

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 01-1016-0963-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 4 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: July 21, 2015

DRILLING UNIT: G44

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mall Road, Cedar Bluff, VA 24609, (276) 596-5075. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 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) 4 as depicted upon the annexed Table ; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff(s); T.G. Rogers, III, Derek Browning Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos, and Pamela Poulos

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

T.G. Rogers, III, Derek Browning Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulous, Jason Poulous, and Pamela Poulous is entitled to 100% of the CBM royalties awarded under Case No. 550-13, Opinion dated July 10, 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, further, specifies how said royalties are to be paid.

In addition, it was brought to the attention of the Operator that the interest shown for LBR Holdings LLC for the 1027.50 acre tract was incorrect. CNX has verified the information and is petitioning the Board to disburse the interest that was erroneously escrowed. This allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit, 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

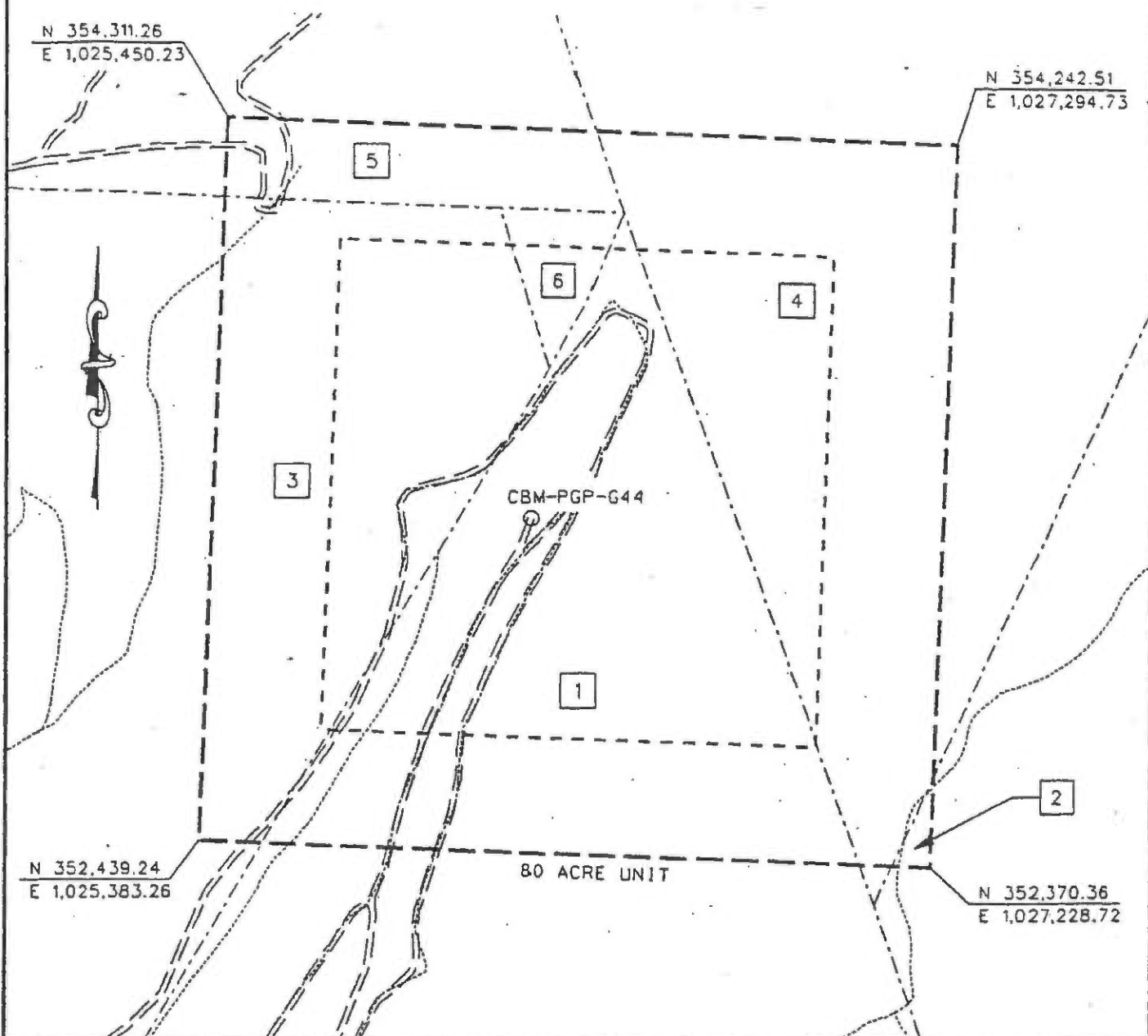


EXHIBIT A
 OAKWOOD FIELD UNIT G-44
 FORCE POOLING
 VGOB-01-1016-0963

Company Pocahontas Gas Partnership Well Name and Number UNIT G44
 Tract No. _____ Elevation _____ Quadrangle Bradshaw
 County Buchanan District Garden Scale: 1" = 400' Date 9/13/06
 This plot is a new plot X ; on updated plot _____ ; or a final plot _____

Form DGO-GO-7
 Rev. 9/91
Clayton D. Meyer (Affix Seal)
 Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP

UNIT G- 44

Tract Identifications

1. Pocahontas Mining Company Tr 80 - Fee
Coal Lessees:
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam
28.40 acres 35.5000 %
2. Pocahontas Mining Company Tr 64 - Fee
Coal Lessees:
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam
0.36 acres 0.4500 %
3. Tazewell Coal & Iron Company - Fee
Coal Lessees:
Reserve Coal Properties Company - Below Drainage Coal Leased
Jewell Smokeless Coal Company - Jewell and Jawbone Seams Leased
Reserve Coal Properties Company - Oil & Gas Leased
Pocahontas Gas Partnership - CBM Leased
21.78 acres 27.2250 %
4. Lon B. Rogers Bradshaw Trust No. 2 - Surface and Coal
Lon B. Rogers Bradshaw Trust No. 1 - Oil & Gas
Island Creek Coal Company/Consolidation Coal Company -
Coal Below Jawbone Seam Leased
P-3 Seam Assigned to Reserve Coal Properties Company
Equitable Production Company - Oil, Gas and CBM Leased
23.25 acres 29.0625 %
5. Pocahontas Mining Company Tr 79 - Fee
Coal Lessees:
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam
4.71 acres 5.8875 %
6. Pocahontas Mining Company Tr 81 - Fee
Coal Lessees:
Reserve Coal Properties - Coal Below Horizon of 250' Above P-3 Seam Leased
Jewell Ridge Coal Corp. - Jewell, Jawbone, Tiller and War Creek Seams Leased
Pocahontas Gas Partnership - CBM Leased Below Base of Tiller Seam
1.50 acres 1.8750 %

Exhibit E
Unit G-44
Docket #VGOB 01-1016-0963-01
List of all Owners in Escrow

Acres in Unit	Percent of Unit
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Escrowing not required

Exhibit EE
Unit G-44
Docket #VGOB 01-1016-0963-01
List of Respondents with Royalty Split Agreements or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #4, 23.25 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	23.25 acres	29.0625%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. <i>Tr. 2 (1,027.50 acre tract)</i>	23.25 acres	29.0625%	
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	17.44 acres 3/4 of 23.25 acres	21.7969%	<i>n/a</i>
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	2.91 acres 1/8 of 23.25 acres	3.6328%	50.0000% <i>← Additional interest due (Total interest is 7/8)</i>
(b) T.G. Rogers, III * 3014 Shalford Lane Matthews, NC 28104	0.36 acres 1/64 of 23.25 acres	0.4541%	6.2500%
(c) Derek Browning Rogers * 2300 Carmel Road Charlotte, NC 28226	0.36 acres 1/64 of 23.25 acres	0.4541%	6.2500%
(d) Kevin Rogers * 139 Wickham Road Garden City, NY 11530	0.36 acres 1/64 of 23.25 acres	0.4541%	6.2500%
(e) Shaun Rogers * 121 NE 100th Street Miami Shores, FL 33138	0.36 acres 1/64 of 23.25 acres	0.4541%	6.2500%
(f) Gregory Poulos * 1894 Glenwood Street, NE Palm Bay, FL 32907-2423	0.48 acres 1/48 of 23.25 acres	0.6055%	8.3333%
(g) Jason Poulos * 10870 SW 95 th Street Miami, FL 33176	0.48 acres 1/48 of 23.25 acres	0.6055%	8.3333%
(h) Pamela Poulos * 5000 SW 83 rd Street Miami, FL 33143-8510	0.48 acres 1/48 of 23.25 acres	0.6055%	8.3333%

*** Note: The Oil and Gas estates are currently leased by EQT Production Company.*

**Prevailing plaintiff under Case No. 550-13
Awarded 100% of the CBM royalty.*

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **BUCHANAN**

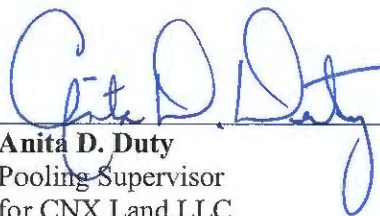
Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for G44
VGOB: 01-1016-0963-01

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 **June 19, 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.

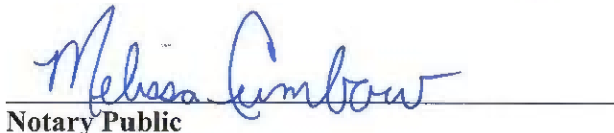


Anita D. Duty
Pooling Supervisor
for CNX Land LLC

STATE OF WEST VIRGINIA

COUNTY OF MERCER, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 10th day of July,
2015.



Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit A31 VGOB 11-1115-2999-01
 Unit B41 VGOB 12-0417-3051-02
 Unit B42 VGOB 12-0417-3052-01
 Unit B51 VGOB 06-0221-1576-01
 Unit B52 VGOB 11-0920-2987-01
 Unit C32 VGOB 01-0320-0889-01
 Unit C33 VGOB 11-1220-3008-01
 Unit C39 VGOB 12-0117-3023-02
 Unit C49 VGOB 12-0417-3048-01
 Unit C50 VGOB 06-0117-1556-01
 Unit D32 VGOB 12-0515-3060-01
 Unit D32A VGOB 14-0715-4050-01
 Unit E32 VGOB 12-0515-3061-01
 Unit G45 VGOB 11-1220-3009-01



LAST NAME	FIRST NAME	MAILED	RECEIPT #		RECEIVED
Poulos	Gregory	6/19/15	7014349000008188	9206	06/25/15
Poulos	Jason	6/19/15	7014349000008188	9213	06/24/15
Poulos	Pamela	6/19/15	7014349000008188	9220	06/23/15
Rogers	Kevin	6/19/15	7014349000008188	9237	06/24/15
Rogers	Shaun	6/19/15	7014349000008188	9244	06/23/15
Rogers	Derek Browning	6/19/15	7014349000008188	9251	06/22/15
Rogers, III	TG	6/19/15	7014349000008188	9268	06/23/15
Shaver	Jen	6/19/15	7014349000008188	9275	06/23/15


Courtesy Copy


Unit D47 VGOB 11-1115-3000-01
 Unit G44 VGOB 01-1016-0963-01
 Unit H44 VGOB 01-1016-0964-01

LAST NAME	FIRST NAME	MAILED	RECEIPT #		RECEIVED
LBR Holdings, LLC		6/19/15	7014349000008188	9190	06/29/15
Poulos	Gregory	6/19/15	7014349000008188	9206	06/25/15
Poulos	Jason	6/19/15	7014349000008188	9213	06/24/15
Poulos	Pamela	6/19/15	7014349000008188	9220	06/23/15
Rogers	Kevin	6/19/15	7014349000008188	9237	06/24/15
Rogers	Shaun	6/19/15	7014349000008188	9244	06/23/15
Rogers	Derek Browning	6/19/15	7014349000008188	9251	06/22/15
Rogers, III	TG	6/19/15	7014349000008188	9268	06/23/15
Shaver	Jen	6/19/15	7014349000008188	9275	06/23/15

Courtesy Copy

SENDER: COMPLETE THIS SECTION <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. 	COMPLETE THIS SECTION ON DELIVERY A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No 
1. Article Addressed to: LBR Holdings, LLC PO Box 22427 LEXINGTON KY 40522-2427	3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from) 7014 3490 0000 8188 9190	Disb.
PS Form 3811, July 2013 Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION <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. 	COMPLETE THIS SECTION ON DELIVERY A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 6-25 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: Gregory Poulos 1894 GLENWOOD St NE PALM BAY FL 32907-2423	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 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. A 7014 3490 0000 8188 9206	Disb.
PS Form 3811, July 2013 Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION <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. 	COMPLETE THIS SECTION ON DELIVERY A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: Jason Poulos 10870 SW 95TH St MIAMI FL 33176-2615	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 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from) 7014 3490 0000 8188 9213	Disb.
PS Form 3811, July 2013 Domestic Return Receipt	

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"/> <i>Pamela F Poulos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Pamela Poulos 5000 SW 83RD St MIAMI FL 33143-8510</p>	<p>B. Received by (Printed Name) <i>6/23/15</i></p> <p>C. Date of Delivery</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>2. Article Number (Transfer)</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>PS Form 3811, July 2013</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 3490 0000 8188 9220 <i>D.56</i></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"/> <i>Kevin Rogers</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Kevin Rogers 139 WICKHAM RD GARDEN CITY NY 11530-1141</p>	<p>B. Received by (Printed Name) <i>KEVIN ROGERS</i></p> <p>C. Date of Delivery</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>2. Article Number (Transfer)</p>	<p>3. Service Type <input 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>PS Form 3811, July 2013</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 3490 0000 8188 9237 <i>D.56</i></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"/> <i>Derek Browning Rogers</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Derek Browning Rogers 2300 CARMEL RD CHARLOTTE NC 28226-6323</p>	<p>B. Received by (Printed Name) <i>6/22/15</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (Transfer)</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>PS Form 3811, July 2013</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 3490 0000 8188 9251 <i>D.56</i></p>	

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Jennifer L. Shaver
P.O. Box 2032
Abingdon VA 24212

2. Article #
(Transfer)

7014 3490 0000 8188 9275

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Jennifer L. Shaver Addressee

B. Received By (Printed Name) C. Date of Delivery
Jen Shaver *6/23/15*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, July 2013

Domestic Return Receipt

Disb.

English

Customer Service

USPS Mobile

Register / Sign in



USPS Tracking™



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



Get Easy Tracking Updates >
Sign up for My USPS.

Tracking Number: 70143490000081889244

Updated Delivery Day: Tuesday, June 23, 2015

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
June 23, 2015 , 9:29 pm	Delivery status not updated	

The delivery status for this item has not been updated as of June 23, 2015, 9:29 pm.

June 23, 2015 , 7:29 am	Out for Delivery	MIAMI, FL 33138
June 23, 2015 , 7:19 am	Sorting Complete	MIAMI, FL 33138
June 23, 2015 , 4:34 am	Arrived at Unit	MIAMI, FL 33138
June 22, 2015 , 7:24 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
June 20, 2015 , 9:15 pm	Departed USPS Facility	CHARLESTON, WV 25350
June 20, 2015 , 5:27 pm	Arrived at USPS Facility	CHARLESTON, WV 25350

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

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Inspector General
Postal Explorer
National Postal Museum
Resources for Developers

LEGAL INFORMATION

Privacy Policy
Terms of Use
FOIA
No FEAR Act EEO Data

Exhibit J
Unit G44 Escrow Account Reconciliation
VGOB 01-1016-0963

CNX Deposit Information		
Issue Date	Check Number	Check Amount
11/25/2007	24296	\$39.41
12/25/2007	25535	\$35.29
1/25/2008	27136	\$35.57
2/25/2008	28783	\$55.75
3/25/2008	30228	\$92.94
4/25/2008	31867	\$92.55
5/25/2008	33464	\$116.80
6/25/2008	35170	\$134.18
7/25/2008	36950	\$186.48
8/25/2008	38729	\$202.71
9/25/2008	40545	\$231.93
10/25/2008	42673	\$164.78
11/25/2008	44983	\$147.84
12/25/2008	47155	\$139.22
1/25/2009	48799	\$123.97
2/25/2009	52213	\$139.92
3/25/2009	54021	\$124.84
4/25/2009	55585	\$80.47
5/25/2009	57160	\$75.60
6/25/2009	58559	\$62.40
7/25/2009	59949	\$58.88
8/25/2009	61517	\$62.79
9/25/2009	62993	\$77.23
10/25/2009	64507	\$62.74
11/19/2009	66446	\$46.76
12/18/2009	68633	\$74.35
1/18/2010	69835	\$87.28
2/22/2010	71534	\$91.20
3/22/2010	73082	\$136.82
4/20/2010	75008	\$110.41
5/19/2010	76674	\$106.51
6/21/2010	78209	\$73.29
7/20/2010	79783	\$86.51
8/20/2010	81516	\$85.50
9/22/2010	82969	\$103.80
10/19/2010	85236	\$105.45
11/19/2010	88141	\$70.35
12/20/2010	90467	\$73.95
1/20/2011	91791	\$60.55
2/24/2011	93423	\$88.28
3/21/2011	94948	\$89.25
4/20/2011	96740	\$80.64
5/19/2011	98261	\$74.17
6/21/2011	100016	\$78.53
7/19/2011	430	\$86.21
8/19/2011	2296	\$85.39
9/19/2011	3841	\$89.26
10/13/2011	5881	\$86.75
11/14/2011	8546	\$71.07
12/15/2011	9987	\$68.50
1/18/2012	11663	\$60.16
2/20/2012	13313	\$58.75
3/20/2012	14968	\$49.00
4/20/2012	16586	\$36.24
5/21/2012	18149	\$33.02
7/25/2012	23780	\$48.57
8/23/2012	0214000046	\$30.47
9/24/2012	0214001354	\$39.86
10/22/2012	0214005316	\$47.84
11/20/2012	0214010947	\$38.73
12/19/2012	0214016215	\$42.87
1/22/2013	0214021404	\$52.92

Escrow Bank Data													
Date	Royalty Deposits	Income	\$ Mkt Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Total Int. and Fees	Ending Mkt Value	Running Balance	Difference
11/30/2007	\$112.73	\$8.57				\$0.00				\$8.57	\$2,527.44	\$2,505.21	-\$22.23
12/31/2007	\$35.29	\$8.05				\$0.00				\$8.05	\$2,570.78	\$2,548.55	-\$22.23
1/31/2008	\$35.57	\$6.51				\$0.00				\$6.51	\$2,612.86	\$2,590.63	-\$22.23
2/29/2008	\$55.75	\$5.61				\$0.00				\$5.61	\$2,674.22	\$2,651.99	-\$22.23
3/31/2008	\$92.94	\$5.01				\$0.00				\$5.01	\$2,772.17	\$2,749.94	-\$22.23
4/30/2008	\$92.55	\$3.88				\$0.00				\$3.88	\$2,868.60	\$2,846.37	-\$22.23
5/31/2008	\$116.80	\$3.32				\$0.00				\$3.32	\$2,988.72	\$2,966.49	-\$22.23
6/30/2008	\$134.18	\$3.43				\$0.00				\$3.43	\$3,126.33	\$3,104.10	-\$22.23
7/31/2008	\$186.48	\$3.48				\$0.00				\$3.48	\$3,316.29	\$3,294.06	-\$22.23
8/31/2008	\$202.71	\$4.69				\$0.00				\$4.69	\$3,523.69	\$3,501.46	-\$22.23
9/30/2008	\$231.93	\$4.40				\$0.00				\$4.40	\$3,760.02	\$3,737.79	-\$22.23
10/31/2008	\$164.78	\$3.76				\$0.00				\$3.76	\$3,928.56	\$3,906.33	-\$22.23
11/30/2008	\$147.84	\$5.20				\$0.00				\$5.20	\$4,081.60	\$4,059.37	-\$22.23
12/31/2008	\$139.22	\$2.19				\$0.00				\$2.19	\$4,223.01	\$4,200.78	-\$22.23
1/1/2009	\$0.00	\$0.21				\$0.00				\$0.21	\$4,223.22	\$4,324.96	\$101.74
2/28/2009	\$263.89	(\$0.39)				\$0.00				(\$0.39)	\$4,486.72	\$4,464.49	-\$22.23
3/31/2009	\$124.84	\$1.11				\$0.00				\$1.11	\$4,612.67	\$4,590.44	-\$22.23
4/30/2009	\$80.47	(\$0.73)				\$0.00				(\$0.73)	\$4,692.41	\$4,670.18	-\$22.23
5/31/2009	\$75.60	(\$0.75)				\$0.00				(\$0.75)	\$4,767.26	\$4,745.03	-\$22.23
6/30/2009	\$62.40	(\$0.78)				\$0.00				(\$0.78)	\$4,828.88	\$4,806.65	-\$22.23
7/31/2009	\$58.88	(\$0.80)				\$0.00				(\$0.80)	\$4,886.96	\$4,864.73	-\$22.23
8/31/2009	\$62.79	(\$0.47)				\$0.00				(\$0.47)	\$4,949.28	\$4,927.05	-\$22.23
9/30/2009	\$77.23	(\$0.34)				\$0.00				(\$0.34)	\$5,026.17	\$5,003.94	-\$22.23
10/31/2009	\$62.74	(\$0.40)				\$0.00				(\$0.40)	\$5,088.51	\$5,066.28	-\$22.23
11/30/2009	\$46.76	(\$0.38)				\$0.00				(\$0.38)	\$5,134.89	\$5,112.66	-\$22.23
12/31/2009	\$74.35	(\$1.43)				\$0.00				(\$1.43)	\$5,207.81	\$5,185.58	-\$22.23
1/1/2010	\$87.28	\$0.98			\$0.00	\$0.00				\$0.98	\$5,294.51	\$5,273.84	-\$20.67
2/1/2010	\$91.20	\$1.02			(\$0.43)	\$0.00				\$0.59	\$5,386.30	\$5,365.63	-\$20.67
3/1/2010	\$136.82	\$1.15			(\$0.45)	\$0.00		\$0.00		\$0.70	\$5,523.82	\$5,503.15	-\$20.67
4/1/2010	\$110.41	\$1.21			(\$0.46)	\$0.00				\$0.75	\$5,634.98	\$5,614.31	-\$20.67
5/1/2010	\$106.51	\$1.13			(\$0.47)	\$0.00				\$0.66	\$5,742.15	\$5,721.48	-\$20.67
6/1/2010	\$73.29	\$1.18			(\$0.48)	\$0.00	(\$5.10)			(\$4.40)	\$5,811.04	\$5,790.37	-\$20.67
7/1/2010	\$86.51		\$1.20	\$0.17	(\$0.48)	\$0.00				\$0.89	\$5,898.44	\$5,877.77	-\$20.67
8/1/2010	\$85.50		\$1.04	\$0.41	(\$0.49)	\$0.00				\$0.96	\$5,984.90	\$5,964.23	-\$20.67
9/1/2010	\$103.80	\$0.98	\$0.98	\$0.58	(\$0.50)	\$0.00				\$1.06	\$6,089.76	\$6,069.09	-\$20.67
10/1/2010	\$105.45	\$0.94	\$0.94	\$0.83	(\$0.51)	\$0.00	(\$6.69)			(\$5.43)	\$6,189.78	\$6,169.11	-\$20.67
11/1/2010	\$70.35	\$0.82	\$0.82	\$1.05	(\$0.52)	\$0.00				\$1.35	\$6,261.48	\$6,240.81	-\$20.67
12/1/2010	\$73.95	\$0.65	\$0.65	\$1.57	(\$0.52)	\$0.00	(\$5.41)			(\$3.71)	\$6,331.72	\$6,311.05	-\$20.67
1/31/2011	\$60.55	\$0.69	\$0.69	\$2.09	(\$0.59)	\$0.00	(\$0.47)			\$1.72	\$6,393.99	\$6,373.32	-\$20.67
2/28/2011	\$88.28	\$0.48	\$0.48	\$2.13	(\$0.53)	\$0.00	(\$1.69)			\$0.39	\$6,482.66	\$6,461.99	-\$20.67
3/31/2011	\$89.25	\$0.00	\$0.00	\$2.57	(\$0.54)	\$0.00	(\$2.28)			(\$0.25)	\$6,571.66	\$6,550.99	-\$20.67
4/30/2011	\$80.64	\$0.34	\$0.34	\$2.61	(\$0.55)	\$0.00	(\$1.94)	\$0.43		\$0.89	\$6,653.19	\$6,632.52	-\$20.67
5/31/2011	\$74.17	\$0.36	\$0.36	\$2.74	(\$0.55)	\$0.00	(\$1.32)			\$1.23	\$6,728.59	\$6,707.92	-\$20.67
6/30/2011	\$78.53	\$0.35	\$0.35	\$2.67	(\$0.56)	\$0.00	(\$1.65)			\$0.81	\$6,807.93	\$6,787.26	-\$20.67
7/31/2011	\$86.21	\$0.38	\$0.38	\$2.77	(\$0.57)	\$0.00	(\$1.00)			\$1.58	\$6,895.72	\$6,875.05	-\$20.67
8/30/2011	\$85.39	\$0.27	\$0.27	\$2.95	(\$0.57)	\$0.00	(\$2.50)			\$0.15	\$6,981.26	\$6,960.59	-\$20.67
9/30/2011	\$89.26	\$0.29	\$0.29	\$2.88	(\$0.58)	\$0.00	(\$1.39)			\$1.20	\$7,071.72	\$7,051.05	-\$20.67
10/31/2011	\$86.75	\$0.33	\$0.33	\$2.95	(\$0.59)	\$0.00	(\$2.17)			\$0.52	\$7,158.99	\$7,138.32	-\$20.67
11/30/2011	\$71.07	\$0.34	\$0.34	\$2.89	(\$0.60)	\$0.00	(\$1.85)			\$0.78	\$7,230.84	\$7,210.17	-\$20.67
12/31/2011	\$68.50	\$0.38	\$0.38	\$3.06	(\$0.60)	\$0.00	(\$1.31)			\$1.53	\$7,300.87	\$7,280.20	-\$20.67
1/31/2012	\$60.16	\$0.44	\$0.44	\$3.02	(\$0.61)	\$0.00	(\$2.47)			\$0.38	\$7,361.41	\$7,340.74	-\$20.67
2/28/2012	\$58.75	\$0.41	\$0.41	\$2.80	(\$0.61)	\$0.00	(\$1.28)			\$1.32	\$7,421.48	\$7,400.81	-\$20.67
3/31/2012	\$49.00	\$0.45	\$0.45	\$2.99	(\$0.62)	\$0.00	(\$1.04)			\$1.78	\$7,472.26	\$7,451.59	-\$20.67
4/30/2012	\$36.24	\$0.17	\$0.17	\$3.17	(\$0.62)	\$0.00	(\$1.32)			\$1.40	\$7,509.90	\$7,489.23	-\$20.67
5/31/2012	\$33.02	\$0.12	\$0.12	\$3.29	(\$0.63)	\$0.00	(\$0.54)			\$2.24	\$7,545.16	\$7,524.49	-\$20.67
6/30/2012		\$0.11	\$0.11	\$3.18	(\$0.63)	\$0.00	(\$0.88)			\$1.78	\$7,546.94	\$7,526.27	-\$20.67
7/31/2012		\$0.16	\$0.16	\$3.06	(\$0.63)	\$0.00	(\$0.55)			\$2.04	\$7,548.98	\$7,526.88	-\$22.10
8/31/2012	\$79.04		\$0.17	\$2.69	(\$0.63)	\$0.00	(\$2.81)			(\$0.58)	\$7,627.44	\$7,606.77	-\$20.67
9/30/2012		\$0.17	\$0.17	\$2.48	(\$0.64)	\$0.00	(\$0.75)			\$1.26	\$7,628.70	\$7,647.89	\$19.19
10/31/2012	\$87.70		\$0.19	\$2.47	(\$0.64)	\$0.00	(\$0.95)			\$1.07	\$7,717.47	\$7,696.80	-\$20.67
11/30/2012	\$38.73		\$0.20	\$2.21	(\$0.64)	\$0.00	(\$0.76)			\$1.01	\$7,757.21	\$7,736.54	-\$20.67
12/31/2012	\$42.87		\$0.20	\$1.96	(\$0.65)	\$0.00	(\$0.91)			\$0.60	\$7,800.68	\$7,800.01	-\$20.67
1/31/2013	\$52.92		\$0.21	\$1.73	(\$0.65)	\$0.00	(\$0.70)			\$0.59	\$7,854.19	\$7,833.52	-\$20.67

Exhibit J
Unit G44 Escrow Account Reconciliation
VGOB 01-1016-0963

CNX Deposit Information		
Issue Date	Check Number	Check Amount
2/20/2013	E000003782	\$40.98
3/20/2013	E000004899	\$50.99
4/22/2013	E000005984	\$45.44
5/21/2013	E000007158	\$55.23
6/20/2013	E000008471	\$66.96
7/22/2013	E000009859	\$71.28
8/20/2013	E000011210	\$66.99
9/20/2013	E000012518	\$63.97
10/21/2013	E000015750	\$53.15
11/19/2013	E000016823	\$53.02
12/18/2013	E000018197	\$56.59
1/21/2014	E000019533	\$58.57
2/24/2014	E000021029	\$62.97
3/20/2014	E000022385	\$95.96
4/22/2014	E000024371	\$98.41
5/19/2014	E000026094	\$89.05
6/20/2014	E000027718	\$74.73
7/18/2014	E000029613	\$81.84
8/21/2014	E000031364	\$72.75
9/18/2014	E000033231	\$68.45
10/20/2014	E000037084	\$63.12
11/19/2014	E000038616	\$58.56
12/22/2014	E000040412	\$59.92
1/20/2015	E000042231	\$57.28
2/19/2015	E000044246	\$71.11
3/19/2015	E000046046	\$47.53

Escrow Bank Data													
Date	Royalty Deposits	Income	\$ Mkt Int	GDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Total Int. and Fees	Ending Mkt Value	Running Balance	Difference
2/28/2013	\$40.98		\$0.20	\$1.57	(\$0.65)		(\$1.23)			(\$0.11)	\$7,895.06	\$7,874.39	-\$20.67
3/31/2013	\$50.99		\$0.22	\$1.67	(\$0.66)		(\$0.78)			\$0.45	\$7,946.50	\$7,925.83	-\$20.67
4/30/2013	\$45.44		\$0.22	\$1.55	(\$0.66)					\$1.11	\$7,993.05	\$7,972.38	-\$20.67
5/31/2013	\$55.23		\$0.24	\$1.60	(\$0.67)					\$1.17	\$8,049.45	\$8,028.78	-\$20.67
6/30/2013	\$66.96		\$0.24	\$1.55	(\$0.67)		(\$0.80)			\$0.32	\$8,116.73	\$8,096.06	-\$20.67
7/31/2013	\$71.28		\$0.26	\$1.61	(\$0.68)					\$1.19	\$8,189.20	\$8,168.53	-\$20.67
8/31/2013	\$66.99		\$0.29	\$1.62	(\$0.68)					\$1.23	\$8,257.42	\$8,236.75	-\$20.67
9/30/2013	\$63.97		\$0.27	\$1.57	(\$0.69)					\$1.15	\$8,322.54	\$8,301.87	-\$20.67
10/31/2013	\$53.15		\$0.29	\$1.62	(\$0.69)					\$1.22	\$8,376.91	\$8,356.24	-\$20.67
11/30/2013	\$53.02		\$0.29	\$1.52	(\$0.70)					\$1.11	\$8,431.04	\$8,410.37	-\$20.67
12/31/2013	\$56.59		\$0.31	\$1.55	(\$0.70)					\$1.16	\$8,488.79	\$8,468.12	-\$20.67
1/31/2014	\$58.57		\$0.38	\$1.49	(\$0.71)					\$1.16	\$8,548.52	\$8,527.85	-\$20.67
2/28/2014	\$62.97		\$0.35	\$1.36	(\$0.71)					\$1.00	\$8,612.49	\$8,591.82	-\$20.67
3/31/2014	\$95.96		\$0.39	\$1.52	(\$0.72)					\$1.19	\$8,709.64	\$8,688.97	-\$20.67
4/30/2014	\$98.41		\$0.41	\$1.48	(\$0.73)					\$1.16	\$8,809.21	\$8,788.54	-\$20.67
5/31/2014	\$89.05		\$0.44	\$1.57	(\$0.73)					\$1.28	\$8,899.54	\$8,878.87	-\$20.67
6/30/2014	\$74.73		\$0.43	\$1.52	(\$0.74)					\$1.21	\$8,975.48	\$8,954.81	-\$20.67
7/31/2014	\$81.84		\$0.47	\$1.57	(\$0.75)					\$1.29	\$9,058.61	\$9,037.94	-\$20.67
8/31/2014	\$72.75		\$0.48	\$1.57	(\$0.76)					\$1.29	\$9,132.65	\$9,111.98	-\$20.67
9/30/2014	\$68.45		\$0.47	\$1.49	(\$0.76)					\$1.20	\$9,202.30	\$9,181.63	-\$20.67
10/31/2014	\$63.12		\$0.50	\$1.52	(\$0.77)					\$1.25	\$9,266.67	\$9,246.00	-\$20.67
11/30/2014	\$58.56		\$0.53	\$1.45	(\$0.77)					\$1.21	\$9,326.44	\$9,305.77	-\$20.67
12/31/2014	\$59.92		\$1.01	\$1.24	(\$0.77)					\$1.48	\$9,387.84	\$9,367.17	-\$20.67
1/31/2015	\$57.28		\$1.06	\$0.94	(\$0.78)					\$1.22	\$9,446.34	\$9,425.67	-\$20.67
2/28/2015	\$71.11		\$0.94	\$0.64	(\$0.79)					\$0.79	\$9,518.24	\$9,497.57	-\$20.67
3/31/2015	\$47.53		\$1.13	\$0.67	(\$0.79)					\$1.01	\$9,566.78	\$9,546.11	-\$20.67
Total										\$267.41			

Total	\$9,278.70
Interest & Fees	\$267.41
Grand Total	\$9,546.11
First Bank and Trust balance	\$9,566.78
3/31/2015	
Difference	-\$20.67

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

GREGORY G. POULOS, JASON G. POULOS,
PAMELA F. POULOS, SHAUN D. ROGERS,
KEVIN H. ROGERS, DEREK B. ROGERS and
T.G. ROGERS, III,

Plaintiffs,

v.

LBR HOLDINGS, LLC,

Defendant.

Case No. 550-13

ORDER

This matter, having come before the Court for hearing on June 2, 2014, on the parties' respective motions for summary judgment, and the Court, having reviewed the written submissions of the parties and having heard oral argument of counsel, and for good cause shown, hereby ORDERS:

1. Plaintiffs' Complaint and Defendant's Counterclaim both request that this Court, pursuant to Virginia Code § 8.01-184, declare their respective rights under the May 27, 1938, deed ("Deed") attached to Plaintiffs' Complaint as Exhibit "A."

2. The Deed includes a conveyance by T. G. Rogers and Martha F. Rogers, his wife (the "Talmage Rogers Group"), and Lloyd Rogers and Anne F. Rogers, his wife (the "Lloyd Rogers Group"), of their interests in certain parcels of property in Buchanan County, Virginia, (the "Property") and McDowell County, West Virginia, to Lon B. Rogers. The Deed specifically recites: "But there is excepted from the above-described property an undivided one-half interest in the oil and gas under said property and the same is reserved to T. G. Rogers and Lloyd Rogers,

parties of the first part, their heirs and assigns, together with the usual and necessary rights of ingress and egress and drilling rights to explore, get and remove said oil and gas.”

3. It is undisputed that Plaintiffs are the successors to the interests of the Talmage Rogers Group under the Deed, and that Defendant, LBR Holdings, LLC (“LBR”), is the successor to the interests of Lon B. Rogers and the Lloyd Rogers Group under the Deed.

4. Plaintiffs seek a declaration that the Deed’s reservation of gas under the Property includes, *inter alia*, coalbed methane gas, and that they are, therefore, the owners of 25% of the coalbed methane gas under the Property and entitled to the associated royalties. LBR, on the other hand, seeks a declaration that the Deed’s reservation of gas under the Property does not include coalbed methane gas, that the Deed, therefore, conveyed coalbed methane gas to Lon B. Rogers, and that LBR, as Lon B. Rogers’ successor-in-interest, is the owner of all the coalbed methane gas under the Property and entitled to the associated royalties.

5. Having examined the reservation language and the “four corners” of the Deed, the Court finds that the Deed is unambiguous and that the Deed’s reservation of “the oil and gas under said property” includes a reservation of coalbed methane gas under the Property. Plaintiffs are, therefore, entitled to prevail as a matter of law.

6. Coalbed methane gas is obviously “gas,” *see Harrison-Wyatt, LLC v. Ratliff*, 593 S.E.2d at 234, 238 (Va. 2004) (coalbed methane “is a gas”); and there is nothing in the Deed that removes coalbed methane or any other type of gas from the scope of the reservation. The language at issue is unlimited, plain, and unambiguous.

7. LBR argues that “the oil and gas” does not mean “all” but only “some” gas. The Court agrees with Plaintiffs, however, that the reservation of “the” gas is not a limited reservation of only some types of gas, but an unambiguous and unlimited reservation of all gas. Such an

interpretation of “the” is in accordance with the ordinary, plain and common sense meaning of the word.

8. LBR also argues that the parties to the Deed would not have intended to include coalbed methane gas in the reservation because, according to LBR, the commercial value of coalbed methane was not known in 1938. LBR presented no evidence in support of this argument and Plaintiffs presented undisputed evidence to the contrary. Regardless, this Court is bound to uphold the unambiguous reservation language, which refers to gas without qualification or limitation, and which, as written, encompasses all types of gas, whether commercially exploitable at the time of the Deed’s execution or not.

9. The Court concludes that the arguments and authorities presented by Plaintiffs in their motion and reply brief are well-founded and correct. A ruling in LBR’s favor would require the Court to rewrite the Deed, which it will not do. Nor will the Court torture words and phrases or engage in speculation to create an ambiguity where the ordinary meaning of the words leaves no room for ambiguity.

10. There are no issues of material fact in dispute regarding Plaintiffs’ ownership of 25% of the coalbed methane gas under the Property. The Court grants Plaintiffs’ motion for summary judgment in full and denies LBR’s motion for summary judgment in full.

11. This Order constitutes a judicial determination of coalbed methane gas ownership as between Plaintiffs and LBR pursuant to Virginia Code § 45.1-361.22(5)(i) and resolves in Plaintiffs’ favor all conflicting claims of coalbed methane gas ownership between Plaintiffs and LBR relating to the Property.

12. Plaintiffs are entitled to receive all coalbed methane gas royalties attributable to their 25% gas estate interest in the Property that are being held in the Virginia Gas and Oil Board’s

escrow account or otherwise being withheld from Plaintiffs due to the conflicting claims of coalbed methane ownership between Plaintiffs and LBR. Plaintiffs are also entitled to receive all future coalbed methane gas royalties or other proceeds that are attributable to their 25% gas estate interest in the Property. All such royalties and proceeds shall be divided among the individual Plaintiffs in accordance with their respective percentages of ownership.

SO ORDERED, this the 10th day of July, 2014.


Circuit Court Judge

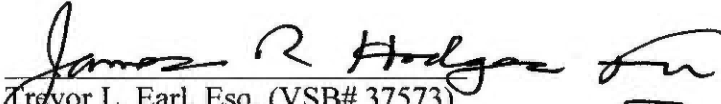

SEEN AND REQUESTED:


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Counsel for Plaintiffs

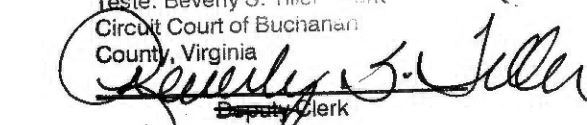
SEEN AND OBJECTED TO FOR ALL THE REASONS DETAILED IN LBR HOLDINGS, LLC'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND AT THE HEARING; AND ON THE ADDITIONAL GROUNDS THAT TO THE EXTENT THE COURT MAY HAVE CONSIDERED SUBMISSIONS OF EXHIBITS OTHER THAN THE DEED AT

ISSUE, THE COURT SHOULD HAVE DENIED BOTH PARTIES' MOTIONS FOR SUMMARY JUDGMENT SO THAT BOTH PARTIES WOULD HAVE HAD AN OPPORTUNITY TO DEVELOP AND PROPERLY INTRODUCE SUCH EVIDENCE:


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Counsel for LBR Holdings, LLC

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


Deputy Clerk