

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: ARP Mountaineer Production, LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 09-0616-2533-01

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 C-35

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 C-35.

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

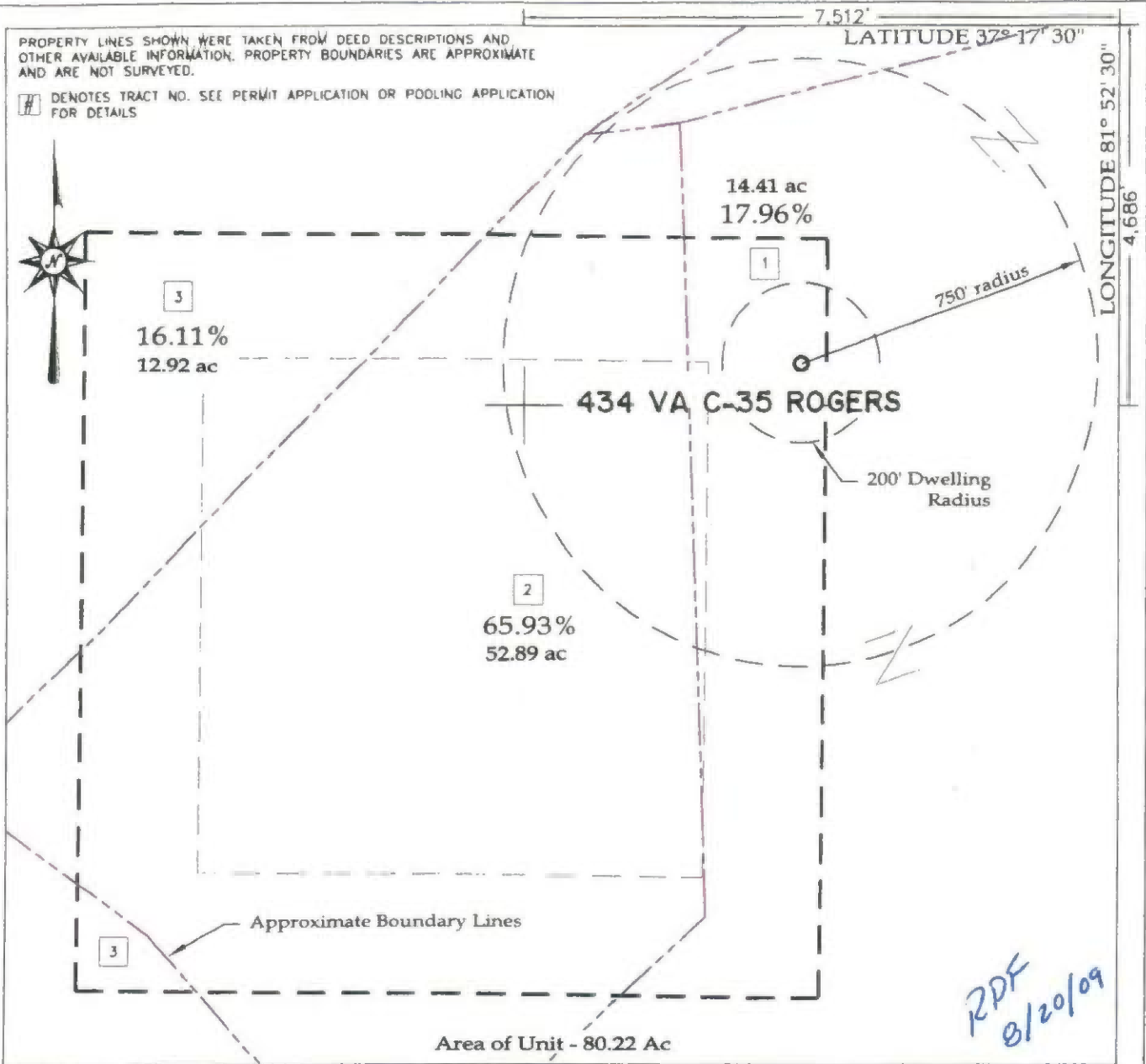
5. Factual basis for relief requested

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

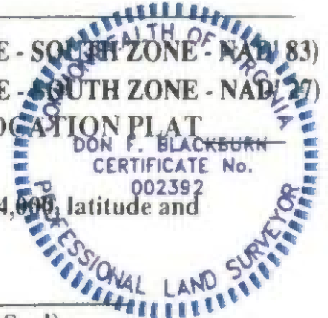
COMPANY: GEOMET OPERATING COMPANY WELL NAME OR NUMBER: 434 VA C-35 ROGERS
 TRACT NUMBER: LBR HOLDINGS, LLC (TRACT NO. 68) SCALE: 1" = 400' DATE: 04/14/09
 COUNTY: BUCHANAN DISTRICT: GARDEN QUADRANGLE: PATTERSON
 ELEVATION: 2,318.15' METHOD USED TO DETERMINE ELEVATION: G.P.S. CONTROL LOOP
 FROM JEWELL SMOKELESS COAL CO. & TEE ENGINEERING CO. CONTROL POINTS

NORTHING - 3,642,929.13' EASTING - 10,493,723.10' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 83)
 NORTHING - 362,048.91' EASTING - 1,010,735.05' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 27)

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

+ 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)



*RDF
8/20/09*

Well Name : 434 VA C-35 Rogers

Pooling Plat Attachment A

Plat Tract Number	Owners	Percentage Ownership
<u>1.) 68</u>	<u>LBR Holdings, LLC</u>	<u>17.96%</u>
<u>2.) 41</u>	<u>LBR Holdings, LLC</u>	<u>65.93%</u>
<u>3.) 70</u>	<u>LBR Holdings, LLC</u>	<u>16.11%</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

**Location Description: 2.26 Miles Southeast of State Route 83jct. W/ State Route 639
and 1.59 miles Southeast of State Route 639jct. W/State Route 628.**

EXHIBIT E
LIST OF CONFLICTING AND UNKOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE
ESCROW
UNIT C-35
VOGB DOCKET NO. 09-0616-2533

NONE.

EXHIBIT EE
UNIT C-35
VOGB DOCKET NO. 09-0616-2533
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-(Tract 41 of CBM Unit C-35)</u>		
<u>(65.93% of unit)</u>		
<u>LBR Holdings, LLC et al.</u>		
COAL FEE OWNERSHIP		
LBR HOLDINGS, LLC Fon Rogers, Manager P.O. Box 22427 Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
OIL & GAS OWNERSHIP		
Jason Poulos 10870 SW 95 th Street Miami, FL 33176	4.166662%	2.747080%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166669%	2.747085%
Pamela Poulos 5000 SW 83 rd St. Miami, FL 33143	4.166669%	2.747085%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	2.060313%
Shaun Rogers 121 NE 100 th St. Miami Shores, FL 32960	3.125000%	2.060313%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	2.060313%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	2.060313%
Total Unit in Dispute:	25.000000%	16.482500%

BEFORE THE VIRGINIA GAS AND OIL BOARD

Applicant: ARP Mountaineer Production, LLC)
)
)
Relief Sought: Unit No. C-35 Oakwood Field)
Escrow Disbursement)
)
)

Docket No.
VGOB-09-0616-2533-01

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 20th 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 8th day of September, 2015.

Glenda T. Venable

Notary Public

My commission expires: 10/21/2015



affidavit.mailing Unit C-35]

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.

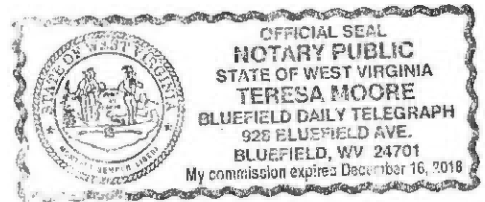
Publication Fee: \$146.25

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 listed: 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

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 3190**
 PS Form 3811, July 2013 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- Signature Agent
- Received by (Printed Name) Addressee
- Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:

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

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

COMPLETE THIS SECTION ON DELIVERY

- Signature Agent
- Received by (Printed Name) Addressee
- Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail 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 3190**
 PS Form 3811, July 2013 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- Signature Agent
- Received by (Printed Name) Addressee
- Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:

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

COMPLETE THIS SECTION ON DELIVERY

- Signature Agent
- Received by (Printed Name) Addressee
- Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:

3. Service Type
 Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail 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 ›
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Tracking Number: 70150920000175023206

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 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

Track
Tracking (c

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input 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>Gregory Polous 1894 Glenwood Street NE Palm Bay, FL 32907</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

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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®.

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, Zip

PS Form 3800, July 2014 See Reverse for Instructions

ig Packages

a dashboard.
ry.



English

Customer Service

USPS Mobile

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Customer Service ›
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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®.

OFFICIAL USE

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

Sent To

TG Rogers, III
3014 Shalford Lane
Matthews, NC 28104

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.



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Tracking Number: 70150920000175023268

Product & Tracking Information

Postal Product:

Features:
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Available Actions

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Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
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

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Tracking (or receipt)

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Total Postage	

Sent To
Kevin Rogers
139 Wickham Rd
Garden City, NY 11530

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AUG 24 2015
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DOMESTIC MAIL SERVICE

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

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Available Actions

Postal Product:

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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

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Restricted Delivery Fee (Endorsement Required)		
Total		

Kevin Rogers
139 Wickham Rd
Garden City, NY 11530

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KINGSBORO, NY 11760

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Tracking Number: 701509200001 75023299

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Available Actions

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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

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Total Post		

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KINGSPOINT

Pamela Poulos
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Coral Gables, FL 33146

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or PO Box
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Product & Tracking Information

Available Actions

Postal Product:

Features:
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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

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Total f	

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Pamela Poulos
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Coral Gables, FL 33146

Street & or PO E
City, St.

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Escrow Account Reconciliation Summary

Exhibit J

Unit Name C35
 Docket Number 2533
 GeoMet Well 434 ROGERS VA C 35
 Description

GeoMet Deposit Information		Escrow Bank Data						
Check Date	Check Amount	Trade Date	Settlement Date	Entered On	Description	Amount	Variance	
5/25/2011	404.07	5/31/2011	5/31/2011	5/31/2011 13:48	Recd from GeoMet Operating Co dtd 05/25/11 ck #057306 VGOB #2533 C35	\$404.07	\$0.00	
6/23/2011	223.18	6/28/2011	6/28/2011	6/28/2011 9:56	Recd from GeoMet dtd 06/23/11 ck #057634 VGOB #2533 C35	\$223.18	\$0.00	
7/22/2011	135.95	7/29/2011	7/29/2011	7/29/2011 10:16	Recd from GeoMet dtd 07/22/11 ck #058027 VGOB #2533 C35	\$135.95	\$0.00	
8/25/2011	127.92	8/30/2011	8/30/2011	8/30/2011 9:23	Recd from GeoMet dtd 8/25/11 ck #058376 VGOB #2533 C35	\$127.92	\$0.00	
9/23/2011	137.86	10/7/2011	10/7/2011	10/7/2011 16:00	Recd from GeoMet Operating dtd 9/23/11 ck #58647 VGOB #2533 C35	\$137.86	\$0.00	
10/24/2011	127.85	10/31/2011	10/31/2011	10/31/2011 15:23	Recd from GeoMet dtd 10/24/11 ck #59003 VGOB #2533 C35	\$127.85	\$0.00	
11/22/2011	96.26	11/29/2011	11/29/2011	11/28/2011 12:56	Recd from GEOMET dtd 11/22/11 ck #59322 VGOB #2533 C35	\$96.26	\$0.00	
12/22/2011	115.49	12/27/2011	12/27/2011	12/27/2011 13:18	Recd from GeoMet dtd 12/22/11 ck #59702 VGOB #2533 C35	\$115.49	\$0.00	
1/25/2012	100.69	1/30/2012	1/30/2012	1/30/2012 14:07	Recd from GeoMet dtd 01/25/12 ck #60043 VGOB #2533 C35	\$100.69	\$0.00	
2/23/2012	106.83	2/29/2012	2/29/2012	2/28/2012 16:09	Recd from GeoMet dtd 02/23/12 ck #60439 VGOB #2533 C35	\$106.83	\$0.00	
3/22/2012	96.12	3/27/2012	3/27/2012	3/27/2012 8:45	Recd from GeoMet dtd 03/22/12 ck #60956 VGOB #2533 C35	\$96.12	\$0.00	
4/25/2012	75.87	5/2/2012	5/2/2012	5/2/2012 11:57	Recd from GeoMet dtd 04/25/12 ck #61460 VGOB #2533 C35	\$75.87	\$0.00	
5/24/2012	78.37	6/18/2012	6/18/2012	6/18/2012 14:21	Recd from GeoMet dtd 05/24/12 ck #62010 VGOB #2533 C35	\$78.37	\$0.00	
6/25/2012	52.25	7/6/2012	7/6/2012	7/6/2012 10:28	Recd from GeoMet dtd 06/25/12 ck #62491 VGOB #2533 C35	\$52.25	\$0.00	
7/25/2012	52.61	8/6/2012	8/6/2012	8/6/2012 11:38	Recd from GeoMet dtd 07/25/12 ck #62939 VGOB #2533 C35	\$52.61	\$0.00	
8/23/2012	59.49	9/20/2012	9/20/2012	9/19/2012 12:28	Recd from Geomet dtd 08/23/12 ck #0000193 VGOB #2533 C35	\$59.49	\$0.00	
9/24/2012	70.62	10/4/2012	10/4/2012	10/4/2012 12:36	Recd from GeoMet dtd 09/24/12 ck #683 VGOB #2533 C35	\$70.62	\$0.00	
10/24/2012	79.23	10/29/2012	10/29/2012	10/29/2012 12:44	Recd from GeoMet dtd 10/24/12 Ck #1189 VGOB #2533 C35	\$79.23	\$0.00	
11/20/2012	70.7	11/26/2012	11/26/2012	11/26/2012 11:25	Recd from GeoMet dtd 11/20/12 ck #1717 VGOB #2533 C35	\$70.70	\$0.00	
12/14/2012	87.23	12/24/2012	12/24/2012	12/24/2012 11:17	Recd from GeoMet dtd 12/14/12 ck #2190 VGOB #2533 C35	\$87.23	\$0.00	
1/24/2013	104.5	1/28/2013	1/28/2013	1/28/2013 12:31	Recd from GeoMet dtd 01/24/13 ck #2957 VGOB #2533 C35	\$104.50	\$0.00	
2/21/2013	113.13	2/28/2013	2/28/2013	2/28/2013 13:36	Recd from GeoMet dtd 02/21/13 ck #3373 VGOB #2533 C35	\$113.13	\$0.00	
3/20/2013	106.64	3/26/2013	3/26/2013	3/26/2013 14:38	Recd from GeoMet dtd 03/20/13 ck #3816 VGOB #2533 C35	\$106.64	\$0.00	
4/24/2013	95.42	5/7/2013	5/7/2013	5/7/2013 13:55	Recd from GeoMet dtd 04/24/13 ck #4364 VGOB #2533 C35	\$95.42	\$0.00	
5/23/2013	117.69	5/29/2013	5/29/2013	5/29/2013 10:35	Recd from GeoMet dtd 05/23/13 ck #4838 VGOB #2533 C35	\$117.69	\$0.00	

Escrow Account Reconciliation Summary

Unit Name C35
 Docket Number 2533
 GeoMet Well 434 ROGERS VA C 35
 Description

<u>WIRE DATE</u>	<u>ESCROW</u>		<u>Docket #</u>	<u>Unit Operator</u>	<u>Beginning</u>	<u>Deposit Type</u>	<u>Money</u>			<u>Distributio ns</u>	<u>Audit Costs</u>	<u>Correctio ns*</u>	<u>Ending</u>	<u>ARP Wired</u>	<u>Difference</u>
	<u>AGENT</u>	<u>Unit</u>			<u>Market</u>		<u>Mkt</u>	<u>CDARS</u>	<u>Market</u>						
	<u>ACCT #</u>	<u>Name</u>			<u>Value</u>		<u>Interest</u>	<u>Interest</u>	<u>Value</u>						
10/3,10/30/2014	8002533	C35	2533	GEOMET	5,475.30		\$432.78	0.93					\$5,908.55	\$ 432.78	\$0.00
11/26/2014	8002533	C35	2533	GEOMET	\$5,908.55		200.21	\$1.01					\$6,109.28	\$ 200.21	\$0.00
12/22/2014	8002533	C35	2533	GEOMET	6,109.28		\$210.83	1.95					6,321.57	\$ 210.83	\$0.00
1/29/2015	8002533	C35	2533	GEOMET	6,321.57		\$251.27	1.56					6,573.87	\$ 251.27	\$0.00
2/26/2015	8002533	C35	2533	GEOMET	6,573.87		\$277.84	\$1.01					6,852.17	\$ 277.84	\$0.00
3/27/2015	8002533	C35	2533	GEOMET	6,852.17		\$244.94	1.1					7,097.66	\$ 244.94	\$0.00
4/29/2015	8002533	C35	2533	GEOMET	7,097.66		\$278.37	\$1.07					7,376.55	\$ 278.37	\$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: _____

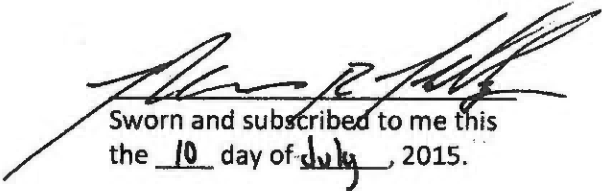
BEFORE THE VIRGINIA GAS AND OIL BOARD

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

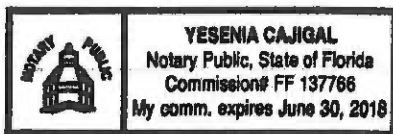
I, Jason G Poulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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

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

FURTHER THE AFFIANT SAYETH NOT.

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

Jason Poulos



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 25th day of June, 2015.

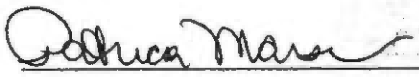
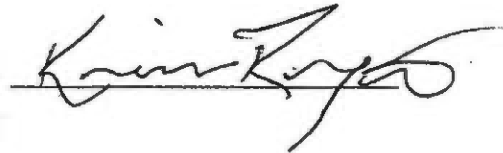


BEFORE THE VIRGINIA GAS AND OIL BOARD

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

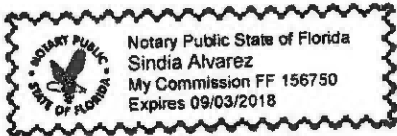
FURTHER THE AFFIANT SAYETH NOT.

Shaun D. Rogers

[Signature]

BY SHAUN DAVIS ROGERS

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

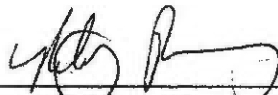


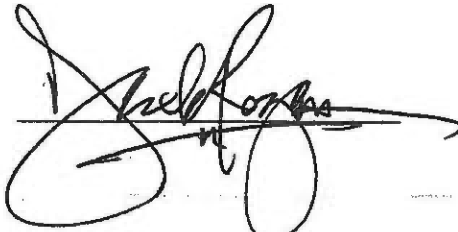
BEFORE THE VIRGINIA GAS AND OIL BOARD

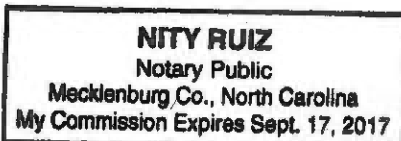
I, DEREK ROGERS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," 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 7th 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 10th day of July, 2014.


Circuit Court Judge



SEEN AND REQUESTED:


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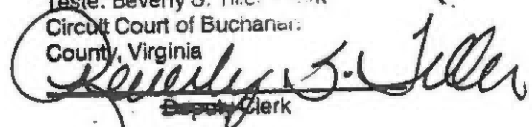
SEEN AND OBJECTED TO FOR ALL THE REASONS DETAILED IN LBR HOLDINGS, LLC'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND AT THE HEARING; AND ON THE ADDITIONAL GROUNDS THAT TO THE EXTENT THE COURT MAY HAVE CONSIDERED SUBMISSIONS OF EXHIBITS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


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


Beverly S. Tiller
Clerk