,131.72	\$0.00
9/30/2004	\$401.28	\$3.09				\$0.00			\$3.09	\$6,536.09	\$6,536.09	\$0.00
10/31/2004	\$384.99	\$4.13				\$0.00			\$4.13	\$6,925.21	\$6,925.21	\$0.00
11/30/2004	\$341.14	\$5.40				\$0.00			\$5.40	\$7,271.75	\$7,271.75	\$0.00
12/31/2004	\$292.70	\$5.61				\$0.00			\$5.61	\$7,570.06	\$7,570.06	\$0.00
1/31/2005	\$162.13	\$7.98				\$0.00			\$7.98	\$7,740.17	\$7,740.17	\$0.00
2/28/2005	\$171.39	\$9.28				\$0.00			\$9.28	\$7,920.84	\$7,920.84	\$0.00
3/31/2005	\$157.67	\$9.21				\$0.00			\$9.21	\$8,087.72	\$8,087.72	\$0.00
4/30/2005	\$148.58	\$12.35				\$0.00			\$12.35	\$8,248.65	\$8,248.65	\$0.00
5/31/2005	\$190.36	\$13.20				\$0.00			\$13.20	\$8,452.21	\$8,452.21	\$0.00
6/30/2005	\$190.46	\$14.58				\$0.00			\$14.58	\$8,657.25	\$8,657.25	\$0.00
7/31/2005	\$478.50	\$15.74				\$0.00			\$15.74	\$9,151.49	\$9,151.49	\$0.00
8/31/2005	\$701.40	\$19.08				\$0.00			\$19.08	\$9,871.97	\$9,871.97	\$0.00
9/30/2005	\$769.41	\$34.08				\$0.00			\$34.08	\$10,675.46	\$10,675.46	\$5,745.34
10/31/2005	\$876.94	\$37.53				\$0.00			\$37.53	\$11,589.93	\$11,589.93	\$5,989.34
11/30/2005	\$1,107.99	\$41.63				\$0.00			\$41.63	\$12,739.55	\$12,739.55	\$6,276.75
12/31/2005	\$1,333.30	\$45.01				\$0.00			\$45.01	\$14,117.86	\$14,117.86	\$6,617.75
1/31/2006	\$1,081.45	\$54.41				\$0.00			\$54.41	\$15,253.72	\$15,253.72	\$6,893.23
2/28/2006	\$1,369.15	\$61.96				\$0.00			\$61.96	\$16,684.83	\$16,684.83	\$7,227.84
3/31/2006	\$1,479.50	\$64.30				\$0.00			\$64.30	\$18,228.63	\$18,228.63	\$7,586.56
4/30/2006	\$1,182.87	\$84.47				\$0.00			\$84.47	\$19,495.97	\$19,495.97	\$7,847.48
5/31/2006	\$1,187.91	\$85.75				\$0.00			\$85.75	\$20,769.63	\$20,769.63	\$8,092.77
6/30/2006	\$1,213.10	\$94.24				\$0.00			\$94.24	\$20,416.84	\$20,416.84	\$8,339.87
7/31/2006	\$1,243.02	\$98.87				\$0.00			\$98.87	\$23,014.82	\$23,014.82	\$8,595.96
8/31/2006	\$1,067.00	\$107.69				\$0.00			\$107.69	\$32,122.51	\$32,122.51	\$7,528.96
9/25/2006	\$973.39								\$0.00	\$25,566.94	\$25,566.94	(\$25,566.94)
10/31/2006	\$1,458.47	\$131.18				\$0.00			\$131.18	\$36,285.94	\$36,285.94	\$9,129.35
11/30/2006	\$1,138.17	\$139.84			(\$2.45)	\$0.00			\$137.39	\$37,561.50	\$37,561.50	\$9,129.35
12/31/2006	\$842.37	\$146.24			(\$20.06)	\$0.00			\$126.18	\$38,530.05	\$38,530.05	\$9,129.35
1/31/2007	\$970.31	\$140.84				\$0.00			\$140.84	\$39,641.20	\$39,641.20	\$9,129.35
									\$0.00	\$31,080.28	\$31,080.28	(\$31,080.28)
									\$0.00	\$32,915.41	\$32,915.41	(\$32,915.41)
2/28/2007	\$0.00	\$138.87				\$0.00			\$138.87	\$39,780.07	\$39,780.07	\$5,460.74
3/31/2007	\$2,403.56	\$133.91				\$0.00			\$133.91	\$42,317.54	\$42,317.54	\$6,504.27
4/30/2007	\$2,625.08	\$158.20				\$0.00			\$158.20	\$45,100.82	\$45,100.82	\$8,071.22
5/31/2007	\$1,663.44	\$154.03				\$0.00			\$154.03	\$46,918.29	\$46,918.29	\$9,129.35
6/30/2007	\$0.00	\$166.12				\$0.00			\$166.12	\$47,084.41	\$47,084.41	\$7,576.34
7/31/2007	\$3,215.41	\$330.80				\$0.00			\$330.80	\$50,465.22	\$50,465.22	\$8,963.95
8/31/2007	\$1,570.03	\$171.60				\$0.00			\$171.60	\$52,206.85	\$52,206.85	\$8,963.95
9/30/2007	\$1,414.99	\$279.94				\$0.00			\$279.94	\$53,901.78	\$53,901.78	\$8,963.95
10/31/2007	\$0.00	\$180.62				\$0.00			\$180.62	\$54,082.40	\$54,082.40	\$7,886.48
11/30/2007	\$2,134.45	\$190.63				\$0.00			\$190.63	\$56,407.48	\$56,407.48	\$8,963.95
12/31/2007	\$1,026.72	\$179.98				\$0.00			\$179.98	\$57,614.18	\$57,614.18	\$8,963.95
1/31/2008	\$1,660.12	\$146.40				\$0.00			\$146.40	\$59,420.70	\$59,420.70	\$8,963.95
2/29/2008	\$1,728.65	\$127.67				\$0.00			\$127.67	\$61,277.02	\$61,277.02	\$8,963.95

Exhibit J
Unit FF34 Escrow Account Reconciliation
VGOB 02-0618-1033

CNX Deposit Information		
Issue Date	Check Number	Check Amount
3/25/2008	30222	\$1,694.30
4/25/2008	31861	\$1,822.20
5/25/2008	33458	\$2,077.44
6/25/2008	35164	\$1,984.56
7/25/2008	36944	\$2,545.70
8/25/2008	38723	\$2,569.38
9/25/2008	40539	\$2,819.70
10/25/2008	42667	\$1,888.99
11/25/2008	45440	\$1,638.22
12/25/2008	48279	\$1,467.99
1/25/2009	49711	\$1,231.77
2/25/2009	53073	\$1,320.92
3/25/2009	54916	\$1,126.76
4/25/2009	56447	\$727.45
5/25/2009	58104	\$995.85
6/25/2009	59410	\$229.96
7/25/2009	60753	\$513.08
8/25/2009	62310	\$549.90
9/25/2009	63851	\$639.67
10/25/2009	65313	\$505.80
11/19/2009	68112	\$369.99
12/18/2009	69314	\$575.91
1/18/2010	70821	\$693.23
2/22/2010	72339	\$708.06
3/22/2010	74219	\$1,073.81
4/20/2010	75850	\$847.06
5/19/2010	77521	\$807.74
6/21/2010	79121	\$562.49
7/20/2010	80856	\$654.52
8/20/2010	82312	\$631.20
9/22/2010	84023	\$722.90
10/19/2010	86819	\$650.17
11/19/2010	89845	\$466.39
12/20/2010	91216	\$562.43
1/20/2011	92652	\$472.69
2/24/2011	94356	\$696.66
3/21/2011	96006	\$688.67
4/20/2011	97519	\$625.93
5/19/2011	99324	\$557.15
6/21/2011	100809	\$528.29
7/19/2011	1501	\$689.75
8/19/2011	3151	\$654.04
9/19/2011	4904	\$677.44
10/13/2011	8020	\$670.92
11/14/2011	9412	\$481.32
12/15/2011	11088	\$481.50
1/18/2012	12575	\$504.09
2/20/2012	14387	\$478.71
3/20/2012	15841	\$407.90
4/20/2012	17529	\$306.49
5/21/2012	19058	\$270.99
6/20/2012	20149	\$187.62
7/25/2012	24440	\$177.35
8/23/2012	214000088	\$238.99

Escrow Bank Data													
Date	Royalty Deposits	Income	\$ Mkt Int	CDARS Int	Fees	Distributions	Corrections	Audit Costs	Total Int. and Fees	Ending Mkt Value	Running Balance	Difference	
3/31/2008	\$1,694.30	\$114.76				\$0.00			\$114.76	\$63,086.08	\$54,122.13	\$8,963.95	
4/30/2008	\$1,822.20	\$88.31				\$0.00			\$88.31	\$64,996.59	\$56,032.64	\$8,963.95	
5/31/2008	\$2,077.44	\$75.01				\$0.00			\$75.01	\$67,149.04	\$58,185.09	\$8,963.95	
6/30/2008	\$1,984.56	\$76.95				\$0.00			\$76.95	\$69,210.55	\$60,246.60	\$8,963.95	
7/31/2008	\$2,545.70	\$76.54				\$0.00			\$76.54	\$71,832.79	\$62,868.84	\$8,963.95	
8/31/2008	\$2,569.38	\$100.93				\$0.00			\$100.93	\$74,503.10	\$65,539.15	\$8,963.95	
9/30/2008	\$2,819.70	\$92.92				\$0.00			\$92.92	\$77,415.72	\$68,451.77	\$8,963.95	
10/31/2008	\$1,888.99	\$77.35				\$0.00			\$77.35	\$79,382.06	\$70,418.11	\$8,963.95	
11/30/2008	\$1,638.22	\$104.66				\$0.00			\$104.66	\$81,124.94	\$72,160.99	\$8,963.95	
12/31/2008	\$1,467.99	\$43.21				\$0.00			\$43.21	\$82,636.14	\$73,672.19	\$8,963.95	
1/1/2009	\$0.00	\$4.03				\$0.00			\$4.03	\$82,640.17	\$74,907.99	\$7,732.18	
2/28/2009	\$2,552.69	(\$7.55)				\$0.00			(\$7.55)	\$85,185.31	\$76,221.36	\$8,963.95	
3/31/2009	\$1,126.76	\$20.96				\$0.00			\$20.96	\$86,333.03	\$77,369.08	\$8,963.95	
4/30/2009	\$727.45	(\$13.58)				\$0.00			(\$13.58)	\$87,046.90	\$78,082.95	\$8,963.95	
5/31/2009	\$995.85	(\$13.83)				\$0.00			(\$13.83)	\$88,028.92	\$79,064.97	\$8,963.95	
6/30/2009	\$229.96	(\$14.39)				\$0.00			(\$14.39)	\$88,244.49	\$79,280.54	\$8,963.95	
7/31/2009	\$513.08	(\$14.65)				\$0.00			(\$14.65)	\$88,742.92	\$79,778.97	\$8,963.95	
8/31/2009	\$549.90	(\$8.53)				\$0.00			(\$8.53)	\$89,284.29	\$80,320.34	\$8,963.95	
9/30/2009	\$639.67	(\$6.05)				\$0.00			(\$6.05)	\$89,917.91	\$80,953.96	\$8,963.95	
10/31/2009	\$505.80	(\$7.12)				\$0.00			(\$7.12)	\$90,416.59	\$81,452.64	\$8,963.95	
11/30/2009	\$369.99	(\$6.70)				\$0.00			(\$6.70)	\$90,779.88	\$81,815.93	\$8,963.95	
12/31/2009	\$575.91	(\$25.32)				\$0.00			(\$25.32)	\$91,330.47	\$82,366.52	\$8,963.95	
1/1/2010	\$693.23	\$17.00			\$0.00	\$0.00			\$17.00	\$92,013.34	\$83,076.75	\$8,936.59	
2/1/2010	\$708.06	\$17.70			(\$7.40)	\$0.00			\$10.30	\$92,731.70	\$83,795.11	\$8,936.59	
3/1/2010	\$1,073.81	\$19.73			(\$7.73)	\$0.00	\$0.00		\$12.00	\$93,817.51	\$84,880.92	\$8,936.59	
4/1/2010	\$847.06	\$20.60			(\$7.82)	\$0.00			\$12.78	\$94,677.35	\$85,740.76	\$8,936.59	
5/1/2010	\$807.74	\$18.85			(\$7.89)	\$0.00			\$10.96	\$95,496.05	\$86,559.46	\$8,936.59	
6/1/2010	\$562.49	\$19.63			(\$7.96)	\$0.00		(\$84.11)	(\$72.44)	\$95,986.10	\$87,049.51	\$8,936.59	
7/1/2010	\$654.52	\$19.83	\$2.74		(\$8.00)	\$0.00			\$14.57	\$96,655.19	\$87,718.60	\$8,936.59	
8/1/2010	\$631.20	\$17.04	\$6.67		(\$8.05)	\$0.00			\$15.66	\$97,302.05	\$88,365.46	\$8,936.59	
9/1/2010	\$722.90	\$15.95	\$9.44		(\$8.11)	\$0.00			\$17.28	\$98,042.23	\$89,105.64	\$8,936.59	
10/1/2010	\$650.17	\$14.93	\$13.61		(\$8.17)	\$0.00		(\$106.52)	(\$86.15)	\$98,606.25	\$89,669.66	\$8,936.59	
11/1/2010	\$466.39	\$12.90	\$16.98		(\$8.22)	\$0.00			\$21.66	\$99,094.30	\$90,157.71	\$8,936.59	
12/1/2010	\$562.43	\$10.14	\$25.21		(\$8.26)	\$0.00		(\$85.51)	(\$58.42)	\$99,598.31	\$90,661.72	\$8,936.59	
1/31/2011	\$472.69	\$10.47	\$33.31		(\$9.22)	\$0.00		(\$7.23)	\$27.33	\$100,098.33	\$91,161.74	\$8,936.59	
2/28/2011	\$696.66	\$7.04	\$33.94		(\$8.34)	\$0.00		(\$26.47)	\$6.17	\$100,801.16	\$91,864.57	\$8,936.59	
3/31/2011	\$688.67	\$6.07	\$40.50		(\$8.40)	\$0.00		(\$35.29)	\$2.88	\$101,492.71	\$92,556.12	\$8,936.59	
4/30/2011	\$625.93	\$4.69	\$41.07		(\$8.45)	\$0.00		(\$28.88)	\$8.42	\$102,127.06	\$93,190.47	\$8,936.59	
5/31/2011	\$557.15	\$4.72	\$43.18		(\$8.51)	\$0.00		(\$20.14)	\$19.25	\$102,703.46	\$93,766.87	\$8,936.59	
6/30/2011	\$528.29	\$4.43	\$42.06		(\$8.56)	\$0.00	\$0.12	(\$24.26)	\$13.79	\$103,245.54	\$94,308.95	\$8,936.59	
7/31/2011	\$689.75	\$4.67	\$43.55		(\$8.60)	\$0.00		(\$15.25)	\$24.37	\$103,959.66	\$95,023.07	\$8,936.59	
8/30/2011	\$654.04	\$3.56	\$44.49		(\$8.66)	\$0.00		(\$36.14)	\$3.25	\$104,616.95	\$95,680.36	\$8,936.59	
9/30/2011	\$677.44	\$4.13	\$43.39		(\$8.72)	\$0.00		(\$20.71)	\$18.09	\$105,312.48	\$96,375.89	\$8,936.59	
10/31/2011	\$670.92	\$3.58	\$45.95		(\$8.78)	\$0.00		(\$32.22)	\$8.53	\$105,991.93	\$97,055.34	\$8,936.59	
11/30/2011	\$481.32	\$3.51	\$45.08		(\$8.83)	\$0.00		(\$27.20)	\$12.56	\$106,485.81	\$97,549.22	\$8,936.59	
12/31/2011	\$481.50	\$3.81	\$47.65		(\$8.87)	\$0.00		(\$19.26)	\$23.33	\$106,990.64	\$98,054.05	\$8,936.59	
1/31/2012	\$504.09	\$4.23	\$48.06		(\$8.92)	\$0.00		(\$36.06)	\$7.31	\$107,502.04	\$98,565.45	\$8,936.59	
2/28/2012	\$478.71	\$3.34	\$44.59		(\$8.96)			(\$18.61)	\$20.36	\$108,001.11	\$99,064.52	\$8,936.59	
3/31/2012	\$407.90	\$3.70	\$47.62		(\$9.00)			(\$15.14)	\$27.18	\$108,436.19	\$99,499.60	\$8,936.59	
4/30/2012	\$306.49	\$2.43	\$46.04		(\$9.04)			(\$19.11)	\$20.32	\$108,763.00	\$99,826.41	\$8,936.59	
5/31/2012	\$270.99	\$1.68	\$47.72		(\$9.06)			(\$7.76)	\$32.58	\$109,066.57	\$100,129.98	\$8,936.59	
6/30/2012	\$187.62	\$1.48	\$47.46		(\$9.09)			(\$12.54)	\$27.31	\$109,281.50	\$100,344.91	\$8,936.59	
7/31/2012		\$1.73	\$45.79		(\$9.11)			(\$8.02)	\$30.39	\$109,311.89	\$100,552.65	\$8,759.24	
8/31/2012	\$416.34	\$1.86	\$41.29		(\$9.11)			(\$40.81)	(\$6.77)	\$109,721.46	\$100,784.87	\$8,936.59	
9/30/2012		\$1.10	\$37.10		(\$9.14)		(\$9,007.93)	(\$10.86)	\$18.20	\$100,731.73	\$100,803.07	(\$71.34)	
10/31/2012		\$0.47	\$31.40		(\$8.39)	(\$15,043.38)		(\$12.43)	\$11.05	\$85,699.40	\$85,770.74	(\$71.34)	
11/30/2012		\$0.40	\$28.12		(\$7.14)			(\$8.46)	\$12.92	\$85,712.32	\$85,783.66	(\$71.34)	
12/31/2012		\$0.38	\$24.91		(\$7.14)			(\$10.06)	\$8.09	\$85,720.41	\$85,791.75	(\$71.34)	
1/31/2013		\$0.37	\$22.02		(\$7.14)			(\$7.67)	\$7.58	\$85,727.99	\$85,799.33	(\$71.34)	
2/28/2013		\$0.33	\$19.93		(\$7.14)			(\$13.32)	(\$0.20)	\$85,727.79	\$85,799.13	(\$71.34)	
3/31/2013		\$0.36	\$21.20		(\$7.14)			(\$8.51)	\$5.91	\$85,733.70	\$85,805.04	(\$71.34)	

IN THE CIRCUIT COURT OF RUSSELL COUNTY, VIRGINIA

DOLLIE BELCHER, et al.

Plaintiffs,

v.

Case No. 11000283-00

SWORDS CREEK LAND PARTNERSHIP,

Defendants.

**FINAL ORDER GRANTING LEAVE TO AMEND DEFENDANT'S ANSWER AND
SUMMARY JUDGMENT TO THE PLAINTIFFS**

THIS ACTION came on again to be heard on August 23, 2013 upon the papers heretofore read herein, this Court's Order entered November 21, 2012 granting the Defendant leave to file a Second Amended Counter-Claim; upon the Defendant's Second Amended Counter-Claim; upon the Plaintiffs' Demurrer to the Defendant's Second Amended Counter-Claim and the Plaintiffs' Motion for Judgment; upon oral argument presented by the Plaintiffs in support of their Motion for Demurrer and by the Defendant in opposition to the Plaintiffs' Demurrer and Motion for Summary Judgment on January 4, 2013; upon briefs submitted by both parties in support of their respective positions; upon the opinion letter of this Court on May 2, 2013; and upon the Defendant's Motion to stipulate certain factual allegations of Plaintiffs' Motion for Judgment, but not the Plaintiffs' conclusions drawn therefrom, or in the alternative, for leave to amend its Answer and for entry of final judgment, and for determination of penalty of bond for costs and suspension; upon Plaintiffs' Motion for Stay filed on June 11, 2013; upon Plaintiffs' Motion to Withdraw their Request for Motion for Summary Judgment filed on June 18, 2013; and upon Defendant's Motion to Dismiss on August 19, 2013, and was argued by counsel.

WHEREUPON, it appearing to the Court that the Defendant is either entitled to the stipulation requested, or to amend its Answer to admit the allegations of fact in Plaintiffs' Motion for Judgment which were the basis for denial of Summary Judgment by this Court in its May 2, 2013 opinion letter; and it further appearing that counsel for the Plaintiffs, who was directed to prepare an Order reflecting the Court's May 2, 2013 opinion has failed to submit an Order to opposing counsel or the Court; it is Adjudged and Ordered that the Defendant's Motion to amend its Answer to the Plaintiffs' Motion for Judgment is hereby granted and Amended Answer submitted to the Court with this Order is hereby marked "filed."

WHEREUPON, it appearing to the Court from the memoranda filed with the Court and argument presented by counsel proper so to do, Plaintiffs' Motion to Stay and Motion to Withdraw their Motion for Summary Judgment are denied for the reason stated upon the record. Likewise, Defendant's Motion to Dismiss is also denied.

WHEREUPON, upon consideration of the foregoing and this Court's opinion of May 2, 2013, the Court sustains the Plaintiff's Demurrer to the Defendant's Second Amended Counterclaim and the same is hereby dismissed with prejudice. Further the Court grants the Plaintiffs Summary Judgment upon their Motion for Judgment (complaint), as there are no material facts genuinely in dispute between the parties, and for the reasons set forth in the Court's letter opinions dated October 4, 2012, and May 2, 2013, ^{And September 17, 2013} which are attached hereto and incorporated herein by reference; and on Motion of the Defendant the Court hereby suspends execution of its final judgment in favor of the Plaintiffs, pending appeal to the Supreme Court of Virginia and orders the Defendant to submit bond for costs and suspension as provided in Section 8.01-676.1 and Form 2 found in the Appendix of Forms attached to Rule 5 of the Rules

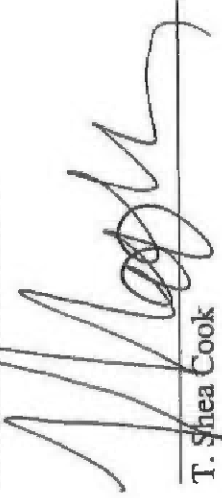
of the Supreme Court of Virginia, in the penalty of \$500.00 within 30 days of the date of entry of this Final Order of Judgment.

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

Enter: this ~~23rd~~ ^{17th} day of ~~August~~ ^{September}, 2013.

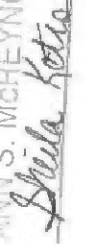

MICHAEL L. MOORE, JUDGE

REQUESTED/SEEN:

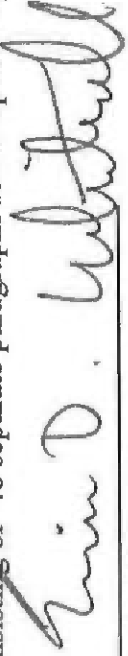

T. Shea Cook

Counsel for Plaintiffs,
Dollie Belcher, *et al.*



A COPY TESTE
ANN S. McREYNOLDS, CLERK
 D. CLERK

SEEN AND OBJECTED TO by the Defendant, Swords Creek Land Partnership for the reasons set forth in its Amended Answer to Plaintiffs' Complaint, its Demurrer to Plaintiffs' Complaint and Motion to Dismiss, as set forth in the Defendant's Counterclaim and the objection and exceptions of Swords Creek Land Partnership to the Order sustaining Plaintiffs' Demurrer to Defendant's Counterclaim, for the reasons set forth in Defendant's Second Amended Counterclaim hereto attached, and the additional exceptions to the Court's Order sustaining the Plaintiffs' Demurrer to Defendant's First and Second Amended Counterclaims hereto attached, consisting of 48 separate paragraphs found upon ten pages attached to this Order.



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Swords Creek Coal Company, LLLP

Exhibit B-2
Unit FF34
Docket #VGOB 02-0618-1033-02
List of Respondents to be Added or Dismissed
(89.46 Acre Unit)

	Acres in Unit	Interest in Unit	Reason for Dismissal
<u>Tract #1E, 5.53 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	5.53 acres		Coal Owner
<u>Tract #1F, 2.33 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	2.33 acres		Coal Owner
<u>OIL & GAS OWNERSHIP</u>			
- OR -			No Title Conflict
(1) Dollie S. Absher 178 Mill Creek Rd. Raven, VA 24639 <i>Previously Dollie S. Belcher (remarried)</i>	2.33 acres		Not an Owner

PRESENT: Lemons, Goodwyn, Millette, Mims, and Powell, JJ.,
and Russell and Koontz, S.JJ.

SWORDS CREEK LAND PARTNERSHIP

v. Record No. 131590

DOLLIE BELCHER, ET AL.

OPINION BY
SENIOR JUSTICE CHARLES S. RUSSELL
September 12, 2014

FROM THE CIRCUIT COURT OF RUSSELL COUNTY
Michael L. Moore, Judge

This appeal requires us to revisit the questions arising from the interpretation of a severance deed conveying ownership of, and the right to remove, coal and timber. The dispute before us is between the present owners of the surface of the land and the successors-in-interest to the grantees of the coal rights. The parties assert conflicting claims to royalties generated by the extraction of coal bed methane gas (CBM) from the coal seams underlying the property.

Facts and Proceedings

There are no material facts in dispute. In 1887, Christopher Richardson and Amanda Richardson, his wife, owned a 891 3/4-acre tract of land in Russell County. On February 7, 1887, they executed a deed conveying to Joseph I. Doran and W. A. Dick

all of the coal, in, upon or underlying a certain tract of land and the timber and privileges hereinafter specified as appurtenant to said tract of land [metes and bounds description follows] to enter on, over, upon, and through said tract of land for the purpose of digging, mining, or

otherwise securing the coal and other things in and on said tract of land hereinbefore specified, and removing the same from off said land

And, as appurtenant to said tract of land, and the rights hereinbefore granted, all the timber except as hereinbefore excepted on said tract of land that may be necessary to use to successfully and conveniently mine said coal and other things above mentioned and granted; and the right to the said [grantees and their assigns] to enter on, over, upon, and through said tract of land for the purpose of digging, mining, or otherwise securing the coal and other things in and on said tract of land hereinbefore specified, and removing the same from off said lands; the right to pass through, over, and upon said tract of land by railway or otherwise, to reach any other lands belonging to the said [grantees] for the purpose of digging for, mining, or otherwise securing the coal and other things hereinbefore specified, and removing same from off such other land

This severance deed included a general warranty of title and covenants of quiet possession and freedom from encumbrances.

The parties to this appeal are Dollie Belcher, Doris E. Dye and Ruby Lawson, successors-in interest to the grantors named in the 1887 severance deed (the Surface Owners) and Swords Creek Land Partnership, successor-in-interest to the grantees named in the deed (the Coal Owner).

In 1991, the Coal Owner entered into a lease with Pocahontas Gas Partnership, granting to the lessee "all rights [the lessor] has" to all the natural gas, including CBM,

underlying the Russell County tract described in the 1887 severance deed. The lease was for a term of 10 years and was to continue thereafter as long as gas production or drilling and other exploratory operations should continue. The lessee was to pay the Coal Owner a royalty of 12.5% of the value of the gas produced. The lease granted the lessee the exclusive right to enter, drill, inject liquids into, explore and have access to the coal seams under the land. CNX Gas Company, LLC. (CNX) is the successor-in-interest to the original lessee. Neither CNX nor its predecessor lessees acquired any rights from the Surface Owners.

The Virginia Gas and Oil Act, Code §§ 45.1-361.1 et seq. (the Act), first adopted in 1982, was amended in 1990 to permit CBM production to go forward in cases in which there was conflict or uncertainty as to the ownership of the CBM produced. Code § 45.1-361.22 permits a CBM well operator, such as CNX in the present case, to produce and sell CBM when any claimant petitions the Virginia Gas and Oil Board (the Board), after giving notice to all other claimants, to enter a "pooling order." The claimants' interests are "pooled" by the Board's order and an interest-bearing escrow account for the benefit of all claimants is established. Id. The well operator is required to pay into the escrow account a royalty of 1/8 of the value of all CBM produced. Id. The funds remain in escrow

until all claimants have either reached a voluntary settlement of their claims, the interests of the claimants have been finally determined by a court of competent jurisdiction, or a final award of arbitration has taken effect pursuant to Code § 45.1-361.22:1. Id.

On the petition of CNX, the Board entered such a pooling order on June 16, 1992, followed by several supplemental orders. Since that date CNX has been producing CBM from the coal seams underlying the land and paying the required royalties into the Board's escrow account. At the time of the circuit court's hearing, CNX was operating six gas wells on the property.

On April 25, 2011, the Surface Owners filed this action in the circuit court against the Coal Owner, seeking a declaratory judgment. The Surface Owners contended that they were the sole owners of the CBM produced from their land and entitled to all the royalties therefrom, including those held in escrow by the Board and those yet to accrue. CNX was not made a party.

Because the parties agreed that no material facts were in dispute, the court heard the case on the Surface Owners' motion for summary judgment. On September 17, 2013, the court, by a letter opinion, held that the 1887 severance deed was unambiguous, that it conveyed to the Coal Owner only coal, timber and access rights pertaining to those two commodities and that CBM is a "distinct mineral estate" that was not conveyed by

the severance deed. The court entered an order declaratory of the Surface Owners' ownership of the CBM and right to receive the royalties therefrom. We awarded the Coal Owner an appeal.

Analysis

The dispositive question in this appeal is whether the granting clause in the 1887 severance deed embraced CBM as well as coal. A decade ago, we considered a case involving the same legal question and very similar facts. Harrison-Wyatt, LLC v. Ratliff, 267 Va. 549, 593 S.E.2d 234 (2004), was a dispute between surface owners and a coal owner over escrowed funds held by the Board as royalties accruing from the production of CBM. The decision depended upon the interpretation of a 19th century severance deed that conveyed to the coal owner's predecessor "all the coal in, upon, and underlying" the land. Id. at 551, 593 S.E.2d at 235. After considering the scientific evidence in the record, the decisions of the highest courts of sister states and the Supreme Court of the United States, Justice Stephenson wrote, for a unanimous Court:

We do not believe the term "coal," as it was used in the late 19th century, is ambiguous. As commonly understood at the time, the term "coal" meant a solid rock substance used as fuel, and nothing in the record indicates that CBM is a part of coal itself. On the other hand, although CBM has a weak physical attraction to coal and escapes from coal when coal is mined, it is a gas that exists freely in the coal seam and is a distinct mineral estate. Moreover, the parties could

not have contemplated at the time the severance deeds were executed that CBM would become a very valuable energy source. We hold, therefore, that title to the CBM did not pass to the Coal Owner. . . .¹

Id. at 556, 593 S.E.2d at 238 (citations omitted).

We adhere to that holding. The Coal Owner argues, however, that Harrison-Wyatt is inapposite because that case involved the production of CBM from "gob wells" where the gas had "migrated" away from the coal and had collected elsewhere in the mine, while the CBM in the present case remains within the coal seam until the seam is fractured or otherwise disturbed. Because of our view that CBM is not a constituent part of coal at any time but rather is a separate mineral estate, we do not agree with the Coal Owner.

We therefore turn to the four corners of the severance deed to ascertain whether its granting clause can be construed to convey any mineral estate beyond coal. The Coal Owner contends that it is ambiguous, requiring resort to traditional rules of construction. (Wh. Br. 15-20) In CNX Gas Company, LLC v. Rasnake, 287 Va. 163, 166-67, 752 S.E.2d 865, 867 (2014), we stated the following: "Where the language of a deed clearly and

¹In 2010, the General Assembly added Code § 45.1-361.21:1 to the Act, which provides in part: "A conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas." See 2010 Acts chs. 730, 762.

unambiguously expresses the intention of the parties, no rules of construction should be used to defeat that intention. Where, however, the language is obscure and doubtful, it is frequently helpful to consider the surrounding circumstances and probable motives of the parties." In that case, decided earlier this year, we found the granting clause under consideration to be ambiguous, capable of reasonable interpretation in at least three different ways. It required us to go outside the four corners of the deed in order to ascertain the intent of the parties. Id. at 167-69, 752 S.E.2d at 867-68. Examination of the granting clause in the present case brings us to the opposite conclusion and, accordingly, to the opposite result.

We agree with the circuit court's conclusion that the granting clause is an unambiguous grant of coal, timber and access rights to those two commodities. While not concise, its frequent references to "other things" and "rights and privileges" are invariably limited by such qualifying phrases as "hereinafter specified," "hereinbefore specified," "hereinbefore granted," and "above mentioned." Each of these qualifying phrases refers the reader back to coal, timber, and access rights pertaining to those commodities. In light of the 19th century understanding of the meaning of the word "coal," there is no ambiguity as to the intentions of the parties to the severance deed.

The Coal Owner finally contends that it has conferred a benefit upon the Surface Owners by causing CBM to be produced from their property, resulting in unjust enrichment to the Surface Owners. The Coal Owner argues that the circuit court erred in refusing to impose a constructive trust on the royalties in its favor. We agree with the circuit court's ruling that this contention lacks merit.

We hold that the CBM was at all times the property of the Surface Owners, and the Coal Owner conferred no benefit upon the Surface Owners. The Coal Owner further argues that it had the "exclusive right of access" to the coal seam under the severance deed and that the Surface Owners could never have obtained CBM from it without the Coal Owner's consent. That argument overlooks the fact that the Coal Owner's right of access to the coal seam is limited by the severance deed to access for the sole purposes expressed in the deed, namely, the mining, extraction and removal of coal, together with limited quantities of timber.

In Harrison-Wyatt, we declined to consider the issue whether the surface owner has the right to fracture a coal seam, because the issue had not been raised by the parties at trial or on appeal. 267 Va. at 557 n.3, 593 S.E.2d at 238 n.3. That issue is not before us in the present case because here the Coal Owner, by entering into its lease with CNX, permitted the

fracturing of the coal seam without any participation by the Surface Owners.² We find no evidence in the record from which it may be inferred that the Surface Owners could reasonably be expected to repay the Coal Owner for the inevitable release of CBM as a result of the fracturing of the coal seam by the Coal Owner's lessee. Therefore, the Coal Owner has no equitable claim against the Surface Owners for unjust enrichment.

Conclusion

We conclude that the Surface Owners have at all times owned all mineral estates within their lands except coal, and are entitled to all royalties accrued from the production of CBM therefrom and those yet to accrue. For the reasons stated, we will affirm the judgment.

Affirmed.

² CNX is not a party to this case and our holding has no effect upon the mutual rights and obligations arising under its lease.