

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 02-0618-1032-01

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

**HEARING DATE:** September 15, 2015

**DRILLING UNIT:** BE101

**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 Tract 2 as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff Carson D. Austin. Unit BE-101.

**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.

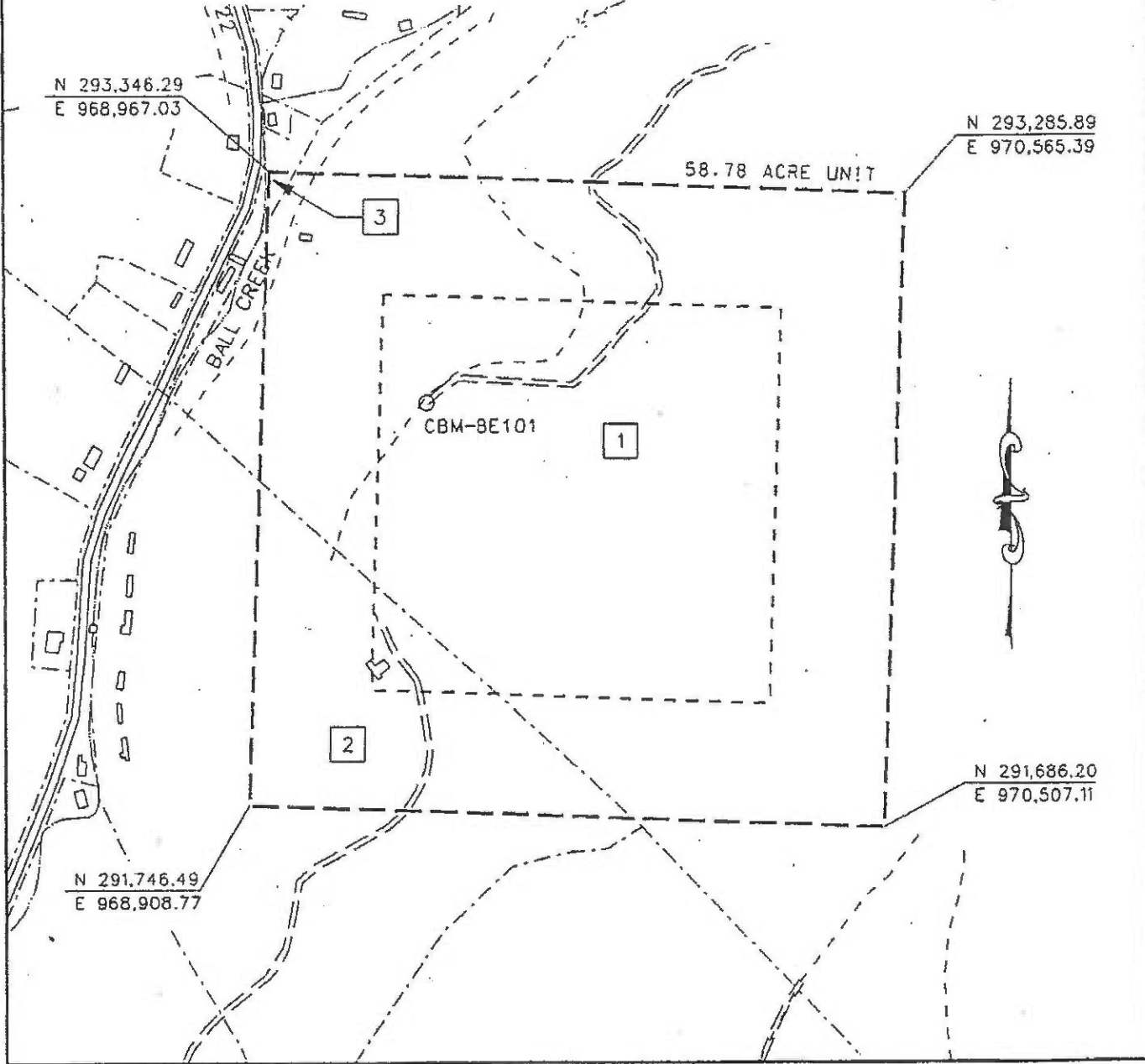
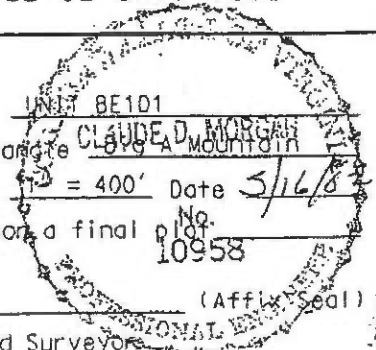


EXHIBIT A  
 NCRA FIELD UNIT BE-101  
 FORCE POOLING  
 VGOB-02-0618-1032

Company CONSOL Energy Inc. Well Name and Number UNIT 8E101  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle CLAUDE D. MORGAN  
 County Buchanan District Hurricane Scale: 1" = 400' Date 3/16/08  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat No. 10958

Form DGD-GO-7  
 Rev. 9/91

*Claude D. Morgan*  
 Licensed Professional Engineer or Licensed Land Surveyor (Affl. Seal)



# CONSOL ENERGY INC.

## UNIT BE-101

Tract Identifications  
(58.78 Acre Unit)

1. Emory & Henry College - Fee  
Pocahontas Gas Partnership - Oil, Gas & CBM Leased  
49.57 acres                      84.3314%
  
2. Harrison-Wyatt, LLC. (Big Axe Tr. 11-3) - Coal  
Wellmore Coal Company - Above Drainage Coal Leased  
Buchanan Production Company - CBM Leased  
Carson D. Austin - Surface, Oil & Gas  
9.11 acres                      15.4985%
  
3. Harrison-Wyatt, LLC. (Big Axe Tr. 4) - Coal  
Wellmore Coal Company - Above Drainage Coal Leased  
Buchanan Production Company - CBM Leased  
Lorraine Harris, et al. - Surface, Oil & Gas  
Buchanan Production Company - Oil, Gas & CBM Leased  
0.10 acres                      0.1701%



Exhibit E  
Unit BE-101  
Docket #VGOB 02-0618-1032-01  
List of Respondents that require escrow  
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #3 - 0.10 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.10 acres	0.1701%
<u>OIL &amp; GAS OWNERSHIP</u>		
Lorraine Harris, et al.	0.10 acres	0.17013%
(1) Lorraine Harris Rt.2 Box 465 Honaker, VA 24260	0.09 7/8 of 0.10 acres	0.148860%
(2) Martha Ball Heirs, Devisees, Successors or Assigns	0.01 1/8 of 0.01 acres	0.021266%
(1) Catherine & Henry Baldwin Heirs, Devisees, Successors or Assigns		
(a) Hazel & Reason Musick Rt.4 Box 191 Lebanon, VA 24266	0.0002315 1/54 of 0.01 acres	0.000394%
(b) Bertie Lester Rt.2 Box 482 Honaker, VA 24260	0.0002315 1/54 of 0.01 acres	0.000394%
(c) Ruby & Thomas Mitchell Rt.2 Box 450 Honaker, VA 24260	0.0002315 1/54 of 0.01 acres	0.000394%
(d) Andrew Clarence Baldwin Heirs, Devisees, Successors or Assigns		
(d.1) Shirley & Raiph Chambers Rt.2 Box 124 Pounding Mill, VA 24637	0.0001157 1/108 of 0.01 acres	0.000197%
(d.2) Roger Baldwin 103 Shannon Heights Richlands, VA 24641	0.0001157 1/108 of 0.01 acres	0.000197%
(e) Balford Horn Rt.2 Box 317 Honaker, VA 24260 5/12 Bad address per returned mail	0.0002315 1/54 of 0.01 acres	0.000394%
(f) Virgie Hubbard 209 Garvin Street #A Punta Gorda, FL 33950-5851	0.0002315 1/54 of 0.01 acres	0.000394%
(g) Winfred Baldwin Heirs, Devisees, Successors or Assigns		
(g.1) Janet & Arthur King Address Unknown	0.0000386 1/324 of 0.01 acres	0.000066%
(g.2) Nancy Baldwin Address Unknown	0.0000386 1/324 of 0.01 acres	0.000066%
(g.3) Linda Johnson Address Unknown	0.0000386 1/324 of 0.01 acres	0.000066%
(g.4) Kenneth Baldwin Address Unknown	0.0000386 1/324 of 0.01 acres	0.000066%

**Exhibit E**  
**Unit BE-101**  
**Docket #VGOB 02-0618-1032-01**  
**List of Respondents that require escrow**  
**(58.78 Acre Unit)**

	Acres in Unit	Percent of Unit
(g.5) Tammy Osbourne <i>Address Unknown</i>	0.0000386 1/324 of 0.01 acres	0.000066%
(g.6) Angela Baldwin <i>Address Unknown</i>	0.0000386 1/324 of 0.01 acres	0.000066%
(g) Ezra Baldwin HC4 Box 202 Council, VA 24260	0.0002315 1/54 of 0.01 acres	0.000394%
(h) Zethie Ethel Baldwin-Lee 1016 South Market Street Galion, OH 44833 5/12 Bad address per returned mail	0.0002315 1/54 of 0.01 acres	0.000394%
(2) James Harvey Ball Heirs, Devisees, Successors or Assigns		
(a) Cleveland Ball Heirs, Devisees, Successors or Assigns		
(a.1) Judy Pelley 2810 Hickory Ridge Rd. Madison, WI 53719	0.0001302 1/96 of 0.01 acres	0.000222%
(a.2) Roger Ball 1776 Belvidere Road Port Deposit, MD 21904	0.0001302 1/96 of 0.01 acres	0.000222%
(a.3) Clyde Ball 312 Holmes Street Frankford, KY 40601-2131	0.0001302 1/96 of 0.01 acres	0.000222%
(a.4) Ernie Ball Foxwood Drive Hendersonville, NC 28739	0.0001302 1/96 of 0.01 acres	0.000222%
(b) Nola Mae & Jim Comer Heirs, Devisees, Successors or Assigns		
(b.1) Jerrold & Louise Dowell 3601 Level Village Road Havre De Grace, MD 21078	0.0001042 1/120 of 0.01 acres	0.000177%
(b.2) Harvey Comer 1559 Arena Road Darlington, MD 21034	0.0001042 1/120 of 0.01 acres	0.000177%
(b.3) Marvin Comer 123 Montrose Avenue Essex, MD 21221	0.0001042 1/120 of 0.01 acres	0.000177%
(b.4) Stella & Robert Miller 1616 Pode Road Darlington, MD 21034 5/12 Bad address per returned mail	0.0001042 1/120 of 0.01 acres	0.000177%
(b.5) Arbutus & William Helton 5808 Hanna Road Eldersburg, MD 21784	0.0001042 1/120 of 0.01 acres	0.000177%
(c) Roy Ball 624 Old Robinhood Road Aberdeen, MD 21001	0.0005208 1/24 of 0.01 acres	0.000886%
(d) Myrtle Settle 172 Glendale Drive Elkin, NC 28621	0.0005208 1/24 of 0.01 acres	0.000886%
(3) Virgie & Richard Rasnake Heirs, Devisees, Successors or Assigns		

Exhibit E  
Unit BE-101  
Docket #VGOB 02-0618-1032-01  
List of Respondents that require escrow  
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
(a) Dorothy Fay Long 2370 Happy Lane Jacksonville, FL 32218	0.0004167 1/30 of 0.01 acres	0.000709%
(b) Ervin Finley Rasnake 2370 Happy Lane Jacksonville, FL 32218 5/12 Bad address per returned mail	0.0004167 1/30 of 0.01 acres	0.000709%
(c) Clifford Rasnake 2370 Happy Lane Jacksonville, FL 32218 5/12 Bad address per returned mail	0.0004167 1/30 of 0.01 acres	0.000709%
(d) Edna & Monroe Barton Address Unknown	0.0004167 1/30 of 0.01 acres	0.000709%
(e) Sophia Ruth Stanley Heirs, Devisees, Successors or Assigns		
(e.1) Oakey Stanley Rt.1 Box 17D Bruceton Mills, WV 26525	0.0000521 1/240 of 0.01 acres	0.000089%
(e.2) Susie Ballard 10338 Sling Gap Road Bent Mountain, VA 24059	0.0000521 1/240 of 0.01 acres	0.000089%
(e.3) Gladys Dampan 5004 South Woodlawn Chicago, IL 60615	0.0000521 1/240 of 0.01 acres	0.000089%
(e.4) Virginia Hankins P.O. Box 445 Rupert, WV 25984	0.0000521 1/240 of 0.01 acres	0.000089%
(e.5) Melvin Stanley P.O. Box 261 Rupert, WV 25984 5/12 Bad address per returned mail	0.0000521 1/240 of 0.01 acres	0.000089%
(e.6) Shelia R. Lewis Box 165 Sifers Road Meadow Bridge, WV 25976	0.0000521 1/240 of 0.01 acres	0.000089%
(e.7) Richard Stanley P.O. Box 261 Rupert, WV 25984	0.0000521 1/240 of 0.01 acres	0.000089%
(e.8) Velma Demasi 539 Oxford Avenue Akron, OH 44310	0.0000521 1/240 of 0.01 acres	0.000089%
(4) Synthia & Silas Broyles Heirs, Devisees, Successors or Assigns		
(a) Audrey Alene Broyles Wheat 4029 Gravey Hill Havre De Grace, MD 21078	0.0020833 1/6 of 0.01 acres	0.003544%
(5) Elbert & Rosa Ball Heirs, Devisees, Successors or Assigns		
(a) Arnold Ball Address Unknown	0.0006944 1/18 of 0.01 acres	0.001181%
(b) Viola Ball Gwynn Box 264H Honaker, VA 24620	0.0006944 1/18 of 0.01 acres	0.001181%

**Exhibit E**  
**Unit BE-101**  
**Docket #VGOB 02-0618-1032-01**  
**List of Respondents that require escrow**  
**(58.78 Acre Unit)**

	Acres in Unit	Percent of Unit
(c) Lula Ball Harris Heirs, Devisees, Successors or Assigns		
(c.1) Bonnie Austin HC65 Box 110 Rowe, VA 24646	0.0000868 1/144 of 0.01 acres	0.000148%
(c.2) Maudie Harris P.O. Box 1003 Cedar Bluff, VA 24609	0.0000868 1/144 of 0.01 acres	0.000148%
(c.3) Betty Johnson HI Box 14 Fox Meadows Lebanon, VA 24266	0.0000868 1/144 of 0.01 acres	0.000148%
(c.4) Molly Harris c/o Lonnie Harris RR4 Box 174A Lebanon, VA 24266	0.0000868 1/144 of 0.01 acres	0.000148%
(c.5) Lonnie Harris RR4 Box 174A Lebanon, VA 24266 5/12 Bad address	0.0000868 1/144 of 0.01 acres	0.000148%
(c.6) Pleasant Harris c/o Robin McCraw, Social Worker Southwestern VA Mental Health Institute 340 Bagley Circle Marion, VA 24354	0.0000868 1/144 of 0.01 acres	0.000148%
(c.7) Helen Harris P.O. Box 1472 Honaker, VA 24260	0.0000868 1/144 of 0.01 acres	0.000148%
(c.8) Tracie (Patricia) Hess 4010 McIntosh Street Greensboro, NC 27407	0.0000868 1/144 of 0.01 acres	0.000148%
(d) William F. & Beulah Ball 407 Carsons Run Road Aberdeen, MD 21001 5/12 Bad address per returned mail	0.0006944 1/18 of 0.01 acres	0.001181%
(e) Paul & Mary Baldwin P.O. Box 3132 Lebanon, VA 24266 5/12 Bad address per returned mail	0.0006944 1/18 of 0.01 acres	0.001181%
(f) Gracie & Hulett Johnson Address Unknown	0.0006944 1/18 of 0.01 acres	0.001181%

Exhibit EE  
Unit BE-101  
Docket #VGOB 02-0618-1032-01  
List of Respondents with Royalty Split Agreements and/or Court Orders  
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #2 - 9.11 acres</u>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543	9.11 acres	15.4985%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	9.11 acres	15.4985%	<b>98.9142%</b>
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			

# AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

**Applicant:** CNX Gas Company LLC  
**Relief Sought:** Disbursement Petition for BE101  
VGOB: 02-0618-1032-01

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 August 12, 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 24th day of August,  
2015.

  
Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE  
CNX Gas Company LLC

Unit BG98 & BE101  
VGOB 06-0919-1714-01 & 02-0618-1032-01  
Misc. Petition Disbursement

	NAME	MAILED	RECEIPT #	RECEIVED
Austin	Carson D.	8/12/15	7014349000007518 5628	8/17/15
Cook	T. Shea	8/12/15	7014349000007518 5604	8/13/15

Courtesy Copy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name)            Kashia Austin</p> <p>C. Date of Delivery            07-17</p>
<p>1. Article Addressed to:</p> <p>Carson D. Austin            1059 Austin Bison Ranch RD            Honaker, VA 24260</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No            If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number            7014 3490 0000 7518 5628</p>	<p>BG98 DISB            BE101</p>

PS Form 3811, July 2013

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name)            DISB</p> <p>C. Date of Delivery            8-13-15</p>
<p>1. Article Addressed to:</p> <p>Terrence Shea Cook            PO Box 507            Richlands, VA 24641</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input type="checkbox"/> No            If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number            7014 3490 0000 7518 5604</p>	<p>BG98 DISB            BE101</p>

PS Form 3811, July 2013

Domestic Return Receipt



**Exhibit J**  
**Unit BE101 Escrow Account Reconciliation Summary**  
**VGOB 02-0618-1032**

CNX Deposit Information		
Check Date	Check Number	Total
10/25/2007	22078	\$81.00
11/25/2007	24253	\$75.55
12/25/2007	25490	\$99.23
1/25/2008	27092	\$115.19
2/25/2008	28737	\$128.64
3/25/2008	30176	\$129.66
4/25/2008	31817	\$329.58
5/25/2008	33407	\$418.97
6/25/2008	35112	\$448.25
7/25/2008	36893	\$612.79
8/25/2008	38676	\$651.43
9/25/2008	40490	\$742.37
10/25/2008	42613	\$511.33
11/25/2008	46163	\$455.43
12/25/2008	48265	\$405.40
1/25/2009	49686	\$370.28
2/25/2009	53093	\$410.58
3/25/2009	54880	\$352.86
4/25/2009	56474	\$216.20
5/25/2009	58052	\$281.40
6/25/2009	59291	\$54.67
7/25/2009	60850	\$137.19
8/25/2009	62223	\$122.82
9/25/2009	63769	\$132.51
10/25/2009	65309	\$101.49
11/19/2009	67927	\$64.60
12/18/2009	69295	\$99.55
1/18/2010	70729	\$209.66
2/22/2010	72435	\$211.18
3/22/2010	74063	\$308.23
4/20/2010	75880	\$240.55
5/19/2010	77617	\$233.25
6/21/2010	79053	\$176.59
7/20/2010	80872	\$225.98
8/20/2010	82396	\$228.41
9/22/2010	83951	\$271.17
10/19/2010	86989	\$270.10
11/19/2010	89654	\$179.23
12/20/2010	91255	\$192.94
1/20/2011	92640	\$164.06
2/24/2011	94308	\$245.87
3/21/2011	95905	\$245.17
4/20/2011	97670	\$221.19
5/19/2011	99249	\$201.24
6/21/2011	100902	\$216.93
7/19/2011	1478	\$235.13
8/19/2011	3257	\$240.64
9/19/2011	4835	\$253.00
10/13/2011	7851	\$234.33
11/14/2011	9425	\$170.54
12/15/2011	10985	\$151.05
1/18/2012	12505	\$123.71
2/20/2012	14295	\$200.89

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
10/31/2007	\$0.00	\$5.50				\$0.00					\$5.50	\$1,647.38	\$1,720.26	\$72.88
11/30/2007	\$156.55	\$5.99				\$0.00					\$5.99	\$1,809.92	\$1,801.80	-\$8.12
12/31/2007	\$99.23	\$5.85				\$0.00					\$5.85	\$1,915.00	\$1,906.88	-\$8.12
1/31/2008	\$115.19	\$4.90				\$0.00					\$4.90	\$2,035.09	\$2,026.97	-\$8.12
2/29/2008	\$128.64	\$4.39				\$0.00					\$4.39	\$2,168.12	\$2,160.00	-\$8.12
3/31/2008	\$129.66	\$4.06				\$0.00					\$4.06	\$2,301.84	\$2,293.72	-\$8.12
4/30/2008	\$329.58	\$3.22				\$0.00					\$3.22	\$2,634.64	\$2,626.52	-\$8.12
5/31/2008	\$418.97	\$3.10				\$0.00					\$3.10	\$3,056.71	\$3,048.59	-\$8.12
6/30/2008	\$448.25	\$3.56				\$0.00					\$3.56	\$3,508.52	\$3,500.40	-\$8.12
7/31/2008	\$612.79	\$4.00				\$0.00					\$4.00	\$4,125.31	\$4,117.19	-\$8.12
8/31/2008	\$651.43	\$5.95				\$0.00					\$5.95	\$4,782.69	\$4,774.57	-\$8.12
9/30/2008	\$742.37	\$6.01				\$0.00					\$6.01	\$5,531.07	\$5,522.95	-\$8.12
10/31/2008	\$511.33	\$5.55				\$0.00					\$5.55	\$6,047.95	\$6,039.83	-\$8.12
11/30/2008	\$455.43	\$8.06				\$0.00					\$8.06	\$6,511.44	\$6,503.32	-\$8.12
12/31/2008	\$405.40	\$3.52				\$0.00					\$3.52	\$6,920.36	\$6,912.24	-\$8.12
1/1/2009	\$0.00	\$0.34				\$0.00					\$0.34	\$6,920.70	\$7,282.86	\$362.16
2/28/2009	\$780.86	(\$0.66)				\$0.00					(\$0.66)	\$7,700.90	\$7,692.78	-\$8.12
3/31/2009	\$352.86	\$1.91				\$0.00					\$1.91	\$8,055.67	\$8,047.55	-\$8.12
4/30/2009	\$216.20	(\$1.27)				\$0.00					(\$1.27)	\$8,270.60	\$8,262.48	-\$8.12
5/31/2009	\$281.40	(\$1.32)				\$0.00					(\$1.32)	\$8,550.68	\$8,542.56	-\$8.12
6/30/2009	\$54.67	(\$1.40)				\$0.00					(\$1.40)	\$8,603.95	\$8,595.83	-\$8.12
7/31/2009	\$137.19	(\$1.43)				\$0.00					(\$1.43)	\$8,739.71	\$8,731.59	-\$8.12
8/31/2009	\$122.82	(\$0.84)				\$0.00					(\$0.84)	\$8,861.69	\$8,853.57	-\$8.12
9/30/2009	\$132.51	(\$0.60)				\$0.00					(\$0.60)	\$8,993.60	\$8,985.48	-\$8.12
10/31/2009	\$101.49	(\$0.71)				\$0.00					(\$0.71)	\$9,094.38	\$9,086.26	-\$8.12
11/30/2009	\$64.60	(\$0.67)				\$0.00					(\$0.67)	\$9,158.31	\$9,150.19	-\$8.12
12/31/2009	\$99.55	(\$2.56)				\$0.00					(\$2.56)	\$9,255.30	\$9,247.18	-\$8.12
1/1/2010	\$209.66	\$1.74				\$0.00					\$1.74	\$9,463.93	\$9,458.58	-\$5.35
2/1/2010	\$211.18	\$1.83				\$0.00					\$1.07	\$9,676.18	\$9,670.83	-\$5.35
3/1/2010	\$308.23	\$2.07				\$0.00			\$0.00		\$1.26	\$9,985.67	\$9,980.32	-\$5.35
4/1/2010	\$240.55	\$2.20				\$0.00					\$1.37	\$10,227.59	\$10,222.24	-\$5.35
5/1/2010	\$233.25	\$2.04				\$0.00					\$1.19	\$10,462.03	\$10,456.68	-\$5.35
6/1/2010	\$176.59	\$2.16				\$0.00					(\$8.05)	\$10,630.57	\$10,625.22	-\$5.35
7/1/2010	\$225.98		\$2.20	\$0.30	(\$0.89)	\$0.00					\$1.61	\$10,858.16	\$10,852.81	-\$5.35
8/1/2010	\$228.41		\$1.92	\$0.74	(\$0.90)	\$0.00					\$1.76	\$11,088.33	\$11,082.98	-\$5.35
9/1/2010	\$271.17		\$1.83	\$1.06	(\$0.92)	\$0.00					\$1.97	\$11,361.47	\$11,356.12	-\$5.35
10/1/2010	\$270.10		\$1.76	\$1.54	(\$0.95)	\$0.00	(\$12.55)				(\$10.20)	\$11,621.37	\$11,616.02	-\$5.35
11/1/2010	\$179.23		\$1.55	\$1.94	(\$0.97)	\$0.00					\$2.52	\$11,803.12	\$11,797.77	-\$5.35
12/1/2010	\$192.94		\$1.25	\$2.94	(\$0.98)	\$0.00	(\$10.20)				(\$6.99)	\$11,989.07	\$11,983.72	-\$5.35
1/31/2011	\$164.06		\$1.34	\$3.92	(\$1.11)	\$0.00	(\$0.92)				\$3.23	\$12,156.36	\$12,151.01	-\$5.35
2/28/2011	\$245.87		\$0.94	\$4.00	(\$1.01)	\$0.00	(\$3.21)				\$0.72	\$12,402.95	\$12,397.60	-\$5.35
3/31/2011	\$245.17		\$0.87	\$4.86	(\$1.03)	\$0.00	(\$4.36)				\$0.34	\$12,648.46	\$12,643.11	-\$5.35
4/30/2011	\$221.19		\$0.72	\$4.93	(\$1.05)	\$0.00	(\$3.82)				\$0.78	\$12,870.43	\$12,865.08	-\$5.35
5/31/2011	\$201.24		\$0.78	\$5.19	(\$1.07)	\$0.00	(\$2.53)				\$2.37	\$13,074.04	\$13,068.69	-\$5.35
6/30/2011	\$216.93		\$0.78	\$5.07	(\$1.09)	\$0.00	(\$3.30)	\$0.02			\$1.48	\$13,292.45	\$13,287.10	-\$5.35
7/31/2011	\$235.13		\$0.86	\$5.25	(\$1.11)	\$0.00	(\$1.96)				\$3.04	\$13,530.62	\$13,525.27	-\$5.35
8/30/2011	\$240.64		\$0.59	\$5.79	(\$1.13)	\$0.00	(\$5.04)				\$0.21	\$13,771.47	\$13,766.12	-\$5.35
9/30/2011	\$253.00		\$0.60	\$5.65	(\$1.15)	\$0.00	(\$2.73)				\$2.37	\$14,026.84	\$14,021.49	-\$5.35
10/31/2011	\$234.33		\$0.70	\$5.79	(\$1.17)	\$0.00	(\$4.31)				\$1.01	\$14,262.18	\$14,256.83	-\$5.35
11/30/2011	\$170.54		\$0.74	\$5.68	(\$1.19)	\$0.00	(\$3.67)				\$1.56	\$14,434.28	\$14,428.93	-\$5.35
12/31/2011	\$151.05		\$0.83	\$6.00	(\$1.20)	\$0.00	(\$2.61)				\$3.02	\$14,588.35	\$14,583.00	-\$5.35
1/31/2012	\$123.71		\$0.96	\$5.93	(\$1.22)	\$0.00	(\$4.92)				\$0.75	\$14,712.81	\$14,707.46	-\$5.35
2/28/2012	\$200.89		\$0.90	\$5.50	(\$1.23)		(\$2.55)				\$2.62	\$14,916.32	\$14,910.97	-\$5.35

**Exhibit J**  
**Unit BE101 Escrow Account Reconciliation Summary**  
**VGOB 02-0618-1032**

CNX Deposit Information		
Check Date	Check Number	Total
3/20/2012	15771	\$154.64
4/20/2012	17441	\$127.75
5/21/2012	18990	\$115.59
6/20/2012	20099	\$80.28
7/25/2012	24351	\$65.41
8/23/2012	0214000067	\$80.34
9/24/2012	0214001452	\$144.34
10/22/2012	0214005341	\$157.49
11/20/2012	0214010969	\$120.00
12/19/2012	0214016239	\$159.03
1/22/2013	0214021429	\$195.12
2/20/2013	E000003806	\$221.25
3/20/2013	E000004924	\$182.07
4/22/2013	E000006009	\$158.10
5/21/2013	E000007181	\$195.18
6/20/2013	E000008495	\$224.46
7/22/2013	E000009882	\$239.49
8/20/2013	E000011235	\$225.76
9/20/2013	E000012541	\$198.92
10/21/2013	E000015772	\$174.37
11/19/2013	E000016847	\$172.08
12/18/2013	E000018220	\$174.50
1/21/2014	E000019556	\$178.37
2/24/2014	E000021051	\$208.40
3/20/2014	E000022411	\$317.78
4/22/2014	E000024398	\$343.42
5/19/2014	E000026119	\$284.77
6/20/2014	E000027742	\$238.20
7/18/2014	E000029645	\$261.89
8/21/2014	E000031396	\$244.74
9/18/2014	E000033263	\$233.30
10/20/2014	E000037115	\$194.41
11/19/2014	E000038647	\$196.89
12/22/2014	E000040443	\$200.92
1/20/2015	E000042262	\$186.99
2/19/2015	E000044278	\$220.36
3/19/2015	E000046078	\$30.47
4/21/2015	E000047998	\$123.66
5/20/2015	E000050790	\$115.96

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
3/31/2012	\$154.64		\$1.02	\$5.87	(\$1.24)		(\$2.09)				\$3.56	\$15,074.52	\$15,069.17	-\$5.35
4/30/2012	\$127.75		\$0.36	\$6.40	(\$1.26)		(\$2.66)				\$2.84	\$15,205.11	\$15,199.76	-\$5.35
5/31/2012	\$115.59		\$0.25	\$6.63	(\$1.27)		(\$1.08)				\$4.53	\$15,325.23	\$15,319.88	-\$5.35
6/30/2012	\$80.28		\$0.23	\$6.60	(\$1.28)		(\$1.83)				\$3.72	\$15,409.23	\$15,403.88	-\$5.35
7/31/2012			\$0.28	\$6.37	(\$1.28)		(\$1.13)				\$4.24	\$15,413.47	\$15,473.53	\$60.06
8/31/2012	\$145.75		\$0.31	\$5.59	(\$1.28)		(\$5.75)				(\$1.13)	\$15,558.09	\$15,552.74	-\$5.35
9/30/2012			\$0.31	\$5.16	(\$1.30)		(\$1.54)				\$2.63	\$15,560.72	\$15,699.71	\$138.99
10/31/2012	\$301.83		\$0.35	\$5.14	(\$1.30)		(\$1.94)				\$2.25	\$15,864.80	\$15,859.45	-\$5.35
11/30/2012	\$120.00		\$0.39	\$4.60	(\$1.32)		(\$1.57)				\$2.10	\$15,986.90	\$15,981.55	-\$5.35
12/31/2012	\$159.03		\$0.40	\$4.07	(\$1.33)		(\$1.88)				\$1.26	\$16,147.19	\$16,141.84	-\$5.35
1/31/2013	\$195.12		\$0.42	\$3.60	(\$1.35)		(\$1.44)				\$1.23	\$16,343.54	\$16,338.19	-\$5.35
2/28/2013	\$221.25		\$0.41	\$3.26	(\$1.36)		(\$2.56)				(\$0.25)	\$16,564.54	\$16,559.19	-\$5.35
3/31/2013	\$182.07		\$0.48	\$3.46	(\$1.38)		(\$1.64)				\$0.92	\$16,747.53	\$16,742.18	-\$5.35
4/30/2013	\$158.10		\$0.50	\$3.23	(\$1.40)						\$2.33	\$16,907.96	\$16,902.61	-\$5.35
5/31/2013	\$195.18		\$0.55	\$3.33	(\$1.41)						\$2.47	\$17,105.61	\$17,100.26	-\$5.35
6/30/2013	\$224.46		\$0.57	\$3.22	(\$1.43)		(\$1.70)				\$0.66	\$17,330.73	\$17,325.38	-\$5.35
7/31/2013	\$239.49		\$0.62	\$3.35	(\$1.44)						\$2.53	\$17,572.75	\$17,567.40	-\$5.35
8/31/2013	\$326.58		\$0.71	\$3.36	(\$1.46)						\$2.61	\$17,901.94	\$17,795.77	-\$106.17
9/30/2013	\$198.92		\$0.68	\$3.25	(\$1.49)						\$2.44	\$18,103.30	\$17,997.13	-\$106.17
10/31/2013	\$174.37		\$0.73	\$3.36	(\$1.51)						\$2.58	\$18,280.25	\$18,174.08	-\$106.17
11/30/2013	\$172.08		\$0.74	\$3.17	(\$1.52)						\$2.39	\$18,454.72	\$18,348.55	-\$106.17
12/31/2013	\$174.50		\$0.80	\$3.21	(\$1.54)						\$2.47	\$18,631.69	\$18,525.52	-\$106.17
1/31/2014	\$178.37		\$0.87	\$3.30	(\$1.55)						\$2.62	\$18,812.68	\$18,706.51	-\$106.17
2/28/2014	\$208.40		\$0.76	\$3.02	(\$1.57)						\$2.21	\$19,023.29	\$18,917.12	-\$106.17
3/31/2014	\$317.78		\$0.87	\$3.38	(\$1.59)						\$2.66	\$19,343.73	\$19,237.56	-\$106.17
4/30/2014	\$343.42		\$0.92	\$3.28	(\$1.61)						\$2.59	\$19,689.74	\$19,583.57	-\$106.17
5/31/2014	\$284.77		\$1.00	\$3.48	(\$1.64)						\$2.84	\$19,977.35	\$19,871.18	-\$106.17
6/30/2014	\$238.20		\$0.65	\$4.59	(\$1.66)						\$3.58	\$20,219.13	\$20,112.96	-\$106.17
7/31/2014	\$261.89		\$0.28	\$4.75	(\$1.68)						\$3.35	\$20,484.37	\$20,378.20	-\$106.17
8/31/2014	\$244.74		\$0.31	\$4.76	(\$1.71)						\$3.36	\$20,732.47	\$20,626.30	-\$106.17
9/30/2014	\$233.30		\$0.35	\$4.50	(\$1.71)						\$3.14	\$20,968.91	\$20,862.74	-\$106.17
10/31/2014	\$194.41		\$0.40	\$4.61	(\$1.75)						\$3.26	\$21,166.58	\$21,060.41	-\$106.17
11/30/2014	\$196.89		\$0.44	\$4.39	(\$1.76)						\$3.07	\$21,366.54	\$21,260.37	-\$106.17
12/31/2014	\$200.92		\$0.88	\$3.75	(\$1.76)						\$2.87	\$21,570.33	\$21,464.16	-\$106.17
1/31/2015	\$186.99		\$1.55	\$2.84	(\$1.80)						\$2.59	\$21,759.91	\$21,653.74	-\$106.17
2/28/2015	\$220.36		\$1.79	\$1.96	(\$1.81)						\$1.94	\$21,982.21	\$21,876.04	-\$106.17
3/31/2015	\$30.47		\$2.28	\$2.03	(\$1.83)						\$2.48	\$22,015.16	\$21,908.99	-\$106.17
4/30/2015	\$123.66		\$2.42	\$1.25	(\$1.83)						\$1.84	\$22,140.66	\$22,034.49	-\$106.17
5/31/2015	\$115.96		\$2.81	\$0.93	(\$1.85)			(\$100.82)			\$1.89	\$22,157.69	\$22,152.34	-\$5.35
											<b>Total</b>	\$275.54		

<b>Total Deposited</b>	<b>\$21,876.80</b>
<b>Interest and Fees</b>	<b>\$275.54</b>
<b>Total</b>	<b>\$22,152.34</b>
<b>May 2015 First Bank and Trust balance</b>	
	<b>\$22,157.69</b>
<b>Difference</b>	<b>-\$5.35</b>

8/31/2013 Check paid into the wrong account \$100.82 should have went to unit AZ111  
Corrected on 5/31/2015 report

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

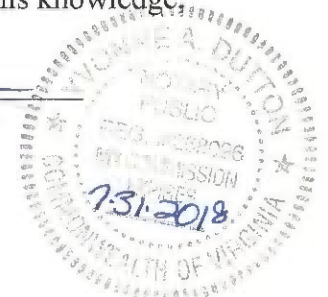
Name:  
Address:

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 22<sup>nd</sup> day APRIL, 2015.



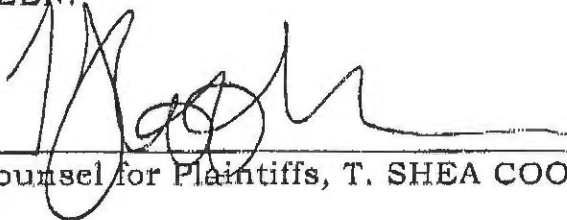
MICHAEL L. MOORE, JUDGE

REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.

