

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** ARP Mountaineer Production,LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 09-0616-2528-01

**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:** CBM Unit ZZZ-39

**BUCHANAN COUNTY, VIRGINIA**

**PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS**

**1. Petitioner and its counsel**

Petitioner is ARP Mountaineer Production,LLC, Park Place Corp Center One, 1000 Commerce Drive, Pittsburgh, PA 15275, 412-489-0006. Petitioner's counsel is Tim Scott, McKinnis & Scott Law Firm, 135 W. Main St., Kingsport, TN 37660.

**2. Relief Sought**

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 plaintiffs; Talmadge G. Rogers, III, Derek Browning, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos and Pamela Poulos. Unit ZZZ-39.

**3. Legal Authority**

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

**4. Type of Well(s)**

Coalbed Methane

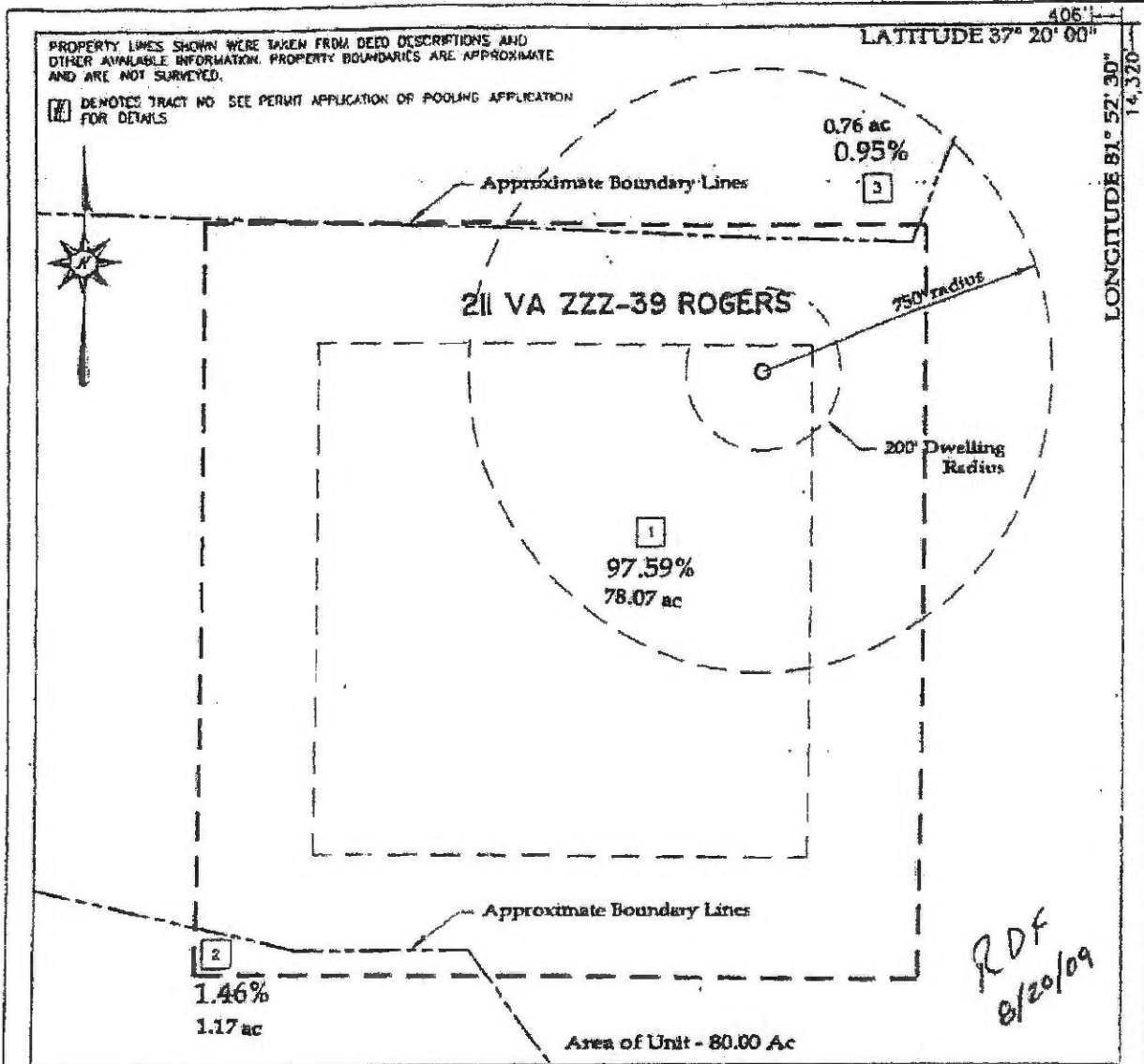
**5. Factual basis for relief requested**

T.G. Rogers, III, Derek Browning Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos, and Pamela Poulos is entitled to 100% of the CBM royalties awarded under Buchanan County, Virginia Circuit Court Case No. 550-13, Opinion dated July 10, 2014, said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specified how said royalties are to be paid.

There are no more remaining conflicts after the disbursement, escrow is no longer required and account is to be closed after disbursement.

**6. Attestation**

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



**WELL LOCATION PLAT**

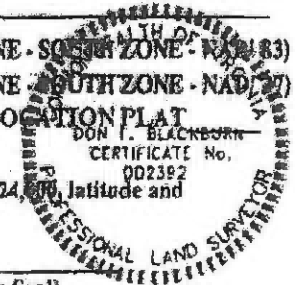
COMPANY: GEOMET OPERATING COMPANY WELL NAME OR NUMBER: 211 VA ZZZ-39 ROGERS  
 TRACT NUMBER: LBR HOLDINGS, LLC (TRACT NO. 68) SCALE: 1" = 400' DATE: 04/14/09  
 COUNTY: BUCHANAN DISTRICT: NORTH GRUNDY QUADRANGLE PATTERSON  
 ELEVATION: 2,172.45' METHOD USED TO DETERMINE ELEVATION: G.P.S. CONTROL LOOP  
 FROM JEWELL SMOKELESS COAL CO. & TEE ENGINEERING CO. CONTROL POINTS

NORTHING - 3,648,205.54' EASTING - 10,501,022.05' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 83)  
 NORTHING - 367,325.17' EASTING - 1,018,033.66' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 83)

THIS IS A NEW PLAT \_\_\_\_\_ ; AN UPDATED PLAT \_\_\_\_\_ ; OR A FINAL LOCATION PLAT \_\_\_\_\_  
 POOLING PLAT X

+ Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

*Don F. Blackburn*  
 Professional Engineer or Licensed land surveyor (Affix Seal)



Well Name : 211 VA 722-39 Rogers

Pooling Plat Attachment A

<u>Plat Tract Number</u>	<u>Owners</u>	<u>Percentage Ownership</u>
<u>1.) 68</u>	<u>LBR Holdings, LLC</u>	<u>78.07 Ac ~ 97.59% of 80.00 Ac</u>
<u>2.) 9</u>	<u>LBR Holdings, LLC</u>	<u>1.17 Ac ~ 1.46% of 80.00 Ac</u>
<u>3.)</u>	<u>Plum Creek Timberlands, LP</u>	<u>0.76 Ac ~ 0.95% of 80.00 Ac</u>

Location Description: 0.44 Miles Northwest of State Route 639jct. W/ State Route 628  
and 2.73 miles Southeast of State Route 83jct. W/State Route 639.

13



EXHIBIT E  
LIST OF CONFLICTING AND UNKNOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE  
ESCROW  
UNIT ZZZ-39  
VOGB DOCKET NO. 09-0616-2528

---

NONE.

EXHIBIT EE  
UNIT ZZZ-39  
VOGB DOCKET NO. 09-0616-2528  
List of Respondents with Royalty Split Agreements or Court Orders

	PERCENTAGE OWNERSHIP OF TRACT IN DISPUTE	PERCENTAGE OWNERSHIP OF UNIT IN DISPUTE
<u>Tract 2-( 1.17 Acres)</u>		
<u>(1.46%)</u>		
<u>LBR Holdings, LLC et al.</u>		
<u>Tr. No. 9</u>		
<b>COAL FEE OWNERSHIP</b>		
LBR HOLDINGS, LLC		
Fon Rogers, Manager		
P.O. Box 22427		
Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>		
Jason Poulos 10870 SW 95 <sup>th</sup> Street Miami, FL 33176	4.166667%	0.060833%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166667%	0.060833%
Pamela Poulos 5000 SW 83 <sup>rd</sup> St. Miami, FL 33143	4.166666%	0.060833%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	0.045625%
Shaun Rogers 121 NE 100 <sup>th</sup> St. Miami Shores, FL 32960	3.125000%	0.045625%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	0.045625%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	0.045625%
<b>Total Unit in Dispute</b>	25.000000%	0.365000%

CERTIFICATE OF PUBLICATION

State of West Virginia,

To-wit:-

County of Mercer,

I, Teresa Evans of the Bluefield Daily Telegraph, a daily newspaper published in the City of Bluefield, Mercer County, West Virginia, do certify that the notice attached hereto under the caption;

was published in the said Bluefield Daily Telegraph 1 (One) Time(s) on the following day(s), namely August 27th in the year 2015.

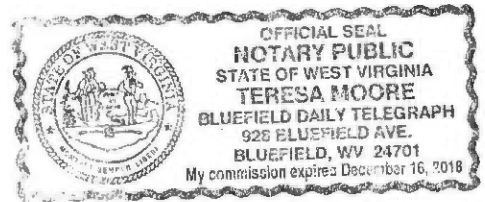
Publication Fee: \$146.25

Teresa Evans

Subscribed and sworn to before me this 27th day of August 2015.

My Commission expires Dec 16 2018

Teresa Moore



366928

**NOTICE OF HEARING BEFORE THE DEPARTMENT OF MINES, MINERALS & ENERGY, DIVISION OF GAS AND OIL**

Docket Number VGOB-15-0818-4073  
 To: All persons, their known and unknown heirs, executors, administrators, devisees, successors and assigns, owning an interest in the gas oil, coal or minerals underlying the Units established by the Virginia Gas and Oil Board as it stood. See Exhibit "G".

**NOTICE IS HEREBY GIVEN** that ARP Mountaineer Production, LLC, Park Place Corporate Office Center, 1000 Commerce Drive 4th Floor Pittsburgh, PA 15275, is requesting that the Virginia Gas and Oil Board (hereinafter "Board") issue an order transferring the right of operator ship of all these units from GeoMet Operating Company, Inc. to ARP Mountaineer Production, LLC.

**NOTICE IS FURTHER GIVEN** that this cause has been set for hearing and the taking of evidence before the Board at 9:00 a.m. on August 18, 2015 and was continued until 9:00 a.m. on September 15, 2015 at the Conference Center at the Russell County Office Facility, Lebanon Virginia.

All interested persons may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information, contact the Virginia Gas and Oil Board, State Gas and Oil Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, P.O. Box 159, Lebanon, Virginia, 24266, (276) 415-9650 or the Applicant at the address shown above.

Short Type	Unit Name	Applicant	Exhibit G Petition Type	Docket #	Hearing Date	County
Pooling	ZZZ-39	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0616-2528	6/16/2009	Buchanan
Pooling	QQQ-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	07-1113-2080	11/13/2007	Buchanan
Pooling	A-37	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0217-2468	2/17/2009	Buchanan
Pooling	TTT-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	07-0918-2009	9/18/2007	Buchanan
Pooling	ZZZ-41	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0616-2530	6/16/2009	Buchanan
Pooling	B-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0616-2532	6/16/2009	Buchanan
Pooling	A-41	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-1114-1794	11/14/2006	Buchanan
Pooling	C-45	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1114-1790	11/16/2006	Buchanan
Pooling	SSS-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	07-0918-2008	9/18/2007	Buchanan
Pooling	F-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-1116-2877	11/16/2010	Buchanan
Pooling	F-37	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0921-2800	9/21/2010	Buchanan
Pooling	F-33	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0921-2798	9/21/2010	Buchanan
Pooling	C-46	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	04-1214-1376	12/14/2004	Buchanan
Pooling	D-33	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-1114-1803	11/14/2006	Buchanan
Pooling	D-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0615-2748	6/15/2010	Buchanan
Pooling	C-38	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0615-2747	6/15/2010	Buchanan
Pooling	F-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-1116-2878	11/16/2010	Buchanan
Pooling	F-34	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0921-2799	9/21/2010	Buchanan
Pooling	A-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0720-2770	7/20/2010	Buchanan
Pooling	C-44	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	04-1214-1379	12/14/2004	Buchanan
Pooling	D-43	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2603	10/20/2009	Buchanan
Pooling	ZZZ-40	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0721-2549	7/21/2009	Buchanan
Pooling	C-43	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-0621-1473	6/21/2005	Buchanan
Pooling	C-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0616-2533	6/16/2009	Buchanan
Pooling	B-44	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	04-1214-1380	12/14/2004	Buchanan
Pooling	B-34	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2775	10/20/2009	Buchanan
Pooling	C-34	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2776	10/20/2009	Buchanan
Pooling	E-33	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2601	10/20/2009	Buchanan
Pooling	B-45	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	04-1214-1378	12/14/2004	Buchanan
Pooling	A-42	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2609	10/20/2009	Buchanan
Pooling	TTT-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-1219-1848	12/19/2006	Buchanan
Pooling	SSS-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-1219-1846	12/19/2006	Buchanan
Pooling	B-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-0720-2771	7/20/2010	Buchanan
Pooling	C-47	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	04-1214-1377	12/14/2004	Buchanan

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

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

1. Article Addressed to:

**Derek Browning Rogers**  
**2300 Carmel Road**  
**Charlotte, NC 28226**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3190

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

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:

**Derek Browning Rogers**  
**2300 Carmel Road**  
**Charlotte, NC 28226**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3275

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

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:

**Shaun Davis Rogers**  
**121 NE 100th St**  
**Miami Shores, FL 33138**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3251

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

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

1. Article Addressed to:

**Shaun Davis Rogers**  
**121 NE 100th St**  
**Miami Shores, FL 33138**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3251

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

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:

**Derek Browning Rogers**  
**2300 Carmel Road**  
**Charlotte, NC 28226**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3244

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

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

1. Article Addressed to:

**Gregory Polous**  
**1894 Glenwood Street NE**  
**Palm Bay, FL 32907**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3275

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

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

1. Article Addressed to:

**Derek Browning Rogers**  
**2300 Carmel Road**  
**Charlotte, NC 28226**

Article Number  
 (Transfer from service label)  
 7015 0920 0001 7502 3244

PS Form 3811, July 2013

Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee)  Yes

**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:

**Shaun Davis Rogers**  
**121 NE 100th St**  
**Miami Shores, FL 33138**

2. Article Number  
 (Transfer from service label)  
**7015 0920 0001 7502-3710**  
 PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) SDR  
 C. Date of Delivery 8/22

D. Is delivery address different from item 1?  Yes  
 No

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) J Poulos  
 C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 No

**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.

Article Addressed to:

**Jason Poulos**  
**40670 SW 95th Street**  
**Miami, FL 33176**

Article Number  
 (Transfer from service label)  
**7015 0920 0001 7502 3213**  
 PS Form 3811, July 2013

Domestic Return Receipt

**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:

**Jason Poulos**  
**40670 SW 95th Street**  
**Miami, FL 33176**

2. Article Number  
 (Transfer from service label)  
**7015 0920 0001 7502 3282**  
 PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name) J Poulos  
 C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 No

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

4. Restricted Delivery? (Extra Fee)  Yes  
 No

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: **70150920000175023206**

Updated Delivery Day: **Saturday, August 22, 2015**

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 22, 2015 , 12:16 pm	Delivered	PALM BAY, FL 32907

Your item was delivered at 12:16 pm on August 22, 2015 in PALM BAY, FL 32907.

August 22, 2015 , 7:24 am	Out for Delivery	PALM BAY, FL 32907
August 22, 2015 , 7:14 am	Sorting Complete	PALM BAY, FL 32907
August 22, 2015 , 4:08 am	Arrived at Unit	PALM BAY, FL 32907
August 22, 2015 , 1:04 am	Departed USPS Facility	ORLANDO, FL 32824
August 21, 2015 , 10:00 pm	Arrived at USPS Facility	ORLANDO, FL 32824
August 21, 2015 , 5:32 am	Departed USPS Facility	KNOXVILLE, TN 37950
August 20, 2015 , 11:04 pm	Arrived at USPS Facility	KNOXVILLE, TN 37950

## Available Actions

Track  
Tracking (c

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"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p><b>Gregory Polous</b>  <b>1894 Glenwood Street NE</b>  <b>Palm Bay, FL 32907</b></p> </div>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center; font-weight: bold;">7015 0920 0001 7502 3206</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, July 2013

Domestic Return Receipt

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates >  
Sign up for My USPS.

Tracking Number: 701509200001 75023183

Updated Delivery Day: Saturday, August 22, 2015

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

## Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 22, 2015 , 2:21 pm	Notice Left (No Authorized Recipient Available)	MATTHEWS, NC 28104

We attempted to deliver your item at 2:21 pm on August 22, 2015 in MATTHEWS, NC 28104 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting <http://www.usps.com/redelivery> or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by September 21, 2015 then it will be returned to sender.

August 22, 2015 , 8:51 am	Arrived at Unit	MATTHEWS, NC 28105
August 22, 2015 , 5:45 am	Arrived at USPS Facility	MATTHEWS, NC 28105
August 21, 2015 , 8:09 pm	Departed USPS Facility	CHARLOTTE, NC 28214
August 21, 2015 , 5:49 pm	Arrived at USPS Facility	CHARLOTTE, NC 28214
August 21, 2015 , 2:55 am	Departed USPS Facility	KNOXVILLE, TN 37950
August 20, 2015 , 11:04 pm	Arrived at USPS Facility	KNOXVILLE, TN 37950

## Track Another Package

Tracking (or receipt) number

7015 0920 0001 7502 3183

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		

*Sent To*

Street & Apt. /  
or PO Box No

City, State, Zip

**TG Rogers, III**  
**3014 Shalford Lane**  
**Matthews, NC 28104**

Postmark Here

PS Form 3800, July 2014 See Reverse for Instructions

## ig Packages

a dashboard.  
ry.



English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 7015092000175023237

Updated Delivery Day: Saturday, August 22, 2015

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

## Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 22, 2015 , 2:21 pm	Notice Left (No Authorized Recipient Available)	MATTHEWS, NC 28104

We attempted to deliver your item at 2:21 pm on August 22, 2015 in MATTHEWS, NC 28104 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting <http://www.usps.com/redelivery> or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by September 21, 2015 then it will be returned to sender.

August 22, 2015 , 8:51 am	Arrived at Unit	MATTHEWS, NC 28105
August 22, 2015 , 8:14 am	Out for Delivery	MATTHEWS, NC 28105
August 22, 2015 , 8:04 am	Sorting Complete	MATTHEWS, NC 28105
August 21, 2015 , 9:53 pm	Arrived at USPS Facility	CHARLOTTE, NC 28214
August 21, 2015 , 10:53 am	Arrived at USPS Facility	CHARLOTTE, NC 28228
August 20, 2015 , 10:14 pm	Departed USPS Facility	KNOXVILLE, TN 37950
August 20, 2015 , 9:57 pm	Arrived at USPS Facility	KNOXVILLE, TN 37950

## Track Another Package

Tracking (or receipt) number

7015 0920 0001 7502 3237

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		



Postmark Here

**Sent To**

**TG Rogers, III**  
**3014 Shalford Lane**  
**Matthews, NC 28104**

Street & Apt. or PO Box No.  
City, State, Zi

PS Form 3800, July 2014

See Reverse for Instructions

## Incoming Packages

View packages from a dashboard.  
Endorsements necessary.

Sign up for My USPS ›



English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 70150920000175023268

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

Text Updates

DATE & TIME

STATUS OF ITEM

LOCATION

Email Updates

August 24, 2015 , 1:13 pm

Notice Left (No Authorized Recipient Available)

GARDEN CITY, NY 11530

We attempted to deliver your item at 1:13 pm on August 24, 2015 in GARDEN CITY, NY 11530 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting <http://www.usps.com/redelivery> or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by September 23, 2015 then it will be returned to sender.

August 22, 2015 , 12:37 pm

Departed USPS Facility

GARDEN CITY, NY 11599

August 22, 2015 , 11:24 am

Arrived at USPS Facility

GARDEN CITY, NY 11599

August 20, 2015 , 11:55 pm

Departed USPS Facility

KNOXVILLE, TN 37950

August 20, 2015 , 9:59 pm

Arrived at USPS Facility

KNOXVILLE, TN 37950

## Available Actions

## Track and Manage Incoming Packages

Tracking (or receipt)

## Manage Incoming Packages

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

Sign up for My USPS ›



### HELPFUL LINKS

- Contact Us
- Site Index
- FAQs

### LEGAL INFORMATION

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data



Copyright © 2015 USPS. All

See Reverse for Instructions

PS Form 3800, July 2014

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 701509200001 75023169

Updated Delivery Day: **Saturday, August 22, 2015**

## Product & Tracking Information

## Available Actions

Postal Product:

Features:  
Certified Mail™

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 29, 2015 , 1:00 pm	Delivered	GARDEN CITY, NY 11530

Your item was delivered at 1:00 pm on August 29, 2015 in GARDEN CITY, NY 11530.

August 22, 2015 , 1:48 pm	Notice Left (No Authorized Recipient Available)	GARDEN CITY, NY 11530
August 22, 2015 , 8:29 am	Arrived at Unit	GARDEN CITY, NY 11530
August 22, 2015 , 5:34 am	Departed USPS Facility	MELVILLE, NY 11747
August 22, 2015 , 2:56 am	Arrived at USPS Facility	MELVILLE, NY 11747
August 21, 2015 , 1:25 am	Departed USPS Facility	KNOXVILLE, TN 37950
August 20, 2015 , 11:02 pm	Arrived at USPS Facility	KNOXVILLE, TN 37950

Track Another F  
Tracking (or receipt) number

7015 0920 0001 7502 3169

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total</b>		

**Kevin Rogers**  
**139 Wickham Rd**  
**Garden City, NY 11530**

Sent 1  
Street or PO  
City, State

PS Form 3800, July 2014

See Reverse for Instructions

Postmark Here  
DOWNTOWN STATION  
AUG 29 2015  
KINGSPORT, TN 37660

› Incoming Packages

› packages from a dashboard.  
› numbers necessary.

› or My USPS ›



English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 701509200001 75023299

Your item was returned to the sender on August 24, 2015 at 9:25 am in MIAMI, FL 33146 because the addressee moved and left no forwarding address.

## Product & Tracking Information

## Available Actions

Postal Product:

Features:  
Certified Mail™

Text Updates

DATE & TIME

STATUS OF ITEM

LOCATION

Email Updates

August 24, 2015 , 9:25 am

Moved, Left no Address

MIAMI, FL 33146

Your item was returned to the sender on August 24, 2015 at 9:25 am in MIAMI, FL 33146 because the addressee moved and left no forwarding address.

August 24, 2015 , 1:45 am

Departed USPS Facility

OPA LOCKA, FL 33054

August 23, 2015 , 8:40 am

Arrived at USPS Facility

OPA LOCKA, FL 33054

August 20, 2015 , 10:14 pm

Departed USPS Facility

KNOXVILLE, TN 37950

August 20, 2015 , 10:02 pm

Arrived at USPS Facility

KNOXVILLE, TN 37950

## Track Another Package

Tracking (or receipt) number

### HELPFUL LINKS

- Contact Us
- Site Index
- FAQs

Copyright © 2015 USPS. All Rights Reserved

7015 0920 0001 7502 3299

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Post</b>		

Postmark  
DOWNTOWN STATION 099LE MI 37660  
KINGSPOINT

**Pamela Poulos**  
1444 Medavia Avenue  
Coral Gables, FL 33146

Sent To  
Street & Ap  
or PO Box  
City, State,

PS Form 3800, July 2014 See Reverse for Instructions

## Coming Packages

es from a dashboard.  
necessary.

USPS ›



### ADDITIONAL INFORMATION

- Privacy Policy
- Terms of Use
- A
- FEAR Act EEO Data

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: **70150920000175023220**

Your item was returned to the sender on August 24, 2015 at 9:25 am in MIAMI, FL 33146 because the addressee moved and left no forwarding address.

## Product & Tracking Information

## Available Actions

Postal Product:

Features:  
Certified Mail™

Text Updates

DATE & TIME	STATUS OF ITEM	LOCATION
August 24, 2015 , 9:25 am	Moved, Left no Address	MIAMI, FL 33146

Email Updates

Your item was returned to the sender on August 24, 2015 at 9:25 am in MIAMI, FL 33146 because the addressee moved and left no forwarding address.

August 22, 2015 , 3:51 pm	Undeliverable as Addressed	MIAMI, FL 33146
August 22, 2015 , 7:39 am	Out for Delivery	MIAMI, FL 33146
August 22, 2015 , 7:29 am	Sorting Complete	MIAMI, FL 33146
August 22, 2015 , 7:07 am	Arrived at Unit	MIAMI, FL 33146
August 22, 2015 , 4:19 am	Departed USPS Facility	OPA LOCKA, FL 33054
August 22, 2015 , 4:14 am	Arrived at USPS Facility	OPA LOCKA, FL 33054

## Track Another Pack

Tracking (or receipt) number

7015 0920 0001 7502 3220

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total f	

**Sent To**  
**Pamela Poulos**  
**1444 Medavia Avenue**  
**Coral Gables, FL 33146**

Street & or PO E  
City, St.

PS Form 3800, July 2014 Reverse for Instructions

## Coming Packages

is from a dashboard.  
necessary.

USPS ›



BEFORE THE VIRGINIA GAS AND OIL BOARD

Applicant:	ARP Mountaineer Production, LLC	)	
		)	
Relief Sought:	Unit No. ZZZ-39 Oakwood Field	)	Docket No.
	Escrow Disbursement	)	VGOB-09-0616-2528-01
		)	
		)	

AFFIDAVIT OF MAILING  
(CERTIFICATE OF SERVICE)

STATE OF TENNESSEE )  
COUNTY OF SULLIVAN )

Timothy E. Scott, of lawful age, being duly sworn, upon oath, deposes and says:

- (1) He is a partner with MCKINNIS & SCOTT, Agent for ARP Mountaineer Production, LLC, and makes this affidavit on behalf of ARP Mountaineer Production, LLC.
- (2) Based upon information and belief, the names and last-known addresses where such addresses are known, of the parties to whom escrow disbursements are to be made.
- (3) On the 20<sup>th</sup> day of August, 2015, true and correct copies of the Petition to Disburse along with Exhibits thereto in this matter were placed in the United States mail in Kingsport, Tennessee, certified mail, return receipt requested, postage prepaid, duly addressed to the parties listed on Exhibit EE to the Petition to Disburse parties at their respective addresses as set forth in the attached Exhibit B which is hereby made a part of this Affidavit.
- (4) Notice of this cause has therefore been served by mail pursuant to the applicable statutes and rules of the Board.

*Timothy E. Scott*  
\_\_\_\_\_  
Timothy E. Scott

SUBSCRIBED AND SWORN TO before me this 8<sup>th</sup> day of September, 2015.

*Glenda T. Venable*  
\_\_\_\_\_  
Notary Public

My commission expires: 10/21/2015

affidavit.mailing Unit ZZZ-39]



**Escrow Account Reconciliation Summary**

**Exhibit J**

Unit Name            ZZZ39  
 Docket Number    2528  
 Account Number    8002528  
 GeoMet Well Number 45102-211  
 GeoMet Well        ROGERS 211 CBM UNIT ZZZ-39  
 Description

GeoMet Deposit Information		Escrow Bank Data					Amount	Variance
Check Date	Check Amount	Trade Date	Settlement Date	Entered On	Description			
6/23/2011	\$27.10	6/28/2011	6/28/2011	6/28/2011 9:56	Recd from GeoMet dtd 06/23/11 ck #057631 VGOB #2528 ZZZ39	\$27.10	\$0.00	
12/22/2011	\$14.39	12/27/2011	12/27/2011	12/27/2011 13:18	Recd from GeoMet dtd 12/22/11 ck #59699 VGOB #2528 ZZZ39	\$14.39	\$0.00	
12/14/2012	\$16.32	12/24/2012	12/24/2012	12/24/2012 11:17	Recd from GeoMet dtd 12/14/12 ck #2187 VGOB #2528 ZZZ39	\$16.32	\$0.00	
12/20/2013	\$24.53	1/13/2014	1/13/2014	1/13/2014 9:36	Recd from GeoMet dtd 12/20/13 ck #8022 VGOB #2528 ZZZ39	\$24.53	\$0.00	
8/12/2014	\$21.37	9/2/2014	9/2/2014	9/2/2014 15:15	Recd from GeoMet dtd 8/12/14	\$21.37	\$0.00	
							\$0.00	
					Total for Deposits	\$103.71		
					Interest and Fees	\$0.19		
<b>Total</b>	<b>\$103.71</b>				<b>Total</b>	<b>\$103.90</b>	<b>(\$0.19)</b>	

(A)Ties to the Ending Market Value on the Escrow Agent Summary as of 09/30/14 posted on the DMME's website.

**Escrow Account Reconciliation Summary**

Unit Name **ZZZ39**  
 Docket Number **2528**  
 GeoMet Well **ROGERS 211 CBM UNIT ZZZ-39**  
 Description

<u>WIRE DATE</u>	<u>ESCROW</u>		<u>Docket #</u>	<u>Unit Operator</u>	<u>Beginning</u>		<u>Money</u>					<u>Audit</u>		<u>Ending</u>		<u>Difference</u>	
	<u>AGENT</u>	<u>Unit</u>			<u>Market</u>	<u>Deposit</u>	<u>Mkt</u>	<u>CDARS</u>	<u>Fees</u>	<u>Distributions</u>	<u>Costs</u>	<u>Corrections*</u>	<u>Market</u>	<u>ARP</u>			
	<u>ACCT #</u>	<u>Name</u>			<u>Value</u>	<u>Type</u>	<u>Interest</u>	<u>Interest</u>					<u>Value</u>	<u>Wired</u>			
10/3,10/30/2014	8002528	ZZZ39	2528	GEOMET	103.9		\$5.00	0.02							\$108.91	\$ 5.00	\$0.00
11/26/2014	8002528	ZZZ39	2528	GEOMET	\$108.91		2.27	\$0.02							\$111.19	\$ 2.27	\$0.00
12/22/2014	8002528	ZZZ39	2528	GEOMET	111.19		\$2.40	0.04							113.62	\$ 2.40	\$0.00
1/29/2015	8002528	ZZZ39	2528	GEOMET	113.62		\$2.85	0.03							116.49	\$ 2.85	\$0.00
2/26/2015	8002528	ZZZ39	2528	GEOMET	116.49		\$3.32	\$0.02							119.82	\$ 3.32	\$0.00
3/27/2015	8002528	ZZZ39	2528	GEOMET	119.82		\$2.86	0.02							122.69	\$ 2.86	\$0.00
4/29/2015	8002528	ZZZ39	2528	GEOMET	122.69		\$3.17	\$0.02							125.87	\$ 3.17	\$0.00

STATE OF FLORIDA COUNTY OF MIAMI-DADE  
BEFORE THE VIRGINIA GAS AND OIL BOARD

I, Pamela F. Paulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

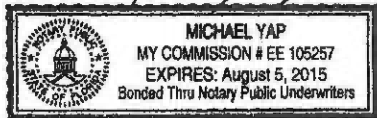
Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER THE AFFIANT SAYETH NOT.

Pamela F. Paulos

Sworn and subscribed to me this  
the 3 day of July, 2015. by PAMELA F. PAULOS, WHO PRODUCED  
FL ID AS IDENTIFICATION

M. Yap



RECEIVED

JUL 13 2015

BY: \_\_\_\_\_

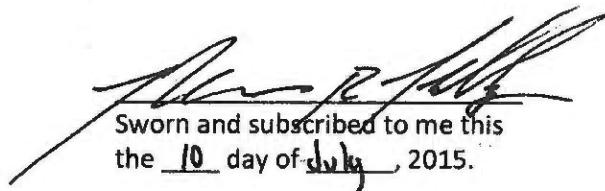
BEFORE THE VIRGINIA GAS AND OIL BOARD

I, Calvin G. Rogers III, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER THE AFFIANT SAYETH NOT.

Calvin G. Rogers III

  
Sworn and subscribed to me this  
the 10 day of July, 2015.

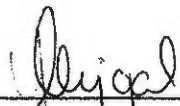
**MARCUS R. KELLEY**  
Notary Public  
Mecklenburg Co., North Carolina  
My Commission Expires Nov. 7, 2019

BEFORE THE VIRGINIA GAS AND OIL BOARD

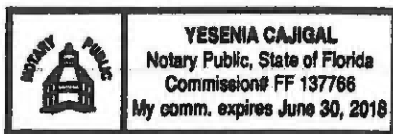
I, Jason G Poulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER THE AFFIANT SAYETH NOT.

  
Sworn and subscribed to me this  
the 20 day of June, 2015.





BEFORE THE VIRGINIA GAS AND OIL BOARD

I, GREGORY G. POULOS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to

"Don Barrett, P.A. Trust Account" and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER AFFIANT SAYETH NOT.

Gregory G. Poulos  
GREGORY G. POULOS

Sheliah Marie Sangster

Sworn to and Subscribed before me  
this 25<sup>th</sup> day of June, 2015.

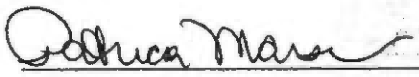
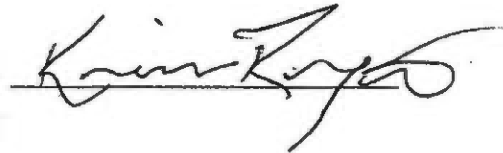


BEFORE THE VIRGINIA GAS AND OIL BOARD

I, Kevin Rogers, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER THE AFFIANT SAYETH NOT.



Sworn and subscribed to me this  
the 9 day of July, 2015.

**PATRICIA MARSON**  
**NOTARY PUBLIC, State of New York**  
**No. 01MA4842708**  
**Qualified in Nassau County**  
**Commission Expires October 22, 2017**

BEFORE THE VIRGINIA GAS AND OIL BOARD

I, Shaun D. Rogers, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

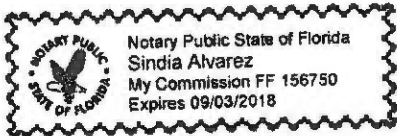
FURTHER THE AFFIANT SAYETH NOT.

Shaun D. Rogers

[Signature]

BY SHAUN DAVIS ROGERS

Sworn and subscribed to me this  
the 9 day of JULY, 2015.

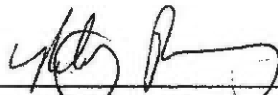


BEFORE THE VIRGINIA GAS AND OIL BOARD

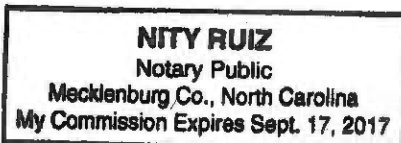
I, DEREK ROGERS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," and mailed to the following address:

Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

FURTHER THE AFFIANT SAYETH NOT.

  
Sworn and subscribed to me this  
the 7<sup>th</sup> day of July, 2015.





VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

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

Plaintiffs,

v.

LBR HOLDINGS, LLC,

Defendant.

Case No. 550-13

ORDER

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

SO ORDERED, this the 10<sup>th</sup> day of July, 2014.

  
Circuit Court Judge

SEEN AND REQUESTED:

  
Jennifer L. Shaver, Esq. (VSB# 79047)  
Ellis Professional Building, Suite A  
211 West Main Street  
Abingdon, VA 24210  
Telephone: (276) 525-1103  
Facsimile: (276) 525-1112  
jen@jenshaver.com

*Counsel for Plaintiffs*

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

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

*James R. Hodgson for*  
Trevor L. Earl, Esq. (VSB# 37573)  
REED WEITKAMP SCHELL & VICE, PLLC *Trevor L. Earl*  
500 West Jefferson Street, Suite 2400  
Louisville, KY 40202  
Telephone: (502) 589-1000  
Facsimile: (502) 562-2200  
tearl@rwsvlaw.com

*Counsel for LBR Holdings, LLC*

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