

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 13-0618-4014-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1, 2, 5, 6, 7 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: October 20, 2015

DRILLING UNIT: A33

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 627 Claypool Hill Mall Road, Cedar Bluff, VA 24609, (276) 596-5075. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 Capital Street, Suite 201, Charleston, WV 25301.

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1, 2, 5, 6, & 7 as depicted upon the annexed Table ; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiff(s); T.G. Rogers, III, Derek Browning Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos, and Pamela Poulos

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

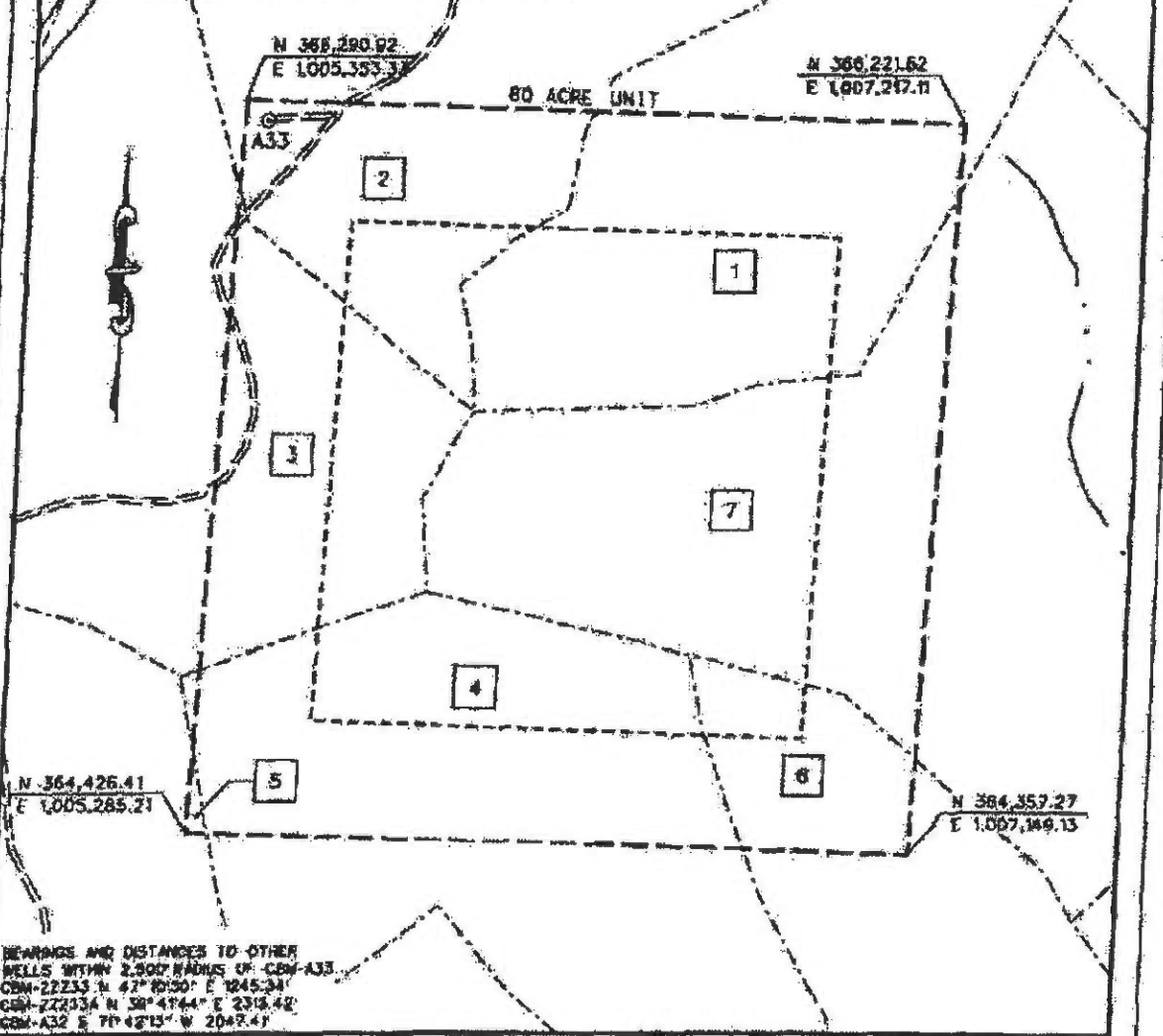
5. Factual basis for relief requested

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 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, specifies how said royalties are to be paid.

6. Attestation

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

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



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,000' RADIUS OF CBM-A33:
 CBM-22233 N 47° 01' 50" E 1045.34'
 CBM-22233A N 30° 47' 44" E 2318.42'
 CBM-A32 E 71° 42' 13" W 2042.41'

⊙ CBM well
 ⊙ proposed CBM well

EXHIBIT A
DAKWOOD FIELD
UNIT A33
FORCE POOLING
VGDB-13-0618-4014

Company CNX Gas Company LLC Well Name and Number UNIT A33
 Tract No. _____ Elevation _____ Quadrangle PATTERSON
 County BUCHANAN District GARDEN Scale: 1" = 400' Date _____
 This plot is a new plot X on an updated plot _____

Form ENG-60-7
 Rev. 9/91 Licensed Professional Engineer or Licensed I



Digitally signed by Stephen E. [Name]
 DN: cn=Stephen E. [Name], o=CNX Gas Company LLC, ou=Engineering, email=stephen.e.[Name]@cnx.com, c=US
 Date: 2013.06.18 10:14:00 -0400

**CNX Gas Company LLC
UNIT A33
Tract Identifications**

1. LBR Holdings, LLC (36.90 Acre Tract) – All Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
Reserve Coal Properties Company – P-3 Seam Subleased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al – Oil and Gas
EQT Production Company – Oil, Gas and CBM Leased (75%)
Unknown Surface Owner
16.55 acres 21.2000%

2. LBR Holdings, LLC (85.80 Acre Tract) – All Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
Reserve Coal Properties Company – P-3 Seam Subleased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al – Oil and Gas
EQT Production Company – Oil, Gas and CBM Leased (75%)
J.G. Belcher, Jr., et al – Surface
9.42 acres 11.7750%

3. CNX Investment Group, LLC, et al (74.10 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased (50%)
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Kim Smith, et al – Surface
11.38 acres 14.2250%

4. Muriel R. Short, et al (30 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased (77.40%)
Unknown Surface Owner
16.42 acres 20.5250%

5. LBR Holdings, LLC (211.80 Acre Tract) – All Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
Reserve Coal Properties Company – P-3 Seam Subleased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al – Oil and Gas
EQT Production Company – Oil, Gas and CBM Leased (75%)
Kim Smith, et al – Surface
0.13 acres 0.1625%

6. LBR Holdings, LLC (44.40 Acre Tract) – All Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
Reserve Coal Properties Company – P-3 Seam Subleased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al – Oil and Gas
EQT Production Company – Oil, Gas and CBM Leased (75%)
Unknown Surface Owner
4.80 acres 0.1250%

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

**CNX Gas Company LLC
UNIT A33
Tract Identifications**

7. LBR Holdings, LLC (81.80 Acre Tract) - All Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Jawbone Seam Leased
Reserve Coal Properties Company - P-3 Seam Subleased
Jewell Smokeless Coal Corporation - Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al - Oil and Gas
EQT Production Company - Oil, Gas and CBM Leased (75%)
Unknown Surface Owner
20.79 acres 25.9675%

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

5		Tract 5 (total acreage)							0.13
7	5	Pamela Poulos\5000 SW 83RD St MIAMI FL 33143-8510	1/24	0.0054	100.00%	0.0054	0.0371%	\$0.19	
6		Tract 6 (total acreage)							4.90
1	6	Talmage G. Rogers, III\3014 SHALFORD LN MATTHEWS NC 28104-6879	1/32	0.1531	100.00%	0.1531	1.0486%	\$5.30	
2	6	Derek Browning Rogers\2300 CARMEL RD CHARLOTTE NC 28226-6323	1/32	0.1531	100.00%	0.1531	1.0486%	\$5.30	
3	6	Kevin Rogers\139 WICKHAM RD GARDEN CITY NY 11530-1141	1/32	0.1531	100.00%	0.1531	1.0486%	\$5.30	
4	6	Shaun Rogers\121 NE 100TH St MIAMI SHORES FL 33138-2316	1/32	0.1531	100.00%	0.1531	1.0486%	\$5.30	
5	6	Gregory Poulos\1894 GLENWOOD St NEPALM BAY FL 32907-2423	1/24	0.2042	100.00%	0.2042	1.3981%	\$7.07	
6	6	Jason Poulos\10870 SW 95TH St MIAMI FL 33176-2615	1/24	0.2042	100.00%	0.2042	1.3981%	\$7.07	
7	6	Pamela Poulos\5000 SW 83RD St MIAMI FL 33143-8510	1/24	0.2042	100.00%	0.2042	1.3981%	\$7.07	
7		Tract 7 (total acreage)							20.79
1	7	Talmage G. Rogers, III\3014 SHALFORD LN MATTHEWS NC 28104-6879	1/32	0.6497	100.00%	0.6497	4.4489%	\$22.50	
2	7	Derek Browning Rogers\2300 CARMEL RD CHARLOTTE NC 28226-6323	1/32	0.6497	100.00%	0.6497	4.4489%	\$22.50	
3	7	Kevin Rogers\139 WICKHAM RD GARDEN CITY NY 11530-1141	1/32	0.6497	100.00%	0.6497	4.4489%	\$22.50	
4	7	Shaun Rogers\121 NE 100TH St MIAMI SHORES FL 33138-2316	1/32	0.6497	100.00%	0.6497	4.4489%	\$22.50	
5	7	Gregory Poulos\1894 GLENWOOD St NEPALM BAY FL 32907-2423	1/24	0.8663	100.00%	0.8663	5.9319%	\$30.00	
6	7	Jason Poulos\10870 SW 95TH St MIAMI FL 33176-2615	1/24	0.8663	100.00%	0.8663	5.9319%	\$30.00	
7	7	Pamela Poulos\5000 SW 83RD St MIAMI FL 33143-8510	1/24	0.8663	100.00%	0.8663	5.9319%	\$30.00	

Wells contributing to the escrow account: CBM A33 W/PL

Exhibit E
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
Tract #4, 16.42 Acres		
Escrow due to Unknown/Unlocatable		
(1) Muriel R. Short, et al (30 Acre Tract)	16.42 acres	20.5250%
(b) George Tolliver Heirs, Devisees, Successors or Assigns		
(b.1) Lou Tolliver Heirs, Devisees, Successors or Assigns		
(b.1.2) Roy Tolliver	<i>Conveyed interest (DB 263-401)</i>	
(b.1.2.2) James Ellenburg <i>Address Unknown</i>	0.3158 acres 1/52 of 16.42 acres	0.3947%
(b.1.6) Edna T. Hollandsworth Heirs, Devisees, Successors or Assigns		
(b.1.6.2) Vernon Hays Heirs, Devisees, Successors or Assigns		
(b.1.6.2.3) Cynthia Rhodes 2308 Wayne Ave., Apt #12 Dayton, OH 45420	0.0789 acres 1/208 of 16.42 acres	0.0987%
(b.1.6.2.4) Verna Napier 301 Arms Dr., Apt 4 Fairborn, OH 45324	0.0789 acres 1/208 of 16.42 acres	0.0987%
(b.1.8) Versa T. Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.1) Phyllis Graves Heirs, Devisees, Successors or Assigns		
(b.1.8.1.1) Robert Graves <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.2) James Graves <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.3) Tammy Green <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.4) Charles Robinson <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.2) Lloyd Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1.3) Jody J. Smith 1302 Red Bridge Rd. Peebles, OH 45660	0.0351 acres 1/468 of 16.42 acres	0.0439%
(b.1.8.6) Roger Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.6.1) Troy Smith <i>Address Unknown</i>	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.8.6.2) Terry Smith <i>Address Unknown</i>	0.0263 acres 1/624 of 16.42 acres	0.0329%

Exhibit E
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
(b.1.8.6.3) Chrystal Smith <i>Address Unknown</i>	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.8.6.4) Todd Smith <i>Address Unknown</i>	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.11) Opal T. Bowles (aka Opal Ruble) Heirs, Devisees, Successors or Assigns		
(b.1.11.2) Cary Bowles 715 Rainbow Forest Dr. Lynchburg, VA 24502	0.2105 acres 1/78 of 16.42 acres	0.2631%
(b.1.13) Bertha T. Snyder Heirs, Devisees, Successors or Assigns <i>(Heirs/Address Unknown)</i>	0.6315 acres 1/26 of 16.42 acres	0.7894%
<u>OIL & GAS OWNERSHIP</u>		
(1) Muriel R. Short, et al <i>(30 Acre Tract)</i>	16.42 acres	20.5250%
(b) George Tolliver Heirs, Devisees, Successors or Assigns <i>(Documentation Pending 2/18/15)</i>		
(b.1) Lou Tolliver Heirs, Devisees, Successors or Assigns		
(b.1.2) Roy Tolliver	<i>Conveyed interest (DB 263-401)</i>	
(b.1.2.2) James Ellenburg <i>Address Unknown</i>	0.3158 acres 1/52 of 16.42 acres	0.3947%
(b.1.6) Edna T. Hollandsworth Heirs, Devisees, Successors or Assigns		
(b.1.6.2) Vernon Hays Heirs, Devisees, Successors or Assigns		
(b.1.6.2.3) Cynthia Rhodes 2308 Wayne Ave., Apt #12 Dayton, OH 45420	0.0789 acres 1/208 of 16.42 acres	0.0987%
(b.1.6.2.4) Verna Napier 301 Arms Dr., Apt 4 Fairborn, OH 45324	0.0789 acres 1/208 of 16.42 acres	0.0987%
(b.1.8) Versa T. Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.1) Phyllis Graves Heirs, Devisees, Successors or Assigns <i>(Documentation Pending 2/18/15)</i>		
(b.1.8.1.1) Robert Graves <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.2) James Graves <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.3) Tammy Green <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.1.4) Charles Robinson <i>Address Unknown</i>	0.0211 acres 1/780 of 16.42 acres	0.0263%
(b.1.8.2) Lloyd Smith Heirs, Devisees, Successors or Assigns		

Exhibit E
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
(b.1.8.2.1) Jannet Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.2.1.3) Jody J. Smith 1302 Red Bridge Rd. Peebles, OH 45660	0.0351 acres 1/468 of 16.42 acres	0.0439%
(b.1.8.6) Roger Smith Heirs, Devisees, Successors or Assigns		
(b.1.8.6.1) Troy Smith Address Unknown	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.8.6.2) Terry Smith Address Unknown	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.8.6.3) Chrystal Smith Address Unknown	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.8.6.4) Todd Smith Address Unknown	0.0263 acres 1/624 of 16.42 acres	0.0329%
(b.1.11) Opal T. Bowles (aka Opal Ruble) Heirs, Devisees, Successors or Assigns		
(b.1.11.2) Cary Bowles 715 Rainbow Forest Dr. Lynchburg, VA 24502	0.2105 acres 1/78 of 16.42 acres	0.2631%
(b.1.13) Bertha T. Snyder Heirs, Devisees, Successors or Assigns (Heirs/Address Unknown)	0.6315 acres 1/26 of 16.42 acres	0.7894%
	<u>TOTAL</u>	
	Acreage in Unit 1.54	
	Percentage of Unit	1.9253%

Exhibit EE
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents with Royalty Split Agreements or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #1, 16.96 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427 <i>(36.90 Acre Tract)</i>	16.96 acres	21.2000%	
	4.24 acres 1/4 of 16.96 acres	5.3000%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. <i>(36.90 Acre Tract)</i>	16.96 acres	21.2000%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.53 acres 1/32 of 16.96 acres	0.6625%	3.6293%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.53 acres 1/32 of 16.96 acres	0.6625%	3.6293%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.53 acres 1/32 of 16.96 acres	0.6625%	3.6293%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.53 acres 1/32 of 16.96 acres	0.6625%	3.6293%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.71 acres 1/24 of 16.96 acres	0.8833%	4.8391%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.71 acres 1/24 of 16.96 acres	0.8833%	4.8391%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.71 acres 1/24 of 16.96 acres	0.8833%	4.8391%
<i>*Prevailing plaintiff under Case No. 550-13 Awarded 100% of the CBM royalty.</i>			
<u>Tract #2, 9.42 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427 <i>(85.50 Acre Tract)</i>	9.42 acres	11.7750%	
	2.36 acres 1/4 of 9.42 acres	2.9438%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. <i>(85.50 Acre Tract)</i>	9.42 acres	11.7750%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.29 acres 1/32 of 9.42 acres	0.3680%	2.0158%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.29 acres 1/32 of 9.42 acres	0.3680%	2.0158%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.29 acres 1/32 of 9.42 acres	0.3680%	2.0158%

Exhibit EE
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents with Royalty Split Agreements or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.29 acres 1/32 of 9.42 acres	0.3680%	2.0158%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.39 acres 1/24 of 9.42 acres	0.4906%	2.6877%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.39 acres 1/24 of 9.42 acres	0.4906%	2.6877%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.39 acres 1/24 of 9.42 acres	0.4906%	2.6877%
<i>*Prevailing plaintiff under Case No. 550-13 Awarded 100% of the CBM royalty.</i>			

Tract #5, 0.13 Acres

COAL OWNERSHIP

(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427 <i>(211.80 Acre Tract)</i>	0.13 acres	0.1625%	
	0.033 acres 1/4 of 0.13 acres	0.0406%	n/a

OIL & GAS OWNERSHIP

(1) LBR Holdings, LLC, et al. <i>(211.80 Acre Tract)</i>	0.13 acres	0.1625%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.004 acres 1/32 of 0.13 acres	0.0051%	0.0278%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.004 acres 1/32 of 0.13 acres	0.0051%	0.0278%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.004 acres 1/32 of 0.13 acres	0.0051%	0.0278%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.004 acres 1/32 of 0.13 acres	0.0051%	0.0278%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.005 acres 1/24 of 0.13 acres	0.0068%	0.0371%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.005 acres 1/24 of 0.13 acres	0.0068%	0.0371%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.005 acres 1/24 of 0.13 acres	0.0068%	0.0371%

**Prevailing plaintiff under Case No. 550-13
Awarded 100% of the CBM royalty.*

Exhibit EE
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents with Royalty Split Agreements or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #6, 4.90 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427 <i>(44.40 Acre Tract)</i>	4.90 acres	6.1250%	
	1.23 acres 1/4 of 4.90 acres	1.5313%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. <i>(44.40 Acre Tract)</i>	4.90 acres	6.1250%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.15 acres 1/32 of 4.90 acres	0.1914%	1.0486%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.15 acres 1/32 of 4.90 acres	0.1914%	1.0486%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.15 acres 1/32 of 4.90 acres	0.1914%	1.0486%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.15 acres 1/32 of 4.90 acres	0.1914%	1.0486%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.20 acres 1/24 of 4.90 acres	0.2552%	1.3981%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.20 acres 1/24 of 4.90 acres	0.2552%	1.3981%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.20 acres 1/24 of 4.90 acres	0.2552%	1.3981%
<i>*Prevailing plaintiff under Case No. 550-13 Awarded 100% of the CBM royalty.</i>			
<u>Tract #7, 20.79 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427 <i>(81.80 Acre Tract)</i>	20.79 acres	25.9875%	
	5.20 acres 1/4 of 20.79 acres	6.4969%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) LBR Holdings, LLC, et al. <i>(81.80 Acre Tract)</i>	20.79 acres	25.9875%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.65 acres 1/32 of 20.79 acres	0.8121%	4.4489%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.65 acres 1/32 of 20.79 acres	0.8121%	4.4489%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.65 acres 1/32 of 20.79 acres	0.8121%	4.4489%

Exhibit EE
Unit A-33
Docket # VGOB 13-0618-4014-01
List of Respondents with Royalty Split Agreements or Court Orders

	Acres in Unit	Percent of Unit	Percent of Escrow
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.65 acres 1/32 of 20.79 acres	0.8121%	4.4489%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.87 acres 1/24 of 20.79 acres	1.0828%	5.9319%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.87 acres 1/24 of 20.79 acres	1.0828%	5.9319%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.87 acres 1/24 of 20.79 acres	1.0828%	5.9319%
<i>*Prevailing plaintiff under Case No. 550-13 Awarded 100% of the CBM royalty.</i>			
	<u>TOTAL</u>		
	Acreage in Unit	13.05	
	Percentage of Unit	16.3125%	

AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA
COUNTY OF **BUCHANAN**

Applicant: CNX Gas Company LLC
Relief Sought: Disbursement Petition for A33
VGOB: 13-0618-4014-01

I, Anita D. Duty, after being duly sworn upon oath, state as follows:

1. I am the Pooling Supervisor for CNX Land Resources, Inc. and am responsible for the notification process required by Va. Code Ann. §45.1-361.19 of the Code of Virginia and 4VAC25-160-40.

2. That on August 28, 2015 a true and correct copy of the Notice of Hearing and Exhibits were mailed, via certified mail return receipt requested, based upon information and belief, the names and last-known addresses, where such addresses are known, of the parties owning an interest in this cause are set forth and attached hereto.

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

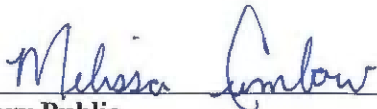


Anita D. Duty
Pooling Supervisor
for CNX Land LLC

STATE OF WEST VIRGINIA

COUNTY OF MERCER, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 9th day of October,
2015.



Notary Public

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE
CNX Gas Company LLC

Unit A33 VGOB 13-0618-4014-01
 Unit B31 VGOB 01-0320-0880-02
 Unit B33 VGOB 12-0417-3049-02
 Unit YYY33 VGOB 11-0920-2988-01
 Unit ZZZ33 VGOB 11-1220-3013-01

LAST NAME	FIRST NAME	YYY33	All Others	MAILED	RECEIPT #	RECEIVED	
Poulos	Gregory	x	x	8/28/15	7014349000018926	0938	09/05/15
Poulos	Jason	x	x	8/28/15	7014349000018926	1348	09/10/15
Poulos	Pamela	x	x	8/28/15	7014349000018926	1331	09/04/15
Range Resources - Pine Mountain Inc.		x		8/28/15	7014349000018926	1270	09/04/15
Rogers	Kevin	x	x	8/28/15	7014349000018926	1317	Unclaimed
Rogers	Shaun	x	x	8/28/15	7014349000018926	1300	Unclaimed
Rogers	Derek Browning	x	x	8/28/15	7014349000018926	1324	09/03/15
Rogers, III	TG	x	x	8/28/15	7014349000018926	1287	Unclaimed
Shaver	Jen	x	x	8/28/15	7014349000018926	1294	09/09/15

Courtesy Copy



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Tracking Number: 70143490000189261287

Updated Delivery Day: Wednesday, September 2, 2015

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

[Text Updates](#)

[Email Updates](#)

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

We attempted to deliver your item at 2:22 pm on September 2, 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 October 2, 2015 then it will be returned to sender.

September 2, 2015 , 8:58 am	Out for Delivery	MATTHEWS, NC 28105
September 2, 2015 , 8:49 am	Arrived at Unit	MATTHEWS, NC 28105
September 2, 2015 , 8:48 am	Sorting Complete	MATTHEWS, NC 28105
September 2, 2015 , 1:29 am	Arrived at USPS Facility	CHARLOTTE, NC 28214
September 1, 2015 , 9:20 pm	Departed USPS Facility	CHARLOTTE, NC 28228
September 1, 2015 , 9:43 am	Arrived at USPS Facility	CHARLOTTE, NC 28228

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Tracking (or receipt) number

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Tracking Number: 70143490000189261300

Your item was returned to the sender on October 7, 2015 at 3:55 pm in MIAMI, FL 33138 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 7, 2015 , 3:55 pm	Unclaimed/Max Hold Time Expired	MIAMI, FL 33138

Your item was returned to the sender on October 7, 2015 at 3:55 pm in MIAMI, FL 33138 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.

September 8, 2015 , 4:09 pm	Notice Left (No Authorized Recipient Available)	MIAMI, FL 33138
September 5, 2015 , 12:39 am	Departed USPS Facility	OPA LOCKA, FL 33054
September 4, 2015 , 12:13 pm	Arrived at USPS Facility	OPA LOCKA, FL 33054
September 1, 2015 , 3:44 am	Departed USPS Facility	CHARLESTON, WV 25350
September 1, 2015 , 2:15 am	Arrived at USPS Facility	CHARLESTON, WV 25350

Available Actions

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Tracking Number: 70143490000189261317

Your item was returned to the sender on October 7, 2015 at 1:13 pm in GARDEN CITY, NY 11530 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 7, 2015 , 1:13 pm	Unclaimed/Max Hold Time Expired	GARDEN CITY, NY 11530
Your item was returned to the sender on October 7, 2015 at 1:13 pm in GARDEN CITY, NY 11530 because it was not claimed by the addressee once the item reached its maximum hold time at the post office.		
September 24, 2015 , 11:41 am	Available for Pickup	GARDEN CITY, NY 11530
September 4, 2015 , 2:27 pm	Notice Left (No Authorized Recipient Available)	GARDEN CITY, NY 11530
September 4, 2015 , 5:46 am	Departed USPS Facility	WESTERN NASSAU, NY
September 4, 2015 , 1:30 am	Arrived at USPS Facility	WESTERN NASSAU, NY
September 2, 2015 , 7:58 pm	Departed USPS Facility	MID ISLAND, NY
September 2, 2015 , 12:45 pm	Arrived at USPS Facility	MID ISLAND, NY
September 1, 2015 , 3:44 am	Departed USPS Facility	CHARLESTON, WV 25350
August 31, 2015 , 11:51 pm	Arrived at USPS Facility	CHARLESTON, WV 25350

Available Actions

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[Email Updates](#)

Track Another Package

Tracking (or receipt) number

[Track It](#)

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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. 	A. Signature <input checked="" type="checkbox"/> <i>Katie Barker</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>Katie Barker</i>	C. Date of Delivery <i>9/4/13</i>
1. Article Addressed to: Range Resources-Pine Mountain Inc. PO Box 2136 Abingdon VA 24212-2136	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 1270 <i>YY 33 Disb</i>		
PS Form 3811, July 2013 Domestic Return Receipt		

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. 	A. Signature <input checked="" type="checkbox"/> <i>Pamela Poulos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery <i>9/4/15</i>
1. Article Addressed to: Pamela Poulos 5000 SW 83RD St MIAMI FL 33143-8510	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 1331 <i>A33, B31/33, 222 33</i>		
PS Form 3811, July 2013 Domestic Return Receipt <i>YY 33 Disb</i>		

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. 	A. Signature <input checked="" type="checkbox"/> <i>Derek Browning Rogers</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery <i>9/2/15</i>
1. Article Addressed to: Derek Browning Rogers 2300 CARMEL RD CHARLOTTE NC 28226-6323	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 1324 <i>A33, B31/33, YY33</i>		
PS Form 3811, July 2013 Domestic Return Receipt <i>222 330</i>		

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. 	A. Signature <input checked="" type="checkbox"/> <i>K. Poulos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Gregory Poulos 1894 GLENWOOD St NE PALM BAY FL 32907-2423	B. Received by (Printed Name) <i>K. Poulos</i>	C. Date of Delivery <i>9/5</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 0938 <i>A33, B31, B33, YY33</i>		
PS Form 3811, July 2013 Domestic Return Receipt <i>722 33 Disb</i>		

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. 	A. Signature <input checked="" type="checkbox"/> <i>Ben Shaver</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Jennifer L. Shaver PO Box 2032 Abingdon VA 24212	B. Received by (Printed Name) <i>Ben Shaver</i>	C. Date of Delivery <i>9/9/16</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 1294 <i>A33, B31, 33, YY33</i>		
PS Form 3811, July 2013 Domestic Return Receipt <i>722 33 Disb</i>		

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. 	A. Signature <input checked="" type="checkbox"/> <i>J. Poulos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Jason Poulos 10870 SW 95TH St MIAMI FL 33176-2615	B. Received by (Printed Name) <i>J. Poulos</i>	C. Date of Delivery
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
7014 3490 0001 8926 1348 <i>A33, B31, 133, 722 33</i>		
PS Form 3811, July 2013 Domestic Return Receipt <i>YY33 Disb</i>		

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

I, Pamela F. 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

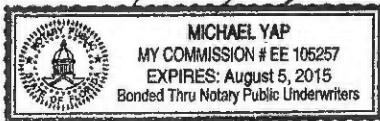
FURTHER THE AFFIANT SAYETH NOT.

Pamela F. Poulos

Sworn and subscribed to me this
the 3 day of July, 2015.

by PAMELA F. POULOS, WHO PRODUCED
FL ID AS IDENTIFICATION

M. Yap



RECEIVED

JUL 13 2015

BY: _____

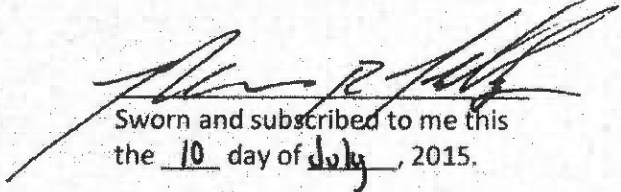
BEFORE THE VIRGINIA GAS AND OIL BOARD

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.

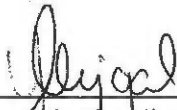
MARCUS R. KELLEY
Notary Public
Mecklenburg Co., North Carolina
My Commission Expires Nov. 7, 2019

BEFORE THE VIRGINIA GAS AND OIL BOARD

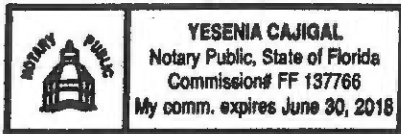
I, Jason G Poulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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

Shelia 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. 01MA4642708
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



BY SHAUN DAVIS ROGERS

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



BEFORE THE VIRGINIA GAS AND OIL BOARD

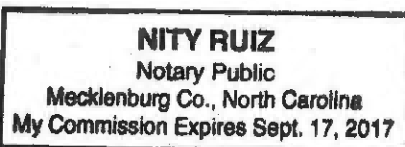
I, DEREK ROGERS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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


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