

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 06-0919-1714-01

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

**HEARING DATE:** September 15, 2015

**DRILLING UNIT:** BG98

**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 1B 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 BG-98.

**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

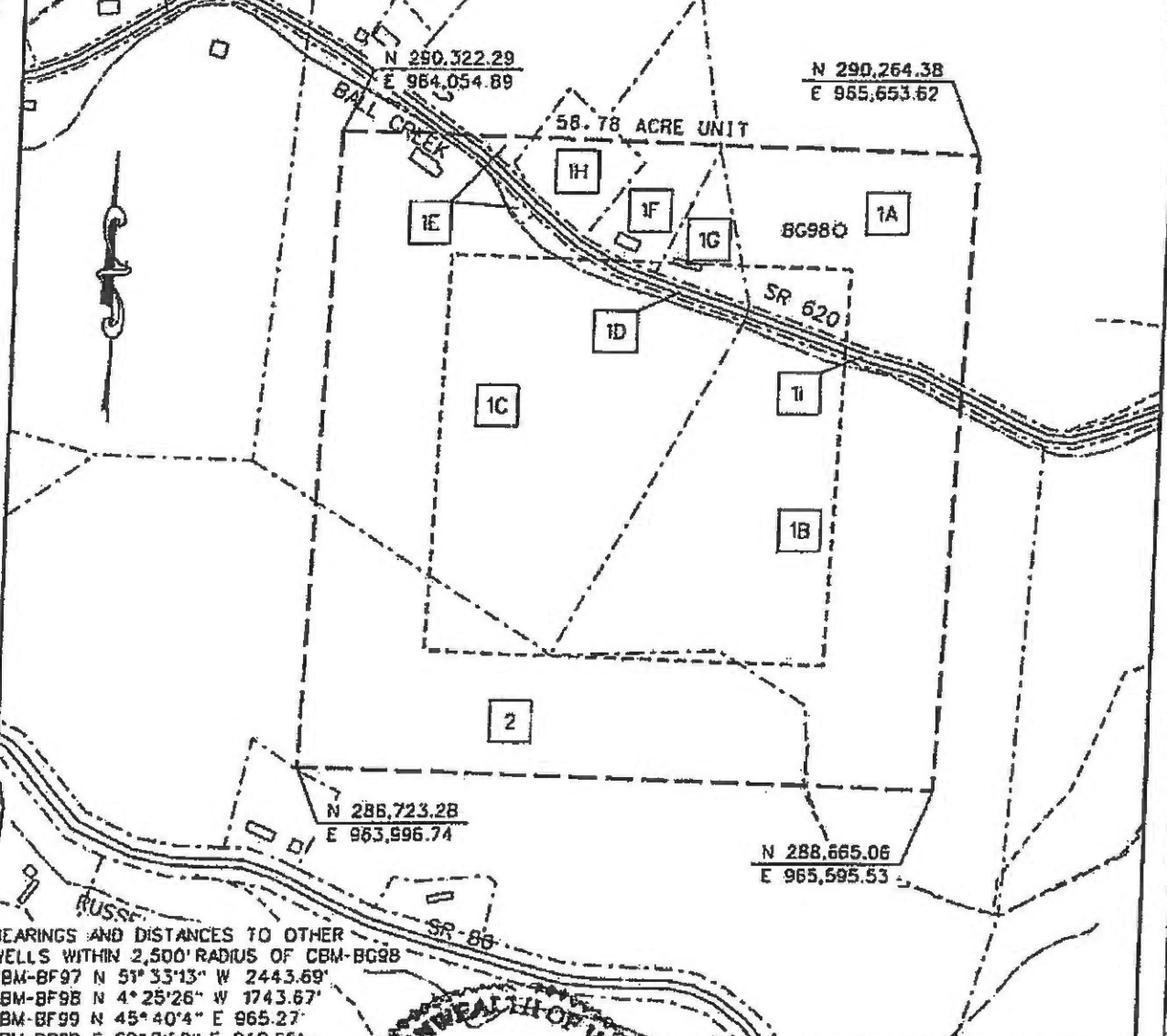
**5. Factual basis for relief requested**

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 on this plot were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed well.



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-BG98  
 CBM-BF97 N 51° 33' 13" W 2443.69'  
 CBM-BF98 N 4° 25' 26" W 1743.67'  
 CBM-BF99 N 45° 40' 4" E 965.27'  
 CBM-BG99 S 89° 8' 50" E 948.65'

☉ OLD WELL  
 ⊙ PROPOSED CBM WELL

COMMONWEALTH OF VIRGINIA  
 Richard C. Murbert  
 RICHARD C. MURBERT  
 Lic. No. 041898  
 10-03-12  
 PROFESSIONAL ENGINEER

EXHIBIT A  
 NORA FIELD  
 UNIT BG98  
 FORCE POOLING  
 VGOB-06-0919-1714

Company CNX Gas Company LLC Well Name and Number UNIT BG98  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle BIG A MOUNTAIN  
 County BUCHANAN District HURRICANE Scale: 1" = 400' Date \_\_\_\_\_  
 This plot is a new plot X ; an updated plot \_\_\_\_\_ ; or a final plot \_\_\_\_\_

Form DGO-GO-7 Richard C. Murbert (Affix Seal)  
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

# CNX Gas Company LLC

## UNIT BG-98

Tract Identifications  
(58.78 Acre Unit)

- 1A. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – Surface, Oil and Gas  
Harrison-Wyatt, LLC (50%)/CNX Gas Company LLC (50%) – CBM  
CNX Gas Company LLC – CBM Leased (50%)  
6.56 acres 11.1603%
- 1B. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Carson D. Austin – Surface, Oil and Gas  
16.34 acres 27.7986%
- 1C. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Joyce Mitchell – Surface, Oil and Gas  
Joyce Mitchell (50%)/Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
19.46 acres 33.1065%
- 1D. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Ruby Mitchell Heirs, et al OR Commonwealth of Virginia – Oil and Gas  
Ruby Mitchell Heirs, et al (50%)/Harrison-Wyatt, LLC – CBM (50%) (If Ruby Mitchell Heirs, et al)  
CNX Gas Company LLC – Oil, Gas and CBM Leased (If Ruby Mitchell Heirs, et al)  
Commonwealth of Virginia – Surface  
0.86 acres 1.4631%
- 1E. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
DeShannon Barton – Surface, Oil and Gas  
DeShannon Barton (50%)/Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.22 acres 0.3743%
- 1F. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Avery Barton, et ux – Surface, Oil and Gas  
Avery Barton, et ux (50%)/Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
1.33 acres 2.2627%
- 1G. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCG Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Joyce Mitchell – Surface, Oil and Gas  
Joyce Mitchell (50%) / Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.98 acres 1.6672%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

# CNX Gas Company LLC

## UNIT BG-98

Tract Identifications  
(58.78 Acre Unit)

- 1H. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
Zackory Barton, et ux – Surface, Oil and Gas  
Zackory Barton, et ux (50%)/Harrison-Wyatt, LLC – CBM (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
1.11 acres                      1.8884%
- 1I. Harrison-Wyatt, LLC, Oxy Tr. 11-3, ICCO Tr. 823 (416.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC OR Commonwealth of Virginia – Oil and Gas  
Harrison-Wyatt, LLC (50%)/CNX Gas Company LLC (50%) – CBM (If CNX Gas Company LLC)  
CNX Gas Company LLC – CBM Leased (50%) (If CNX Gas Company LLC)  
Commonwealth of Virginia – Surface  
0.59 acres                      1.0037%
2. Harrison-Wyatt, LLC, Oxy Tr. 7, ICCO Tr. 826 (951.00 Acre Tract) – Coal  
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
Logan Hale, et ux – Surface, Oil and Gas  
Range Resources-Appalachia, LLC – Oil, Gas and CBM Leased  
11.33 acres                      19.2753%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)



Exhibit E  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #1D - 0.86 acres</u></b>		
<b><i>Escrow due to Title Conflict</i></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICC Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.86 acres	1.4631%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Ruby Mitchell Heirs, Devisees, Successors or Assigns, et al	0.86 acres	1.4631%
(a) Mildred Baldwin 1703 Old Grissom Creek Rd. Honaker, VA 24260	0.29 acres 1/3 of 0.86 acres	0.4877%
(b) Deshannon Barton 1767 Old Grissom Creek Rd. Honaker, VA 24260	0.29 acres 1/3 of 0.86 acres	0.4877%
(c) Phillis Wilson 121 Woodland Dr. Lebanon, VA 24266	0.29 acres 1/3 of 0.86 acres	0.4877%
<b>- OR -</b>		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.86 acres	1.4631%
<b><u>Tract #1I- 0.59 acres</u></b>		
<b><i>Escrow due to Title Conflict</i></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICC Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.59 acres	1.0037%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.59 acres	1.0037%
<b>- OR -</b>		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.59 acres	1.0037%

Exhibit E  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #2 - 11.33 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 7, ICC Tr. 826) P.O. Box 11000 Danville, VA 24543 <i>(951 Acre Tract)</i>	11.33 acres	19.2753%
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) Logan & Elizabeth Hale 9080 Henderson Hwy Honaker, VA 24260	11.33 acres	19.2753%

Exhibit EE  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents with Royalty Split Agreements and/or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1A - 6.56 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	6.56 acres	11.1603%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	6.56 acres	11.1603%	<i>n/a</i>
<b><u>Tract #1B - 16.34 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	16.34 acres	27.7986%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	16.34 acres	27.7986%	<b>56.1126%</b>
<i>Prevailing plaintiff under Case No. CL12000388 Awarded 100% of the CBM royalty.</i>			
<b><u>Tract #1C - 19.46 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	19.46 acres	33.1065%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Joyce B. Mitchell, widow Rt.2 Box 450B Honaker, VA 24260 <i>(previously Harold Mitchell, et ux)</i>	19.46 acres	33.1065%	<i>n/a</i>
<b><u>Tract #1E - 0.22 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.22 acres	0.3743%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Deshannon Barton 1767 Old Grissom Creek Rd. Honaker, VA 24260 <i>(previously Ruby Mitchell)</i>	0.22 acres	0.3743%	<i>n/a</i>

Exhibit EE  
Unit BG-98  
Docket #VGOB 06-0919-1714-01  
List of Respondents with Royalty Split Agreements and/or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1F - 1.33 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	1.33 acres	2.2627%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Avery Barton, et ux 1859 Old Grissom Creek Rd. Honaker, VA 24649	1.33 acres	2.2627%	<i>n/a</i>
<b><u>Tract #1G - 0.98 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.98 acres	1.6672%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Joyce B. Mitchell, widow Rt.2 Box 450B Honaker, VA 24260 <i>(previously Harold Mitchell, et ux)</i>	0.98 acres	1.6672%	<i>n/a</i>
<b><u>Tract #1H- 1.11 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Oxy Tr. 11-3, ICCO Tr. 82: P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	1.11 acres	1.8884%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Zackory Barton, et ux. Rt.2 Box 451 Honaker, VA 24260	1.11 acres	1.8884%	<i>n/a</i>
<b>Total Acreage Resolved</b>		46.0000	
<b>Total Percentage Resolved</b>			78.2579%

# AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

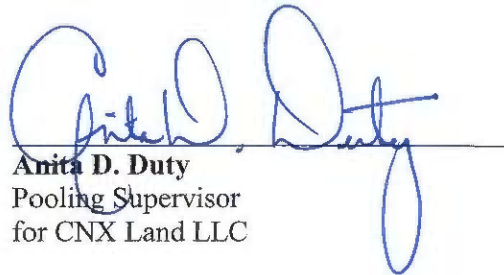
**Applicant:** CNX Gas Company LLC  
**Relief Sought:** Disbursement Petition for BG98  
VGOB: 06-0919-1714-01

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.

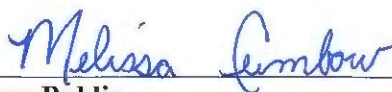
3. Notice of this cause has therefore been served by mail pursuant to the applicable statutes and rules of the Board.

  
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	701434900007518	5628	8/17/15
Cook	T. Shea	8/12/15	701434900007518	5604	8/13/15

Courtesy Copy

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carson D. Austin  
1059 Austin Bison Ranch AD  
Honaker, VA 24260

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *Kashia Austin*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Kashia Austin* *07-17*

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

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

4. Restricted Delivery? (Extra Fee)  Yes

2 7014 3490 0000 7518 5628 *BG 98 Disb*  
PS Form 3811, July 2013 *BE 101*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Terrence Shea Cook  
PO Box 507  
Richlands, VA 24641

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*[Signature]* *8-13-15*

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

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
*1* 7014 3490 0000 7518 5604 *BG 98 Disb*  
PS Form 3811, July 2013 Domestic Return Receipt *BE 101*

**Exhibit J  
Unit BG98 Escrow Account Reconciliation Summary  
VGOB 06-0919-1714**

CNX Deposit Information		
Check Date	Check Number	Total
12/10/2014	E000040316	\$37,645.46
12/22/2014	E000040678	\$494.90
1/20/2015	E000042496	\$456.80
2/19/2015	E000044523	\$441.11
3/19/2015	E000046325	\$359.19
4/21/2015	E000048241	\$333.39
5/20/2015	E000051037	\$314.04

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
													\$37,645.46	\$37,645.46
12/31/2014	\$38,140.36		\$6.58								\$6.58	\$38,146.94	\$38,146.94	\$0.00
1/31/2015	\$456.80		\$9.35		(\$3.18)						\$6.17	\$38,609.91	\$38,609.91	\$0.00
2/28/2015	\$441.11		\$5.95		(\$3.22)						\$2.73	\$39,053.75	\$39,053.75	\$0.00
3/31/2015	\$359.19		\$6.50		(\$3.25)						\$3.25	\$39,416.19	\$39,416.19	\$0.00
4/30/2015	\$333.39		\$6.41		(\$3.28)						\$3.13	\$39,752.71	\$39,752.71	\$0.00
5/31/2015	\$314.04		\$6.64		(\$3.31)						\$3.33	\$40,070.08	\$40,070.08	\$0.00
											Total	\$25.19		

**Total Deposited**                    \$40,044.89

**Interest and Fees**                    \$25.19

**Total**                                    \$40,070.08

**May 2015 First Bank and Trust balance**

    \$40,070.08

**Difference**                              \$0.00

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

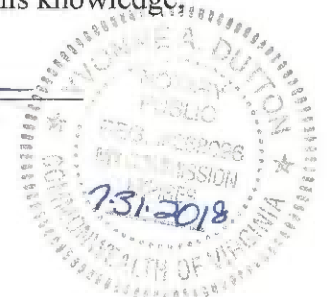
Name:  
Address:

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.



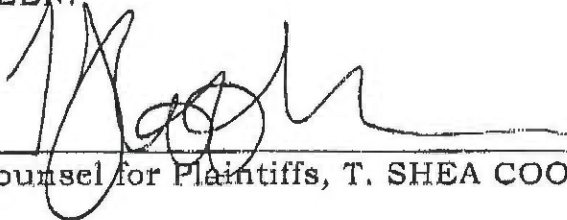
MICHAEL L. MOORE, JUDGE

REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.

