

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 07-0320-1898-01

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

HEARING DATE: July 21, 2015

DRILLING UNIT: BG99

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) 1C & 1D as depicted upon the annexed Table 1; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff(s); Carson D. Austin

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

Carson D. Austin is entitled to 100% of the CBM royalties awarded under Case No. CL12000388, Opinion dated April 22, 2015, 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.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

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

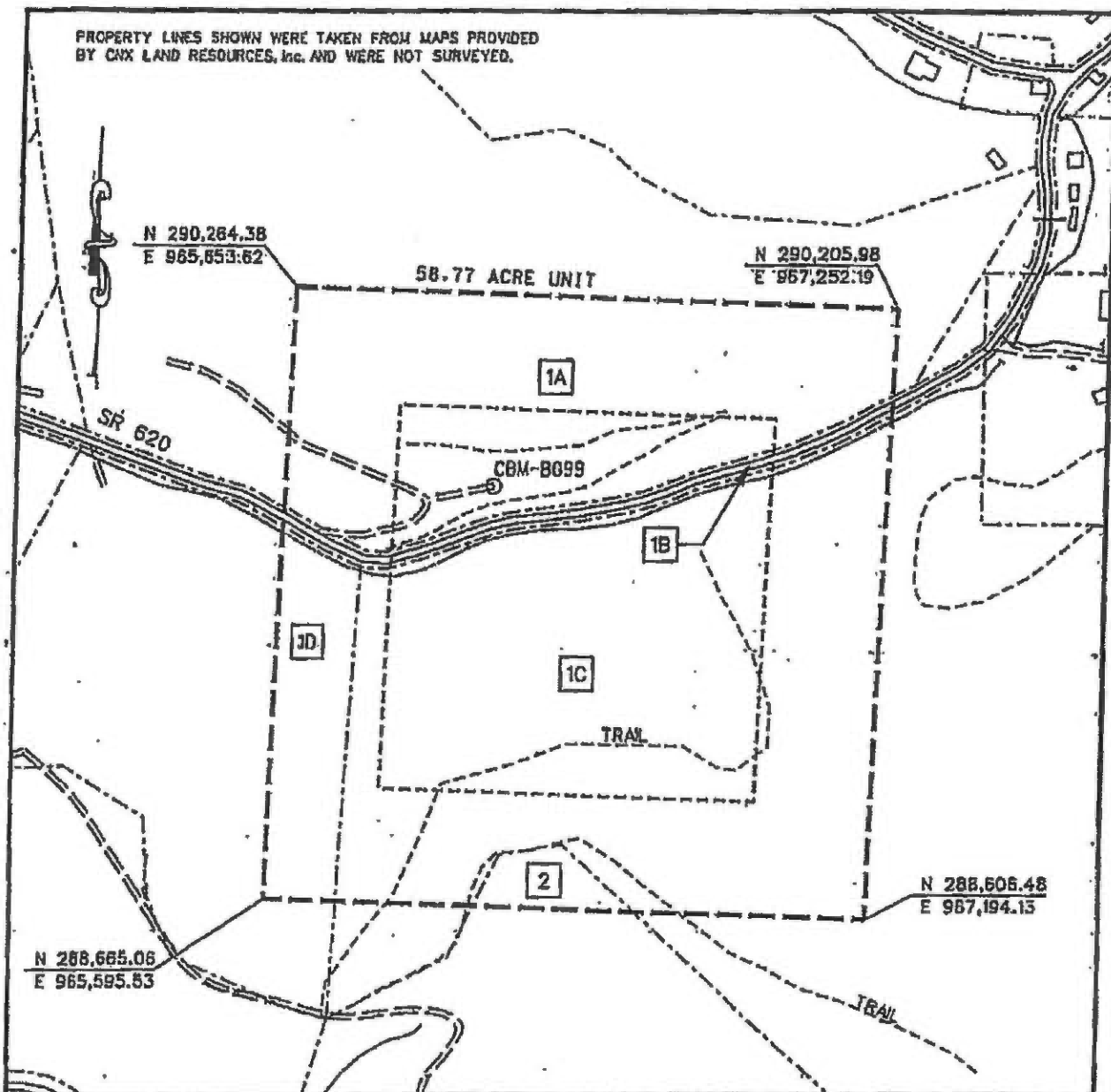


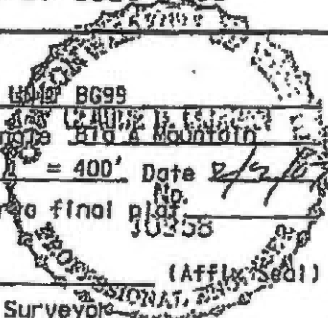
EXHIBIT A
NORA FIELD
UNIT BG-99
FORCE POOLING
VGOB-07-0320-1898

Company CNX Gas Company LLC Well Name and Number Well BG99
 Tract No. _____ Elevation _____ Quadrangle BTA Mountain
 County Buchanan District Hurricane Scale: 1" = 400' Date 2/2/07
 This plot is a new plot ; an updated plot _____ ; or a final plat _____

Form DGO-60-7
Rev. 9/91

Charles D. Meyer
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)



CNX Gas Company LLC

UNIT BG-99

Tract Identifications
(58.77 Acre Unit)

- 1A. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – Surface and All Minerals except Coal
18.77 acres 31.9381%
- 1B. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (if owned by Hampton E. Austin, et ux)
Commonwealth of Virginia - Surface
2.18 acres 3.7094%
- 1C. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC - CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
32.54 acres 55.3684%
- 1D. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
4.23 acres 7.1975%
2. Harrison-Wyatt, LLC Big Axe Tr. 7 (951 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Robert L. Wilson, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
1.05 acres 1.7866%

VGOB Disbursement

Unit BG99

VGOB-07-0320-1898-01

Table 1

Tracts: 1C, 1D

Fractional	Net Acreage	Royalty	Escrowed	Percent of	Disbursement
Ownership	Ownership	Split	Acres	Escrowed	
in Tract	inTract	Agreement	Disbursed	Disbursed	
			40.00000		
	1C	Tract 1C (total acreage)	32.54		
1	1C	Carson D. Austin\1059 Austin Bison Ranch Rd., Honaker, VA 24260	32.5400	100.00%	32.5400 81.3500% \$30,863.04
	1D	Tract 1D (total acreage)	4.23		
1	1D	Carson D. Austin\1059 Austin Bison Ranch Rd., Honaker, VA 24260	4.2300	100.00%	4.2300 10.5750% \$4,012.01

Wells contributing to the escrow account: CBM BG99 W/PL

Exhibit E
Unit BG-99
Docket #VGOB 07-0320-1898-01
List of Respondents that require escrow
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1B - 2.18 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) <i>(406 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	2.18 acres	3.7094%
<u>OIL & GAS OWNERSHIP</u>		
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Road Honaker, VA 24260	2.18 acres	3.7094%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	2.18 acres	3.7094%

Tract #2 - 1.05 acres

COAL OWNERSHIP

(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.7) <i>(951 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	1.05 acres	1.7866%
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OIL & GAS OWNERSHIP

(1) Robert L. Wilson, et al.	1.05 acres	1.7866%
(a) Robert L. Wilson 255 Red Root Road Raven, VA 24639 <i>8/25/11 Bad address per returned green card</i>	0.53 acres 1/2 of 5.57 acres	0.8933%
(b) Sandra Nuckles Wilson 255 Red Root Road Raven, VA 24639 <i>8/25/11 Bad address per returned green card</i>	0.53 acres 1/2 of 5.57 acres	0.8933%

Exhibit EE
Unit BG-99
Docket #VGOB 07-0320-1898-01
List of Respondents with Royalty Split Agreements and/or Court Orders
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1A - 18.77 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	18.77 acres	31.9381%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	18.77 acres	31.9381%	n/a
<u>Tract #1C - 32.54 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	32.54 acres	55.3684%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	32.54 acres	55.3684%	81.3500%
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
<u>Tract #1D - 4.23 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	4.23 acres	7.1975%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	4.23 acres	7.1975%	10.5750%
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
Total Acreage Resolved		55.5400	
Total Percentage Resolved			94.5040%

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **BUCHANAN**

Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for BG99
VGOB: 07-0320-1898-01

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 18, 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.

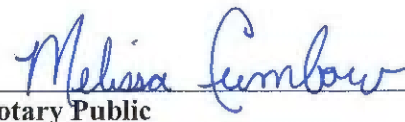


Anita D. Duty
Pooling Supervisor
for CNX Land LLC

STATE OF WEST VIRGINIA

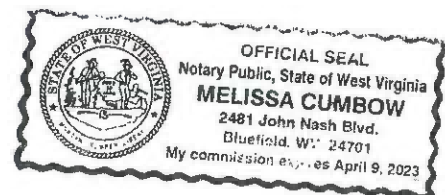
COUNTY OF MERCER, TO-WIT:

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 BF-101 & BG99
VGOB 05-1018-1507-02 & 07-0320-1898-01
Misc. Petition Disbursement

NAME		MAILED	RECEIPT #		RECEIVED
Austin	Carson	6/18/15	7008183000014386	1927	6/23/15
Cook	T. Shea	6/18/15	7014349000008188	9183	6/22/15

Courtesy Copy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X Carson Austin</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>CARSON AUSTIN 6-23-15</i></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>1. Article Addressed to:</p> <p>Carson D. Austin 1059 AUSTIN BISON RANCH RD HONAKER VA 24260-4003</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer fr) 7008 1830 0001 4386 1927</p>	<p><i>BF101 * BG 99</i></p>
<p>PS Form 3811, July 2013</p>	<p>Domestic Return Receipt <i>Disb</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 type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X TSC</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>TSC 6-22-15</i></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>1. Article Addressed to:</p> <p>Terrence Shea Cook PO Box 507 Richlands VA 24641-0507</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer fr) 7014 3490 0000 8188 9183</p>	<p><i>BF101 * BG 99</i></p>
<p>PS Form 3811, July 2013</p>	<p>Domestic Return Receipt <i>Disb</i></p>

Exhibit J
Unit BG99 Escrow Account Reconciliation Summary
VGOB 07-0320-1898

CNX Deposit Information		
Check Date	Check Number	Total
9/19/2011	4702	\$21,748.50
10/13/2011	7562	\$214.98
11/14/2011	9269	\$175.16
12/15/2011	10894	\$356.57
1/18/2012	12422	\$325.70
2/20/2012	14200	\$318.10
3/20/2012	15686	\$280.40
4/20/2012	17226	\$220.49
5/21/2012	18905	\$198.96
6/20/2012	19975	\$137.00
7/25/2012	24305	\$77.19
8/23/2012	0214000528	\$208.98
9/24/2012	0214001509	\$267.78
10/22/2012	0214006028	\$305.46
11/20/2012	0214011617	\$239.06
12/19/2012	0214016875	\$321.06
1/22/2013	0214022187	\$401.48
2/20/2013	E000003993	\$438.79
3/20/2013	E000005109	\$368.31
4/22/2013	E000006188	\$325.80
5/21/2013	E000007379	\$398.24
6/20/2013	E000008695	\$345.55
7/22/2013	E000010099	\$511.10
8/20/2013	E000011440	\$472.46
9/20/2013	E000012748	\$419.90
10/21/2013	E000015947	\$370.43
11/19/2013	E000017050	\$374.84
12/18/2013	E000018411	\$373.72
1/21/2014	E000019767	\$379.78
2/24/2014	E000021243	\$440.59
3/20/2014	E000022635	\$691.86
4/22/2014	E000024630	\$743.23
5/19/2014	E000026341	\$620.88
6/20/2014	E000027959	\$509.24
7/18/2014	E000029936	\$533.11
8/21/2014	E000031696	\$533.39
9/18/2014	E000033572	\$502.89
10/20/2014	E000037410	\$415.61
11/19/2014	E000038950	\$422.00
12/22/2014	E000040742	\$389.97
1/20/2015	E000042559	\$394.24
2/19/2015	E000044586	\$404.68
3/19/2015	E000046385	\$321.91
4/21/2015	E000048305	\$281.32

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mkt Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
9/30/2011	\$21,748.50		\$1.20	\$0.00	\$0.00	\$0.00	\$0.00				\$1.20	\$21,749.70	\$21,749.70	\$0.00
10/31/2011	\$214.98		\$5.92	\$2.45	(\$1.81)	\$0.00	(\$6.66)				(\$0.10)	\$21,964.58	\$21,964.58	\$0.00
11/30/2011	\$175.16		\$5.55	\$2.40	(\$1.83)	\$0.00	(\$5.64)				\$0.48	\$22,140.22	\$22,140.22	\$0.00
12/31/2011	\$356.57		\$5.81	\$2.54	(\$1.85)	\$0.00	(\$4.01)				\$2.49	\$22,499.28	\$22,499.28	\$0.00
1/31/2012	\$325.70		\$6.30	\$4.00	(\$1.87)	\$0.00	(\$7.61)				\$0.82	\$22,825.80	\$22,825.80	\$0.00
2/28/2012	\$318.10		\$4.84	\$3.71	(\$1.90)		(\$3.96)				\$2.69	\$23,146.59	\$23,146.59	\$0.00
3/31/2012	\$280.40		\$5.24	\$3.96	(\$1.93)		(\$3.26)				\$4.01	\$23,431.00	\$23,431.00	\$0.00
4/30/2012	\$220.49		\$0.56	\$9.95	(\$1.95)		(\$4.14)				\$4.42	\$23,655.91	\$23,655.91	\$0.00
5/31/2012	\$198.96		\$0.39	\$10.31	(\$1.97)		(\$1.69)				\$7.04	\$23,861.91	\$23,861.91	\$0.00
6/30/2012	\$137.00		\$0.37	\$10.26	(\$1.99)		(\$2.87)				\$5.77	\$24,004.68	\$24,004.68	\$0.00
7/31/2012			\$0.44	\$9.90	(\$2.00)		(\$1.76)				\$6.58	\$24,011.26	\$24,088.45	\$77.19
8/31/2012	\$286.17		\$0.48	\$8.68	(\$2.00)		(\$8.37)				(\$1.21)	\$24,296.22	\$24,296.22	\$0.00
9/30/2012			\$0.50	\$8.02	(\$2.02)		(\$2.40)				\$4.10	\$24,300.32	\$24,568.10	\$267.78
10/31/2012	\$573.24		\$0.56	\$8.01	(\$2.03)		(\$3.03)				\$3.51	\$24,877.07	\$24,877.07	\$0.00
11/30/2012	\$239.06		\$0.63	\$7.17	(\$2.07)		(\$2.46)				\$3.27	\$25,119.40	\$25,119.40	\$0.00
12/31/2012	\$321.06		\$0.65	\$6.34	(\$2.09)		(\$2.95)				\$1.95	\$25,442.41	\$25,442.41	\$0.00
1/31/2013	\$401.48		\$0.70	\$5.61	(\$2.12)		(\$2.28)				\$1.91	\$25,845.80	\$25,845.80	\$0.00
2/28/2013	\$438.79		\$0.70	\$5.08	(\$2.15)		(\$4.05)				(\$0.42)	\$26,284.17	\$26,284.17	\$0.00
3/31/2013	\$368.31		\$0.83	\$5.40	(\$2.19)		(\$2.61)				\$1.43	\$26,653.91	\$26,653.91	\$0.00
4/30/2013	\$325.80		\$0.88	\$5.03	(\$2.22)						\$3.69	\$26,983.40	\$26,983.40	\$0.00
5/31/2013	\$398.24		\$0.96	\$5.19	(\$2.25)						\$3.90	\$27,385.54	\$27,385.54	\$0.00
6/30/2013	\$345.55		\$1.00	\$5.03	(\$2.28)		(\$2.72)				\$1.03	\$27,732.12	\$27,732.12	\$0.00
7/31/2013	\$511.10		\$1.10	\$5.22	(\$2.31)						\$4.01	\$28,247.23	\$28,247.23	\$0.00
8/31/2013	\$472.46		\$1.25	\$5.24	(\$2.35)						\$4.14	\$28,723.83	\$28,723.83	\$0.00
9/30/2013	\$419.90		\$1.18	\$5.07	(\$2.39)						\$3.86	\$29,147.59	\$29,147.59	\$0.00
10/31/2013	\$370.43		\$1.29	\$5.24	(\$2.43)						\$4.10	\$29,522.12	\$29,522.12	\$0.00
11/30/2013	\$374.84		\$1.32	\$4.94	(\$2.46)						\$3.80	\$29,900.76	\$29,900.76	\$0.00
12/31/2013	\$373.72		\$1.28	\$6.26	(\$2.49)						\$5.05	\$30,279.53	\$30,279.53	\$0.00
1/31/2014	\$379.78		\$0.66	\$6.42	(\$2.52)						\$4.56	\$30,663.87	\$30,663.87	\$0.00
2/28/2014	\$440.59		\$0.61	\$5.88	(\$2.56)						\$3.93	\$31,108.39	\$31,108.39	\$0.00
3/31/2014	\$691.86		\$0.75	\$6.58	(\$2.59)						\$4.74	\$31,804.99	\$31,804.99	\$0.00
4/30/2014	\$743.23		\$0.86	\$6.38	(\$2.65)						\$4.59	\$32,552.81	\$32,552.81	\$0.00
5/31/2014	\$620.88		\$1.00	\$6.77	(\$2.71)						\$5.06	\$33,178.75	\$33,178.75	\$0.00
6/30/2014	\$509.24		\$0.94	\$6.86	(\$2.77)						\$5.03	\$33,693.02	\$33,693.02	\$0.00
7/31/2014	\$533.11		\$1.00	\$7.09	(\$2.81)						\$5.28	\$34,231.41	\$34,231.41	\$0.00
8/31/2014	\$533.39		\$1.07	\$7.12	(\$2.85)						\$5.34	\$34,770.14	\$34,770.14	\$0.00
9/30/2014	\$502.89		\$1.12	\$6.73	(\$2.85)						\$5.00	\$35,278.03	\$35,278.03	\$0.00
10/31/2014	\$415.61		\$1.24	\$6.89	(\$2.94)						\$5.19	\$35,698.83	\$35,698.83	\$0.00
11/30/2014	\$422.00		\$0.91	\$8.09	(\$2.97)						\$6.03	\$36,126.86	\$36,126.86	\$0.00
12/31/2014	\$389.97		\$0.58	\$6.91	(\$2.98)						\$4.51	\$36,521.34	\$36,521.34	\$0.00
1/31/2015	\$394.24		\$2.06	\$5.25	(\$3.04)						\$4.27	\$36,919.85	\$36,919.85	\$0.00
2/28/2015	\$404.68		\$2.81	\$3.61	(\$3.08)						\$3.34	\$37,327.87	\$37,327.87	\$0.00
3/31/2015	\$321.91		\$3.67	\$3.76	(\$3.11)						\$4.32	\$37,654.10	\$37,654.10	\$0.00
4/30/2015	\$281.32		\$4.00	\$2.31	(\$3.14)						\$3.17	\$37,938.59	\$37,938.59	\$0.00
Total											\$157.88			

Total Deposited \$37,780.71

Interest and Fees \$157.88

**Exhibit J
Unit BG99 Escrow Account Reconciliation Summary
VGOB 07-0320-1898**

CNX Deposit Information		
Check Date	Check Number	Total

Total **\$37,938.59**

April 2015 First Bank and Trust balance

\$37,938.59

Difference **\$0.00**

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mktet Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference

Name of Conflicting Claimant: Carson Austin

Unit: (Tract):

AFFIDAVIT PURSUANT TO VA. CODE § 45.1-361.22

1. My name is Carson Austin.
2. I am over the age of eighteen and able to make the statements in this affidavit.
3. I am attaching a W-9 to this affidavit with my correct social security number and current address.
4. As of the date set forth below, I am a lawful owner of the coalbed methane interests in the above referenced unit and tracts, and described or referenced in the attached Order or Agreement and affirm the Order or Agreement and the contents therein.
5. I swear and/or affirm that the information set forth above and in the attached W-9 is true and accurate.

Dated this 13 day of this month February
and year 2015

Carson D. Austin

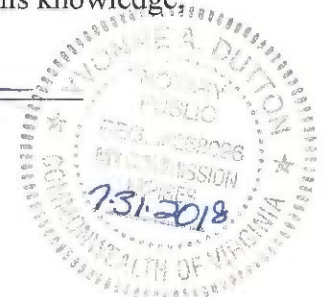
Name:
Address:

COMMONWEALTH OF VIRGINIA)
) to-wit:
CITY/COUNTY OF Tazewell)

On this 13 day of February 2015 appeared before me Carson Austin, who being first duly sworn, stated that the foregoing is true and correct to the best of his knowledge, information and belief.

Yvonne A. Dutton
Notary Public

My Commission Expires: July 31, 2018



CARSON AUSTIN,

Plaintiff

v.

HARRISON-WYATT, LLC, ET AL.

Defendant

Case No. CL12000388

FINAL ORDER ENTERING JUDGMENT

This cause came to be heard upon the First Amended Motion for Judgment of Defendant, Harrison-Wyatt, LLC, for entry of judgment pertaining to the coal-bed methane gas within the following tracts and the below named and described units that have been permitted pursuant to the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 et seq.:

- a. From Unit BG-98, Forced Pooling Supplemental Order, Entered March 29, 2013, Regarding Docket No. VGOB-06-0919-1714, Tract 1(B) of Exhibit A (pg. 6) to the order, 16.34 acres; and,

- b. From Unit BG-99, Forced Pooling Supplemental Order, Entered July 14, 2011, Regarding Docket No. VGOB-07-0320-1898, Tract 1(C) of Exhibit A (pg. 6) to the order, 32.54 acres; and,
- c. From Unit BG-99, Forced Pooling Supplemental Order, Entered July 14, 2011, Regarding Docket No. VGOB-07-0320-1898, Tract 1(D) of Exhibit A (pg. 6) to the order, 4.23 acres; and,
- d. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(D) of Exhibit A (Inst. No. 120002473) to the order, 2.82 acres; and,
- e. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(E) of Exhibit A (Inst. No. 120002473) to the order, 17.20 acres; and,
- f. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(F) of Exhibit A (Inst. No. 120002473) to the order, 0.47 acres; and,
- g. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(G) of Exhibit A (Inst. No. 120002473) to the order, 11.59 acres; and,
- h. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(L) of Exhibit A (Inst. No. 120002473) to the order, 0.22 acres; and,

- i. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(M) of Exhibit A (Inst. No. 120002473) to the order, 0.42 acres; and,
- j. From Unit BF100, Forced Pooling Supplemental Order, Entered August 15, 2012, Regarding Docket No. VGOB-04-1214-1368, Tract 1(N) of Exhibit A (Inst. No. 120002473) to the order, 0.11 acres; and,
- k. From Unit BE101, Forced Pooling Supplemental Order, Entered February 18, 2003, Regarding Docket No. VGOB-02-0618-1032, Tract 2 of Exhibit A (bk 563, Pg 314) to the order, 9.11 acres.
- l. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2A of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 6.84 acres.
- m. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2B of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 31.42 acres.
- n. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2C of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 1.13 acres.
- o. From Unit BF101, Forced Pooling Supplemental Order, Entered August 27, 2012, Regarding Docket No. VGOB-05-1018-1507, Tract 2D of Exhibit A (Inst. No. 120002475) (Pg 5) to the order, 8.89 acres.

The above described tracts within the named units are referred to in this Order as the ("Subject Properties").

And, it appearing to the court from Defendant's First Amended Motion for Judgment that Defendant Harrison-Wyatt is the coal owner of the Subject Properties and seeks to disclaim certain interests in and to the CBM, but that the Plaintiff's title is not proved as to the Subject Properties.

Now therefore, it is **Adjudged, Ordered and Decreed** that upon Defendant Harrison-Wyatt's First Amended Motion for Judgment on file herein, that the Defendant, Harrison-Wyatt, LLC has disclaimed any interest in and to the CBM and accordingly is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties listed as items a. through e. and items k, n. and o. listed above, and that it is not a conflicting claimant to the ownership of the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties listed as a. through e. above, and items k, n. and o. listed above, therefore this Order is final as to Harrison-Wyatt and the Subject Properties listed as items a. through e. above, and items k, n. and o. listed above.

It is further; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC has disclaimed any interest in and to the CBM and accordingly is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties listed as items f., g., h., i. and j. above, and that it is not a conflicting claimant to the ownership of

the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties listed as f., g., h., i., and j. above, and that this Order is final as to Harrison-Wyatt and the Subject Properties listed as items f., g., h., i, and j. above. However, it appearing to the court that a conflicting claim exists as to the Subject Properties listed as items f., g., h., i, and j. above with respect to Plaintiff and the Virginia Department of Transportation, Buchanan County, Virginia, and/or the Mary Leftwich heirs, and therefore this matter is continued as to the Subject Properties listed as items f., g., h., i, and j. above pending determination of title.

It is further; **Adjudged, Ordered and Decreed** that, as to the remaining Subject Properties, namely the items listed as l., and m. above, a conflicting claim exists between Plaintiff, and Harrison-Wyatt. Therefore this matter is continued as to the Subject Properties listed as l., and m., pending determination of title.

The Clerk is directed to mail copies of this Order to counsel of record for Harrison Wyatt, CNX Gas, and Plaintiff.

ENTER: This, the 22nd day APRIL, 2015.



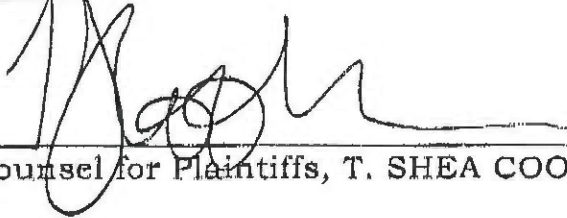
MICHAEL L. MOORE, JUDGE

REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.

