

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 04-1214-1368-03

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

HEARING DATE: August 18, 2015

DRILLING UNIT: BF100

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, attributable to of Tracts 1D, 1E, 1J, & 1L as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs; Carson D. Austin; authorization to begin paying royalties directly to the parties to the House Bill 2058; Buchanan County Virginia.

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

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to of Tract(s) 1D, 1E, 1J, & 1L as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff(s); Carson D. Austin; authorization to begin paying royalties directly to the parties to the House Bill 2058; Buchanan County

6. Attestation

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

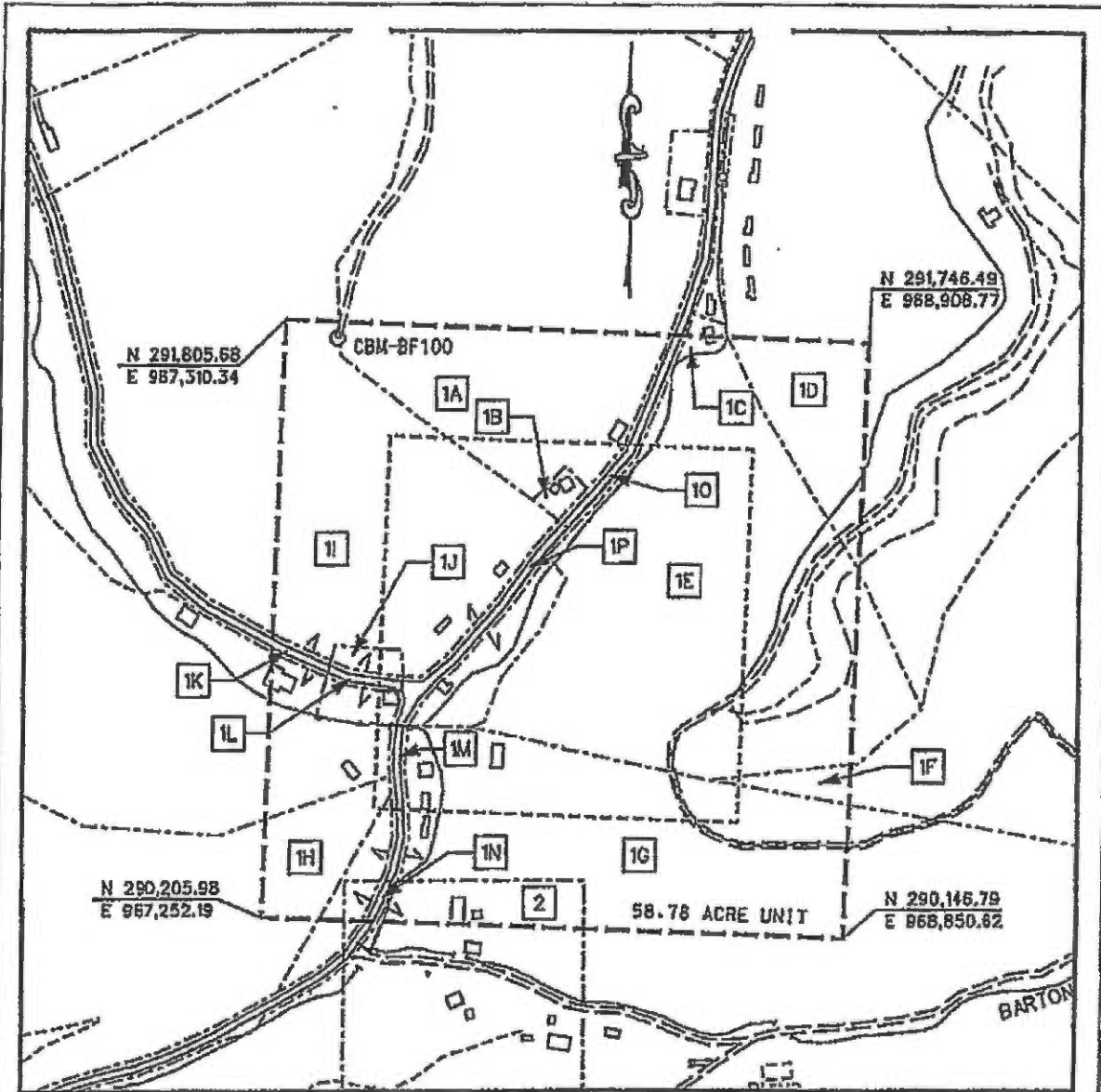
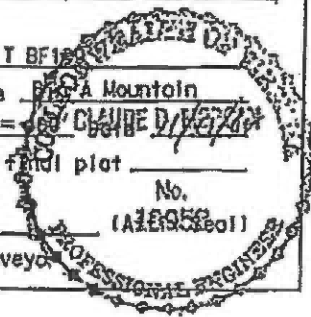


EXHIBIT A
 NORA FIELD
 UNIT BF-100
 FORCE POOLING
 VGOB-04-1214-1368

Company CNX Gas Company LLC Well Name and Number UNIT BF-100
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane Scale: 1" = 400 feet
 This plat is a new plat ; on updated plat _____ ; or a final plat _____

Form DGO-60-7 _____
 Rev. 9/91 _____
 Licensed Professional Engineer or Licensed Land Surveyor



Force Pooling Form DGO-60-7 11/28/2004 11:33:10 AM

CNX Gas Company LLC

UNIT BF-100

Tract Identifications
(68.78 Acre Unit)

- 1A. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Emory James - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
6.07 acres 10.3266%
- 1B. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Stavla Dean Roten, et al - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.25 acres 0.4253%
- 1C. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Arvill Miller, et ux - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.13 acres 0.2212%
- 1D. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Carson D. Austin - Surface and All Minerals except Coal
2.82 acres 4.7976%
- 1E. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Carson D. Austin - Surface and All Minerals except Coal
17.20 acres 29.2617%
- 1F. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Carson D. Austin OR Mary Leftwich Heirs - All Minerals except Coal
Carson D. Austin - Surface
0.47 acres 0.7896%
- 1G. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Carson D. Austin OR Mary Leftwich Heirs - All Minerals except Coal
Carson D. Austin - Surface
11.69 acres 19.7176%
- 1H. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Mary Leftwich Heirs, et al - Surface and All Minerals except Coal (37.50%)
CNX Gas Company LLC - Surface and All Minerals except Coal (62.50%)
1.85 acres 3.1473%

CNX Gas Company LLC

UNIT BF-100

Tract Identifications
(58.78 Acre Unit)

- 1I. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal
CNX Gas Company LLC -- CBM Leased
Hampton E. Austin, et ux -- Surface and All Minerals except Coal
CNX Gas Company LLC -- Oil, Gas and CBM Leased
13.69 acres 23.2902%
- 1J. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Buchanan County, Virginia -- All Minerals except Coal
Carson D. Austin -- Surface
0.73 acres 1.2419%
- 1K. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal
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
0.18 acres 0.3062%
- 1L. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal
CNX Gas Company LLC -- CBM Leased
Carson D. Austin OR Commonwealth of Virginia -- All Minerals except Coal
Commonwealth of Virginia - Surface
0.22 acres 0.3743%
- 1M. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal
CNX Gas Company LLC -- CBM Leased
Carson D. Austin OR Commonwealth of Virginia -- All Minerals except Coal
Commonwealth of Virginia - Surface
0.42 acres 0.7145%
- 1N. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal
CNX Gas Company LLC -- CBM Leased
Carson D. Austin OR Commonwealth of Virginia -- All Minerals except Coal
Commonwealth of Virginia - Surface
0.11 acres 0.1871%

CNX Gas Company LLC

UNIT BF-100

**Tract Identifications
(58.78 Acre Unit)**

10. **Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal**
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
0.62 acres 1.0546%
- 1P. **Harrison-Wyatt, LLC (Big Axe Tr. 11-3) -- Coal**
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
0.76 acres 1.2830%
2. **Carson Austin OR Mary Leitch Helms -- All Minerals**
Carson D. Austin -- Surface
1.67 acres 2.8411%

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents that require escrow

| | Acres in Unit | Percent of Unit |
|--|-----------------------------|--------------------|
| <u>Tract #1F - 0.47 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.47 acres | 0.7996% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 0.47 acres | 0.7996% |
| - OR - | | |
| (1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al. | 0.47 acres | 0.7996% |
| (a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407 | 0.031 1/15 of 0.47 acres | 0.05331% |
| (a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960 | 0.031 1/15 of 0.47 acres | 0.05331% |
| (a.3) James B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908 | 0.010 1/45 of 0.47 acres | 0.01777% |
| (a.3.2) Carolyn S. Harris Soliz <i>Address Unknown</i> | 0.010 1/45 of 0.47 acres | 0.01777% |
| (a.3.3) James Harris <i>Address Unknown</i> | 0.010 1/45 of 0.47 acres | 0.01777% |
| (b) Willie C. Harris Heirs, Devisees, Successors or Assigns | | |
| (b.1) Billy Harris Box 38 Davenport, VA 24239 | 0.094 1/5 of 0.47 acres | 0.15992% |
| (c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns | | |
| (c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845 | 0.094 1/5 of 0.47 acres | 0.15992% |

**Exhibit E
Unit BF-100
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| | Acres in Unit | Percent of Unit |
|---|-----------------------------|-----------------|
| (d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns | | |
| (d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns | | |
| (d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712 | 0.024 1/20 of 0.47 acres | 0.03998% |
| (d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712 | 0.024 1/20 of 0.47 acres | 0.03998% |
| (d.2) Gail Patricia Dunn <i>Address Unknown</i> | 0.047 1/10 of 0.47 acres | 0.07996% |
| (e) Clarence Harris Heirs, Devisees, Successors or Assigns | | |
| (e.1) Jackie Harris PO Box 37 Rosedale, VA 24280 | 0.024 1/20 of 0.47 acres | 0.03998% |
| (e.2) Don Harris Heirs, Devisees, Successors or Assigns | | |
| (e.2.1) Ricky Harris <i>Address Unknown</i> | 0.012 1/40 of 0.47 acres | 0.01999% |
| (e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947 | 0.012 1/40 of 0.47 acres | 0.01999% |
| (e.3) Clarence E. Harris, Jr. <i>Address Unknown</i> | 0.024 1/20 of 0.47 acres | 0.03998% |
| (e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i> | 0.024 1/20 of 0.47 acres | 0.03998% |

Tract #1G - 11.59 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|--|-------------|----------|
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 11.59 acres | 19.7176% |
|--|-------------|----------|

OIL & GAS OWNERSHIP

| | | |
|--|-------------|----------|
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 11.59 acres | 19.7176% |
|--|-------------|----------|

- OR -

Exhibit E
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| | Acres in Unit | Percent of Unit |
|---|------------------------------|-----------------|
| (1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al. | 11.59 acres | 19.7176% |
| (a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407 | 0.773 1/15 of 11.59 acres | 1.31451% |
| (a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960 | 0.773 1/15 of 11.59 acres | 1.31451% |
| (a.3) James B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908 | 0.258 1/45 of 11.59 acres | 0.43817% |
| (a.3.2) Carolyn S. Harris Soliz Address Unknown | 0.258 1/45 of 11.59 acres | 0.43817% |
| (a.3.3) James Harris Address Unknown | 0.258 1/45 of 11.59 acres | 0.43817% |
| (b) Willie C. Harris Heirs, Devisees, Successors or Assigns | | |
| (b.1) Billy Harris Box 38 Davenport, VA 24239 | 2.318 1/5 of 11.59 acres | 3.94352% |
| (c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns | | |
| (c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845 | 2.318 1/5 of 11.59 acres | 3.94352% |
| (d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns | | |
| (d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns | | |
| (d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712 | 0.580 1/20 of 11.59 acres | 0.98588% |
| (d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712 | 0.580 1/20 of 11.59 acres | 0.98588% |
| (d.2) Gail Patricia Dunn Address Unknown | 1.159 1/10 of 11.59 acres | 1.97176% |
| (e) Clarence Harris Heirs, Devisees, Successors or Assigns | | |

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| | Acres in Unit | Percent of Unit |
|---|------------------------------|-----------------|
| (e.1) Jackie Harris PO Box 37 Rosedale, VA 24280 | 0.580 1/20 of 11.59 acres | 0.98588% |
| (e.2) Don Harris Heirs, Devisees, Successors or Assigns | | |
| (e.2.1) Ricky Harris <i>Address Unknown</i> | 0.290 1/40 of 11.59 acres | 0.49294% |
| (e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947 | 0.290 1/40 of 11.59 acres | 0.49294% |
| (e.3) Clarence E. Harris, Jr. <i>Address Unknown</i> | 0.580 1/20 of 11.59 acres | 0.98588% |
| (e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i> | 0.580 1/20 of 11.59 acres | 0.98588% |

Tract #1K - 0.18 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|--|------------|---------|
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.18 acres | 0.3062% |
|--|------------|---------|

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260 | 0.18 acres | 0.3062% |
|--|------------|---------|

- OR -

| | | |
|---|------------|---------|
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.18 acres | 0.3062% |
|---|------------|---------|

Tract #1M - 0.42 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|--|------------|---------|
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.42 acres | 0.7145% |
|--|------------|---------|

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 0.42 acres | 0.7145% |
|--|------------|---------|

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents that require escrow

| | Acres in Unit | Percent of Unit |
|--|---------------|-----------------|
|--|---------------|-----------------|

- OR -

| | | |
|---|------------|---------|
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.42 acres | 0.7145% |
|---|------------|---------|

Tract #1N - 0.11 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|--|------------|---------|
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.11 acres | 0.1871% |
|--|------------|---------|

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 0.11 acres | 0.1871% |
|--|------------|---------|

- OR -

| | | |
|---|------------|---------|
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.11 acres | 0.1871% |
|---|------------|---------|

Tract #1O - 0.62 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|--|------------|---------|
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.62 acres | 1.0548% |
|--|------------|---------|

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Emory James 1173 Nance White Branch Rd. Honaker, VA 24260-5137 | 0.62 acres | 1.0548% |
|--|------------|---------|

- OR -

| | | |
|---|------------|---------|
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.62 acres | 1.0548% |
|---|------------|---------|

Tract #1P - 0.76 acres

Escrow due to title conflict

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Unit BF-100
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| | Acres in Unit | Percent of Unit |
|---|---------------|-----------------|
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.76 acres | 1.2930% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260 | 0.76 acres | 1.2930% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.76 acres | 1.2930% |

Tract #2 - 1.67 acres

Escrow due to title conflict

COAL OWNERSHIP

| | | |
|---|-----------------------------|----------|
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 1.67 acres | 2.8411% |
| - OR - | | |
| (1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al. | 1.67 acres | 2.8411% |
| (a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407 | 0.111 1/15 of 1.67 acres | 0.18941% |
| (a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960 | 0.111 1/15 of 1.67 acres | 0.18941% |
| (a.3) James B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908 | 0.037 1/45 of 1.67 acres | 0.06314% |
| (a.3.2) Carolyn S. Harris Soliz <i>Address Unknown</i> | 0.037 1/45 of 1.67 acres | 0.06314% |
| (a.3.3) James Harris <i>Address Unknown</i> | 0.037 1/45 of 1.67 acres | 0.06314% |
| (b) Willie C. Harris Heirs, Devisees, Successors or Assigns | | |

Exhibit E
Unit BF-100
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| | Acres in Unit | Percent of Unit |
|---|-----------------------------|-----------------|
| (b.1) Billy Harris Box 38 Davenport, VA 24239 | 0.334 1/5 of 1.67 acres | 0.56822% |
| (c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns | | |
| (c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845 | 0.334 1/5 of 1.67 acres | 0.56822% |
| (d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns | | |
| (d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns | | |
| (d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (d.2) Gail Patricia Dunn <i>Address Unknown</i> | 0.167 1/10 of 1.67 acres | 0.28411% |
| (e) Clarence Harris Heirs, Devisees, Successors or Assigns | | |
| (e.1) Jackie Harris PO Box 37 Rosedale, VA 24280 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (e.2) Don Harris Heirs, Devisees, Successors or Assigns | | |
| (e.2.1) Ricky Harris <i>Address Unknown</i> | 0.042 1/40 of 1.67 acres | 0.07103% |
| (e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947 | 0.042 1/40 of 1.67 acres | 0.07103% |
| (e.3) Clarence E. Harris, Jr. <i>Address Unknown</i> | 0.084 1/20 of 1.67 acres | 0.14206% |
| (e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i> | 0.084 1/20 of 1.67 acres | 0.14206% |

OIL & GAS OWNERSHIP

| | | |
|--|------------|---------|
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 1.67 acres | 2.8411% |
|--|------------|---------|

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents that require escrow

| | Acres in Unit | Percent of Unit |
|---|-----------------------------|-----------------|
| - OR - | | |
| (1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al. | 1.67 acres | 2.8411% |
| (a) Jacob/J.B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.1) Barbara Compton 6210 Massaponax Church Rd. Fredericksburg, VA 22407 | 0.111 1/15 of 1.67 acres | 0.18941% |
| (a.2) George B. Harris 11 Luzanne Circle San Anselmo, CA 94960 | 0.111 1/15 of 1.67 acres | 0.18941% |
| (a.3) James B. Harris Heirs, Devisees, Successors or Assigns | | |
| (a.3.1) Kathleen Harris 15320 Blackfield St Mojave, CA 93501-1908 | 0.037 1/45 of 1.67 acres | 0.06314% |
| (a.3.2) Carolyn S. Harris Soliz Address Unknown | 0.037 1/45 of 1.67 acres | 0.06314% |
| (a.3.3) James Harris Address Unknown | 0.037 1/45 of 1.67 acres | 0.06314% |
| (b) Willie C. Harris Heirs, Devisees, Successors or Assigns | | |
| (b.1) Billy Harris Box 38 Davenport, VA 24239 | 0.334 1/5 of 1.67 acres | 0.56822% |
| (c) Mary Lena Garrison Heirs, Devisees, Successors or Assigns | | |
| (c.1) Jim Herron 12651 Tunstall St. Garden Grove, CA 92845 | 0.334 1/5 of 1.67 acres | 0.56822% |
| (d) Eula H. Fulcher Heirs, Devisees, Successors or Assigns | | |
| (d.1) Billie Eldridge Heirs, Devisees, Successors or Assigns | | |
| (d.1.1) James Eldridge 123B Azalea Ave. Brevard, NC 28712 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (d.1.2) Sandra Christine Murdock 123B Azalea Ave. Brevard, NC 28712 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (d.2) Gail Patricia Dunn Address Unknown | 0.167 1/10 of 1.67 acres | 0.28411% |

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents that require escrow

| | Acres in Unit | Percent of Unit |
|---|---------------------------------|--------------------|
| (e) Clarence Harris Heirs, Devisees, Successors or Assigns | | |
| (e.1) Jackie Harris PO Box 37 Rosedale, VA 24280 | 0.084 1/20 of 1.67 acres | 0.14206% |
| (e.2) Don Harris Heirs, Devisees, Successors or Assigns | | |
| (e.2.1) Ricky Harris <i>Address Unknown</i> | 0.042 1/40 of 1.67 acres | 0.07103% |
| (e.2.2) Donna Bush 1311 Main St., NW Lenore, NC 28645-3947 | 0.042 1/40 of 1.67 acres | 0.07103% |
| (e.3) Clarence E. Harris, Jr. <i>Address Unknown</i> | 0.084 1/20 of 1.67 acres | 0.14206% |
| (e.4) Lois Ann Harris Barker Heirs, Devisees Successors or Assigns <i>Heirs/Addresses Unknown</i> | 0.084 1/20 of 1.67 acres | 0.14206% |
| | Total Acreage in Unit | 15.8200 |
| | Total Percentage in Unit | 26.9139% |

Exhibit EE
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents with Royalty Split Agreements and/or Court Orders

| | Acres in Unit | Percent of Unit | Percent of Escrow |
|--|---------------|--------------------|----------------------|
| <u>Tract #1D - 2.82 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 2.82 acres | 4.7976% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 2.82 acres | 4.7976% | 7.6651% |
| <i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i> | | | |
| <u>Tract #1E - 17.20 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 17.20 acres | 29.2617% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260 | 17.20 acres | 29.2617% | 46.7518% |
| <i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i> | | | |
| <u>Tract #1J - 0.73 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.73 acres | 1.2419% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Buchanan County P.O. Box 1056 Grundy, VA 24614 | 0.73 acres | 1.2419% | 1.9842% |
| <i>HB2058 Escrow Release</i> | | | |
| <u>Tract #1L - 0.22 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.22 acres | 0.3743% | n/a |

Exhibit EE
Unit BF-100
Docket #VGOB 04-1214-1368-03
List of Respondents with Royalty Split Agreements and/or Court Orders

| | Acres in Unit | Percent of Unit | Percent of Escrow |
|--|----------------------------------|--------------------|----------------------|
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Buchanan County P.O. Box 1056 Grundy, VA 24614 | 0.22 acres | 0.3743% | 0.5980% |
| <i>HB2058 Escrow Release</i> | | | |
| | Total Acreage Resolved | 20.9700 | |
| | Total Percentage Resolved | | 35.6754% |

**Exhibit J
Unit BF100 Escrow Account Reconciliation Summary
VGOB 04-1214-1368**

| CNX Deposit Information | | |
|-------------------------|--------------|----------|
| Check Date | Check Number | Total |
| 10/21/2013 | E000015776 | \$274.16 |
| 11/19/2013 | E000016851 | \$329.59 |
| 12/18/2013 | E000018224 | \$333.52 |
| 1/21/2014 | E000019560 | \$347.26 |
| 2/24/2014 | E000021055 | \$405.70 |
| 3/20/2014 | E000022415 | \$602.57 |
| 4/22/2014 | E000024402 | \$613.50 |
| 5/19/2014 | E000026123 | \$506.76 |
| 6/20/2014 | E000027746 | \$448.36 |
| 7/18/2014 | E000029649 | \$496.33 |
| 8/21/2014 | E000031400 | \$472.85 |
| 9/18/2014 | E000033267 | \$457.28 |
| 10/20/2014 | E000037119 | \$379.91 |
| 11/19/2014 | E000038651 | \$388.76 |
| 12/22/2014 | E000040447 | \$396.45 |
| 1/20/2015 | E000042266 | \$373.21 |
| 2/19/2015 | E000044282 | \$445.25 |
| 3/19/2015 | E000046082 | \$293.66 |
| 4/21/2015 | E000048002 | \$254.66 |
| 5/20/2015 | E000050794 | \$233.03 |

| Escrow Bank Data | | | | | | | | | | | | | | |
|------------------|-------------------------|--------|--------------|-----------|----------|---------------|-------------|-------------|-----------|---------------|---------------------|-----------------|-----------------|------------|
| Date | Escrow Royalty Deposits | Income | \$ Mrket Int | CDARS Int | Fees | Distributions | Audit Costs | Corrections | Gain/Loss | Royalty Bonus | Total Int. and Fees | Bank Balance | Running Balance | Difference |
| 10/31/2013 | \$274.16 | | \$1.20 | \$6.65 | (\$2.86) | | | | | | \$4.99 | \$34,616.70 | \$34,601.58 | -\$15.12 |
| 11/30/2013 | \$329.59 | | \$1.22 | \$6.27 | (\$2.88) | | | | | | \$4.61 | \$34,950.90 | \$34,935.78 | -\$15.12 |
| 12/31/2013 | \$333.52 | | \$1.17 | \$7.51 | (\$2.91) | | | | | | \$5.77 | \$35,290.19 | \$35,275.07 | -\$15.12 |
| 1/31/2014 | \$347.26 | | \$0.61 | \$7.70 | (\$2.94) | | | | | | \$5.37 | \$35,642.82 | \$35,627.70 | -\$15.12 |
| 2/28/2014 | \$405.70 | | \$0.55 | \$7.05 | (\$2.97) | | | | | | \$4.63 | \$36,053.15 | \$36,038.03 | -\$15.12 |
| 3/31/2014 | \$602.57 | | \$0.68 | \$7.89 | (\$3.00) | | | | | | \$5.57 | \$36,661.29 | \$36,646.17 | -\$15.12 |
| 4/30/2014 | \$613.50 | | \$0.78 | \$7.65 | (\$3.06) | | | | | | \$5.37 | \$37,280.16 | \$37,265.04 | -\$15.12 |
| 5/31/2014 | \$506.76 | | \$0.90 | \$8.12 | (\$3.11) | | | | | | \$5.91 | \$37,792.83 | \$37,777.71 | -\$15.12 |
| 6/30/2014 | \$448.36 | | \$0.95 | \$7.86 | (\$3.15) | | | | | | \$5.66 | \$38,246.85 | \$38,231.73 | -\$15.12 |
| 7/31/2014 | \$496.33 | | \$1.08 | \$8.13 | (\$3.19) | | | | | | \$6.02 | \$38,749.20 | \$38,734.08 | -\$15.12 |
| 8/31/2014 | \$472.85 | | \$1.14 | \$8.16 | (\$3.23) | | | | | | \$6.07 | \$39,228.12 | \$39,213.00 | -\$15.12 |
| 9/30/2014 | \$457.28 | | \$1.18 | \$7.71 | (\$3.23) | | | | | | \$5.66 | \$39,691.06 | \$39,675.94 | -\$15.12 |
| 10/31/2014 | \$379.91 | | \$1.29 | \$7.90 | (\$3.31) | | | | | | \$5.88 | \$40,076.85 | \$40,061.73 | -\$15.12 |
| 11/30/2014 | \$388.76 | | \$0.93 | \$9.17 | (\$3.34) | | | | | | \$6.76 | \$40,472.37 | \$40,457.25 | -\$15.12 |
| 12/31/2014 | \$396.45 | | \$0.52 | \$7.83 | (\$3.34) | | | | | | \$5.01 | \$40,873.83 | \$40,858.71 | -\$15.12 |
| 1/31/2015 | \$373.21 | | \$2.20 | \$5.95 | (\$3.41) | | | | | | \$4.74 | \$41,251.78 | \$41,236.66 | -\$15.12 |
| 2/28/2015 | \$445.25 | | \$3.09 | \$4.09 | (\$3.44) | | | | | | \$3.74 | \$41,700.77 | \$41,685.65 | -\$15.12 |
| 3/31/2015 | \$293.66 | | \$4.07 | \$4.26 | (\$3.48) | | | | | | \$4.85 | \$41,999.28 | \$41,984.16 | -\$15.12 |
| 4/30/2015 | \$254.66 | | \$4.43 | \$2.62 | (\$3.50) | | | | | | \$3.55 | \$42,257.49 | \$42,242.37 | -\$15.12 |
| 5/31/2015 | \$233.03 | | \$5.20 | \$1.94 | (\$3.52) | | | | | | \$3.62 | \$42,494.14 | \$42,479.02 | -\$15.12 |
| | | | | | | | | | | | Total | \$716.40 | | |

| | |
|--|---------------------|
| Total Deposited | \$52,102.36 |
| 01 Disbursement | -\$10,218.84 |
| 02 Disbursement | -\$120.90 |
| Interest and Fees | \$716.40 |
| Total | \$42,479.02 |
| May 2015 First Bank and Trust balance | \$42,494.14 |
| Difference | -\$15.12 |

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

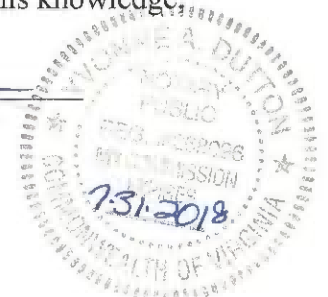
Name:
Address:

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.



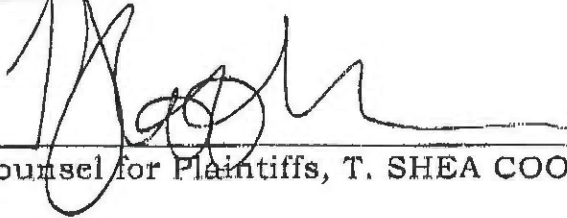
MICHAEL L. MOORE, JUDGE

REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.

