

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: ARP Mountaineer Production,LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 06-1114-1803-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 2, 4 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES

HEARING DATE: October 20, 2015

DRILLING UNIT: CBM Unit D-33

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 Tracts 2 and 4, as depicted upon the annexed table; and, (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs; Talmage G. Rogers, III, Derek Browning, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos and Pamela Poulos. Unit D-33.

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

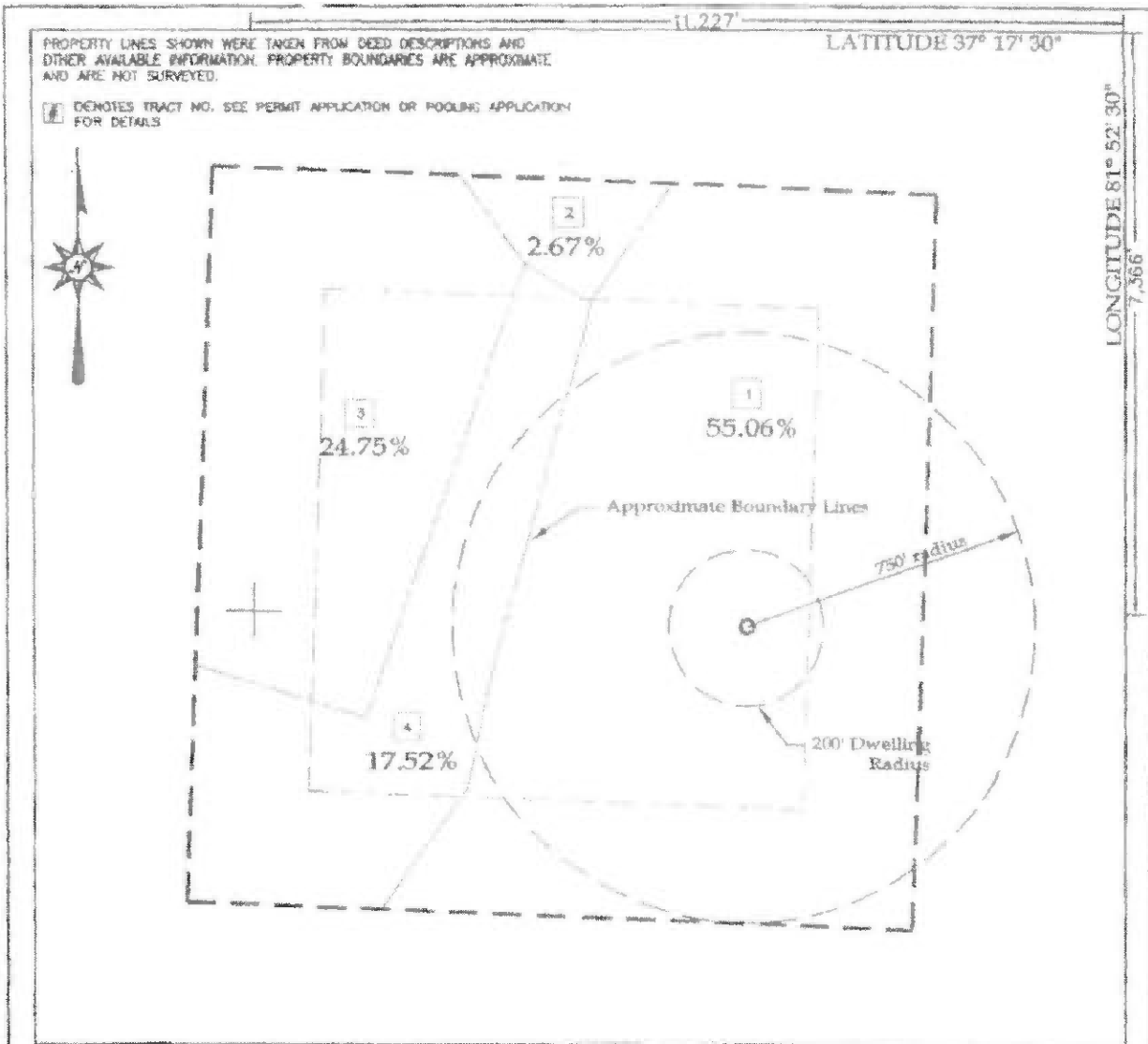
5. Factual basis for relief requested

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: ROGERS 427-CBM UNIT D-33
 TRACT NUMBER: LBR HOLDINGS, LLC (TRACT NO. 70) SCALE: 1" = 400' DATE: 9/29/06
 COUNTY: BUCHANAN DISTRICT: GARDEN QUADRANGLE: PATTERSON
 ELEVATION: _____ METHOD USED TO DETERMINE ELEVATION: G.P.S. CONTROL LOOP
FROM JEWELL SMOKELESS COAL CO. & TEE ENGINEERING CO. CONTROL POINTS

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" = 24,000, latitude and longitude lines being represented by border lines as shown.
- Denotes approximate proposed well location.

Form DGO-GO-T
Rev 1/98

[Signature]
 Licensed Professional Engineer or Licensed land surveyor (Affix Seal)

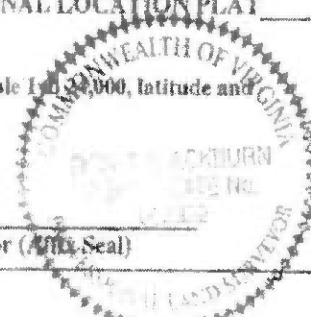


EXHIBIT A

Well Name : Rogers 427 D-33

Pooling Plat Attachment A

Plat Tract Number	Owners	Percentage Ownership
1.) 70	LBR Holdings, LLC	55.06%
2.) 39	LBR Holdings, LLC	2.67%
3.) 30	C L Ritter Lumber Company	24.75%
4.) 7	LBR Holdings, LLC	17.52%

Location Description: 4.60 Miles southwest of State Route 635 jet. W/ State Route 616 and 1.20 miles northeast of State Route 654 W/State Route 638.

EXHIBIT E
LIST OF CONFLICTING AND UNKOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE
ESCROW
UNIT D-33
VOGB DOCKET NO. 06-1114-1803-01

NONE.

EXHIBIT EE
UNIT D-33
VOGB DOCKET NO. 06-1114-1803-01
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 39 CBM Unit D-33)</u>		
<u>(2.67% of unit)</u>		
<u>LBR Holdings, LLC et al.</u>		
<u>COAL FEE OWNERSHIP</u>		
LBR HOLDINGS, LLC Fon Rogers, Manager P.O. Box 22427 Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
<u>OIL & GAS OWNERSHIP</u>		
Jason Poulos 10870 SW 95 th Street Miami, FL 33176	4.166667%	0.111250%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166667%	0.111250%
Pamela Poulos 5000 SW 83 rd St. Miami, FL 33143	4.166666%	0.111250%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	0.083437%
Shaun Rogers 121 NE 100 th St. Miami Shores, FL 32960	3.125000%	0.083437%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	0.083437%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	0.083437%
Total – Gas	25.000000%	2.002500%
Subtotal Tract 2	25.000000%	2.002500%

EXHIBIT EE
UNIT D-33
VOGB DOCKET NO. 06-1114-1803-01
List of Respondents with Royalty Split Agreements or Court Orders

	PERCENTAGE OWNERSHIP OF TRACT IN DISPUTE	PERCENTAGE OWNERSHIP OF UNIT IN DISPUTE
<u>Tract 4-(Tract 7 CBM Unit D-33)</u>		
<u>(17.52% of unit)</u>		
<u>LBR Holdings, LLC et al.</u>		
<u>COAL FEE OWNERSHIP</u>		
LBR HOLDINGS, LLC Fon Rogers, Manager P.O. Box 22427 Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
<u>OIL & GAS OWNERSHIP</u>		
Jason Poulos 10870 SW 95 th Street Miami, FL 33176	4.166667%	0.730000%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166667%	0.730000%
Pamela Poulos 5000 SW 83 rd St. Miami, FL 33143	4.166666%	0.730000%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	0.547500%
Shaun Rogers 121 NE 100 th St. Miami Shores, FL 32960	3.125000%	0.547500%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	0.547500%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	0.547500%
Total – Gas	25.000000%	4.380000%
Subtotal Tract 4	25.000000%	4.380000%

Total Percentage Ownership of Unit in Dispute:

Tract 2:
Tract 4:

2.002500%
4.380000%

6.382500%

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

Docket Number VGOB-15-1 020-4075

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 AFP 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 operatorship of all these units from GeoMet Operating Company, Inc. to AFP 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 **October 20, 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.

Exhibit G

Short Type	Unit Name	Applicant	Petition Type	Docket #	Hearing Date	County
Pooling	RRR-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	07-1016-2066	10/16/2007	Buchanan
Pooling	E-37	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0120-2447	1/20/2009	Buchanan
Pooling	D-44	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2604	10/20/2009	Buchanan
Pooling	F-38	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-0120-2454-01	1/20/2009	Buchanan
Pooling	D-38	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	10-06 15-2749	6/15/2010	Buchanan
Pooling	B-43	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	09-1020-2602	10/20/2009	Buchanan
Pooling	B-32	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	06-1114-1813	11/14/2006	Buchanan
Pooling	C-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	No docket #		Buchanan
Pooling	C-37	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	No docket #		Buchanan
Pooling	D-34	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	No docket #		Buchanan
Pooling	D-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	08-0318-2173	3/18/2008	Buchanan
Pooling	D-37	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	08-0318-2174	3/18/2008	Buchanan
Pooling	E-34	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	08-0318-2166	3/18/2008	Buchanan
Pooling	E-35	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	08-0318-2168	3/18/2008	Buchanan
Pooling	E-36	GeoMet Operating Company, Inc.	Pooling Coalbed Methane	08-0318-2169	3/18/2008	Buchanan

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 September 23rd in the year 2015.

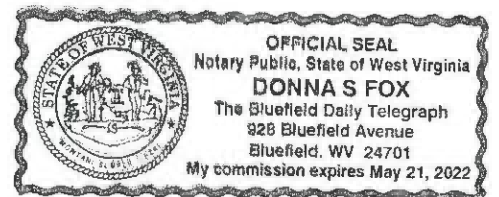
Publication Fee: \$102.38

Teresa Evans

Subscribed and sworn to before me this 23rd day of September 2015.

My Commission expires May 21 2022

Donna S. Fox



367753

BEFORE THE VIRGINIA GAS AND OIL BOARD


Applicant:	ARP Mountaineer Production, LLC)	
)	
Relief Sought:	Unit No. D-33 Oakwood Field)	Docket No.
	Escrow Disbursement)	VGOB-06-1114-1803-01
)	
)	

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 21st day of September, 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

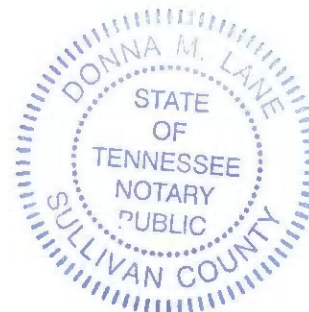
SUBSCRIBED AND SWORN TO before me this 12th day of October, 2015.



Notary Public

My commission expires: 7-18-2017

affidavit.mailing Unit D-33]



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.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 9/29/15

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

Article Addressed to:

Jason Poulos
 10870 SW 95th Street
 Miami, FL 33176
 10870

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

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label) 7015 0920 0001 7502 1837

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:

Gregory Poulos
 1894 Glenwood Street NE
 Palm Bay, FL 32907

2. Article Number (Transfer from service label) 920 0001 7502 1899

PS Form 3811, July 2013 Domestic Return Receipt

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

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

2. Article Number (Transfer from service label) 7015 0920 0001 7502 1868

PS Form 3811, July 2013 Domestic Return Receipt

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

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

4. Restricted Delivery? (Extra Fee) Yes



USPS Tracking®



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



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Sign up for My USPS.

Tracking Number: 70150920000175021882

Product & Tracking Information

Available Actions

Postal Product: Features: Certified Mail™

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
October 10, 2015, 9:46 am	Arrived at USPS Facility	KNOXVILLE, TN 37950

Your item arrived at our USPS facility in KNOXVILLE, TN 37950 on October 10, 2015 at 9:46 am. The item is currently in transit to the destination.

October 7, 2015, 1:13 pm	Unclaimed/Max Hold Time Expired	GARDEN CITY, NY 11530
September 24, 2015, 11:41 am	Available for Pickup	GARDEN CITY, NY 11530
September 23, 2015, 1:25 pm	Notice Left (No Authorized Recipient Available)	GARDEN CITY, NY 11530
September 23, 2015, 10:16 am	Out for Delivery	GARDEN CITY, NY 11530
September 23, 2015, 10:06 am	Sorting Complete	GARDEN CITY, NY 11530
September 23, 2015, 6:21 am	Arrived at Unit	GARDEN CITY, NY 11530
September 23, 2015, 5:34 am	Departed USPS Facility	MID ISLAND, NY
September 23, 2015, 3:29 am	Arrived at USPS Facility	MID ISLAND, NY
September 22, 2015, 1:38 am	Departed USPS Facility	KNOXVILLE, TN 37950
September 22, 2015, 12:07 am	Arrived at USPS Facility	KNOXVILLE, TN 37950

Track Another Package

Tracking (or receipt) number

Track It

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

For delivery information, visit our website at www.usps.com®.

OFFICIAL

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

Total Postage

Sent To

Kevin Rogers
139 Wickham Rd
Garden City, NY 11530

Street & Apt. No. or PO Box No.
City, State, ZIP+

PS Form 3800, July 2014 See Reverse for Instructions

2015 0920 0001 7502 1882



<https://tools.usps.com/go/TrackConfirmAction?tLabels=70150920000175021882>

10/12/2015



USPS Tracking®



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Tracking Number: 70150920000175021875

Updated Delivery Day: **Wednesday, September 23, 2015**

Product & Tracking Information

Postal Product: Features:
Certified Mail™

Available Actions

Text Updates
Email Updates

LOCATION

STATUS OF ITEM

September 23, 2015, 9:39 pm
Delivery status not updated

The delivery status for this item has not been updated as of September 23, 2015, 9:39 pm.

September 23, 2015, 7:39 am	Out for Delivery	MIAMI, FL 33138
September 23, 2015, 7:29 am	Sorting Complete	MIAMI, FL 33138
September 23, 2015, 5:18 am	Arrived at Unit	MIAMI, FL 33138
September 22, 2015, 11:58 pm	Departed USPS Facility	MIAMI, FL 33112
September 22, 2015, 11:58 pm	Arrived at USPS Facility	MIAMI, FL 33112
September 22, 2015, 1:38 am	Departed USPS Facility	KNOXVILLE, TN 37950
September 22, 2015, 12:07 am	Arrived at USPS Facility	KNOXVILLE, TN 37950

Track Another Package

Tracking (or receipt) number

70150920000175021875

U.S. Postal Service™
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For Delivery Information, Visit our Website at usps.com

OFFICIAL RECEIPT

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

Here

To: **Shaun Davis Rogers**
121 NE 100th Street
Miami Shores, FL 33138

Sent: _____
Street or PO Box: _____
City: _____

PS Form 3800, 1/11/2015

<https://tools.usps.com/go/TrackConfirmAction>

2015



USPS Tracking®



Customer Service ›
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Sign up for My USPS.

Tracking Number: 70150920000175021851

Updated Delivery Day: **Wednesday, September 23, 2015**

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

- Text Updates
- Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
September 23, 2015 , 12:42 pm	Notice Left (No Authorized Recipient Available)	MATTHEWS, NC 28104

We attempted to deliver your item at 12:42 pm on September 23, 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 23, 2015 then it will be returned to sender.

September 23, 2015 , 9:12 am	Out for Delivery	MATTHEWS, NC 28105
September 23, 2015 , 9:02 am	Sorting Complete	MATTHEWS, NC 28105
September 23, 2015 , 8:50 am	Arrived at Unit	MATTHEWS, NC 28105
September 22, 2015 , 5:43 pm	Arrived at USPS Facility	CHARLOTTE, NC 28214
September 22, 2015 , 1:38 am	Departed USPS Facility	KNOXVILLE, TN 37950
September 22, 2015 , 12:07 am	Arrived at USPS Facility	KNOXVILLE, TN 37950

Track Another Package

Tracking (or receipt) number

U.S. Postal Service™
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OFFICIAL USE

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

Talmage G. Rogers, III
3014 Shalford Lane
Matthews, NC 28104

Sent to _____
Street & Apt. No., _____
or PO Box No. _____
City, State, ZIP+4 _____

<https://tools.usps.com/go/TrackConfirmAction.js>

McKinnis & Scott, Attorneys
135 W Main Street, Suite 200
Kingsport, Tennessee 37660



First Class Mail

Pamela Poulos
1444 Medavia A
Coral Gables, FL



*FOE
9/26 4575*

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 X <input 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> <p>Pamela 1444 Me Coral Ga</p>	<p>3. Service Type <input checked="" 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</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 0920 0001 7502 1844</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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 & Fees	\$ 15.25

Postmark Here
10/8/15

Sent To
Street, Apt. No., or PO Box No.
City, State, ZIP+4

Pamela F. Poulos
5000 SW 83rd Street
Miami, FL 33143-8510

PS Form 3800, August 2006 See Reverse for Instructions

7013 3020 0001 8825 7317

*Remailed
10/8/15*

Escrow Account Reconciliation Summary

Exhibit J

Unit Name D33
 Docket Number 1803
 Account Number 8001803
 GeoMet Well Numb 45102-427
 GeoMet Well 427 VA ROGERS D-33
 Description

GeoMet Deposit Information		Escrow Bank Data						
Check Date	Check Amount	Trade Date	Settlement Date	Entered On	Description	Amount	Variance	
5/25/2011	\$128.18	5/31/2011	5/31/2011	6/1/2011 9:10	Recd from GeoMet Operating Co dtd 05/25/11 ck #057309 VGOB #1803 D33	\$128.18	\$0.00	
6/23/2011	\$46.25	6/28/2011	6/28/2011	6/28/2011 9:56	Recd from GeoMet dtd 06/23/11 ck #057636 VGOB #1803 D33	\$46.25	\$0.00	
7/22/2011	\$44.40	7/29/2011	7/29/2011	7/29/2011 10:16	Recd from GeoMet dtd 07/22/11 ck #058030 VGOB #1803 D33	\$44.40	\$0.00	
8/25/2011	\$44.70	8/30/2011	8/30/2011	8/30/2011 9:23	Recd from GeoMet dtd 8/25/11 ck #058378 VGOB #1803 D33	\$44.70	\$0.00	
9/23/2011	\$50.88	10/7/2011	10/7/2011	10/7/2011 16:00	Recd from GeoMet Operating dtd 9/23/11 ck #58650 VGOB #1803 D33	\$50.88	\$0.00	
10/24/2011	\$52.85	10/31/2011	10/31/2011	10/31/2011 15:23	Recd from GeoMet dtd 10/24/11 ck #59005 VGOB #1803 D33	\$52.85	\$0.00	
11/22/2011	\$48.19	11/29/2011	11/29/2011	11/28/2011 12:56	Recd from GEOMET dtd 11/22/11 ck #59325 VGOB #1803 D33	\$48.19	\$0.00	
12/22/2011	\$49.40	12/27/2011	12/27/2011	12/27/2011 13:18	Recd from GeoMet dtd 12/22/11 ck #59705 VGOB #1803 D33	\$49.40	\$0.00	
1/25/2012	\$46.69	1/30/2012	1/30/2012	1/30/2012 14:07	Recd from GeoMet dtd 01/25/12 ck #60045 VGOB #1803 D33	\$46.69	\$0.00	
2/23/2012	\$48.43	2/29/2012	2/29/2012	2/28/2012 16:09	Recd from GeoMet dtd 02/23/12 ck #60442 VGOB #1803 D33	\$48.43	\$0.00	
3/22/2012	\$45.41	3/27/2012	3/27/2012	3/27/2012 8:45	Recd from GeoMet dtd 03/22/12 ck #60958 VGOB #1803 D33	\$45.41	\$0.00	
4/25/2012	\$38.83	5/2/2012	5/2/2012	5/2/2012 11:57	Recd from GeoMet dtd 04/25/12 ck #61462 VGOB #1803 D33	\$38.83	\$0.00	
5/24/2012	\$38.34	6/18/2012	6/18/2012	6/18/2012 14:21	Recd from GeoMet dtd 05/24/12 ck #62013 VGOB #1803 D33	\$38.34	\$0.00	
6/25/2012	\$26.43	7/6/2012	7/6/2012	7/6/2012 10:28	Recd from GeoMet dtd 06/25/12 ck #62492 VGOB #1803 D33	\$26.43	\$0.00	
7/25/2012	\$27.24	8/2/2012	8/2/2012	8/2/2012 13:47	Recd from GeoMet dtd 07/25/12 ck #62941 VGOB #1803 D33	\$27.24	\$0.00	
8/23/2012	\$31.05	9/20/2012	9/20/2012	9/19/2012 12:28	Recd from Geomet dtd 08/23/12 ck #0000194 VGOB #1803 D33	\$31.05	\$0.00	
9/24/2012	\$39.27	10/4/2012	10/4/2012	10/4/2012 12:36	Recd from GeoMet dtd 09/24/12 ck #686 VGOB #1803 D33	\$39.27	\$0.00	
10/24/2012	\$43.89	10/29/2012	10/29/2012	10/29/2012 12:44	Recd from GeoMet dtd 10/24/12 Ck #1191 VGOB #1803 D33	\$43.89	\$0.00	
11/20/2012	\$36.79	11/26/2012	11/26/2012	11/26/2012 11:25	Recd from GeoMet dtd 11/20/12 ck #1719 VGOB #1803 D33	\$36.79	\$0.00	
12/14/2012	\$45.08	12/24/2012	12/24/2012	12/24/2012 11:17	Recd from GeoMet dtd 12/14/12 ck #2193 VGOB #1803 D33	\$45.08	\$0.00	
1/24/2013	\$52.89	1/28/2013	1/28/2013	1/28/2013 12:31	Recd from GeoMet dtd 01/24/13 ck #2959 VGOB #1803 D33	\$52.89	\$0.00	
2/21/2013	\$55.95	2/28/2013	2/28/2013	2/28/2013 13:36	Recd from GeoMet dtd 02/21/13 ck #3376 VGOB #1803 D33	\$55.95	\$0.00	

3/20/2013	\$51.19	3/26/2013	3/26/2013	3/26/2013 14:38	Recd from GeoMet dtd 03/20/13 ck #3818 VGOB #1803 D33	\$51.19	\$0.00
4/24/2013	\$44.36	5/7/2013	5/7/2013	5/7/2013 13:55	Recd from GeoMet dtd 04/24/13 ck #4366 VGOB #1803 D33	\$44.36	\$0.00
5/23/2013	\$52.96	5/29/2013	5/29/2013	5/29/2013 10:35	Recd from GeoMet dtd 05/23/13 ck #4841 VGOB #1803 D33	\$52.96	\$0.00
6/24/2013	\$55.17	6/28/2013	6/28/2013	6/28/2013 9:07	Recd from GeoMet dtd 06/24/13 ck #5316 VGOB #1803 D33	\$55.17	\$0.00
7/24/2013	\$59.77	7/30/2013	7/30/2013	7/30/2013 10:59	Recd from GeoMet dtd 07/24/13 ck #5806 VGOB #1803 D33	\$59.77	\$0.00
8/22/2013	\$56.86	8/29/2013	8/29/2013	8/29/2013 9:38	Recd from GeoMet dtd 08/22/13 ck #6255 VGOB #1803 D33	\$56.86	\$0.00
9/24/2013	\$52.09	9/30/2013	9/30/2013	9/30/2013 14:58	Recd from GeoMet dtd 09/24/13 ck #6725 VGOB #1803 D33	\$52.09	\$0.00
10/24/2013	\$48.05	10/30/2013	10/30/2013	10/30/2013 9:19	Recd from GeoMet dtd 10/24/13 ck #7191 VGOB #1803 D33	\$48.05	\$0.00
11/21/2013	\$44.73	11/27/2013	11/27/2013	11/27/2013 13:16	Recd from GeoMet dtd 11/21/13 ck #7537 VGOB #1803 D33	\$44.73	\$0.00
12/20/2013	\$47.80	1/13/2014	1/13/2014	1/13/2014 9:36	Recd from GeoMet dtd 12/20/13 ck #8028 VGOB #1803 D33	\$47.80	\$0.00
1/23/2014	\$49.30	1/30/2014	1/30/2014	1/30/2014 11:18	Recd from GeoMet dtd 01/23/14 ck #8661 VGOB #1803 D33	\$49.30	\$0.00
2/21/2014	\$55.95	2/27/2014	2/27/2014	2/27/2014 9:38	Recd from GeoMet dtd 02/21/14 ck #8983 VGOB #1803 D33	\$55.95	\$0.00
3/20/2014	\$64.21	3/31/2014	3/31/2014	3/31/2014 10:57	Recd from GeoMet dtd 03/20/14 ck #9365 VGOB #1803 D33	\$64.21	\$0.00
4/23/2014	\$72.99	4/29/2014	4/29/2014	4/29/2014 13:43	Deposit recd from GeoMet dtd 04/23/14 ck #9771	\$72.99	\$0.00
5/22/2014	\$68.11	5/28/2014	5/28/2014	5/28/2014 13:38	Recd from GeoMet dtd 05/22/14 ck #10202	\$68.11	\$0.00
6/26/2014	\$58.43	7/9/2014	7/9/2014	7/8/2014 16:01	Recd from GeoMet dtd 06/26/14 ck #10640	\$58.43	\$0.00
7/29/2014	\$60.15	8/11/2014	8/11/2014	8/11/2014 11:37	Recd from GeoMet dtd 07/29/14 ck #11021	\$60.15	\$0.00
8/12/2014	\$57.05	9/2/2014	9/2/2014	9/2/2014 15:15	Recd from GeoMet dtd 8/12/14	\$57.05	\$0.00
					Total for Deposits	\$2,040.31	
					Interest and Fees	\$1.40	
Total	\$2,040.31				Total	\$2,041.71	(A) (\$1.40)

(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 **D33**
Docket Number **1803**
GeoMet Well **427 VA ROGERS D-33**
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>Distributions</u>	<u>Audit</u>	<u>Corrections</u>	<u>Ending</u>	<u>ARP</u>	<u>Difference</u>
	<u>AGENT</u>	<u>Unit</u>			<u>Market</u>		<u>Mkt</u>	<u>CDARS</u>	<u>Fees</u>	<u>Costs</u>		<u>*</u>	<u>Market</u>	<u>Wired</u>		
	<u>ACCT #</u>	<u>Name</u>			<u>Value</u>		<u>Interest</u>	<u>Interest</u>	<u></u>	<u></u>		<u></u>	<u>Value</u>	<u></u>		
10/3/2014, 10/30/2014	8001803	D33	1803	GEOMET	2,041.71		\$109.77	0.35		(\$0.17)				\$2,151.66	\$ 109.77	\$0.00
11/26/2014	8001803	D33	1803	GEOMET	\$2,151.66		50.4	\$0.37		(\$0.18)				\$2,202.25	\$ 50.40	\$0.00
12/22/2014	8001803	D33	1803	GEOMET	2,202.25		\$52.24	0.69		(0.18)				2,255.00	\$ 52.24	\$0.00
1/29/2015	8001803	D33	1803	GEOMET	2,255.00		\$61.26	0.55		(0.19)				2,316.62	\$ 61.26	\$0.00
2/26/2015	8001803	D33	1803	GEOMET	2,316.62		\$66.80	\$0.35		(\$0.19)				2,383.58	\$ 66.80	\$0.00
3/27/2015	8001803	D33	1803	GEOMET	2,383.58		\$57.22	0.38		(\$0.19)				2,440.99	\$ 57.22	\$0.00
4/29/2015	8001803	D33	1803	GEOMET	2,440.99		\$64.39	\$0.37		(\$0.19)				2,505.56	\$ 64.39	\$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:

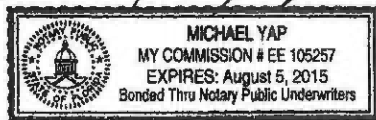
Don Barrett, P.A.
P.O. Box 927
Lexington, MS 39095

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: _____

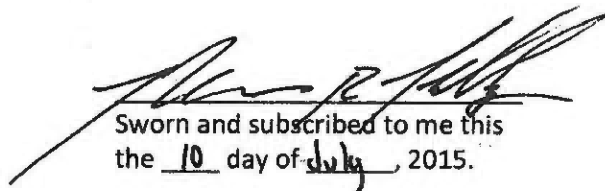
BEFORE THE VIRGINIA GAS AND OIL BOARD

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

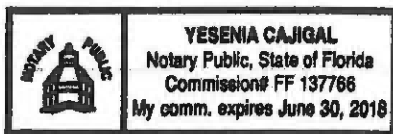
I, Jason G Poulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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

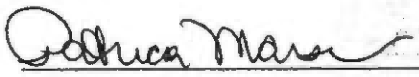
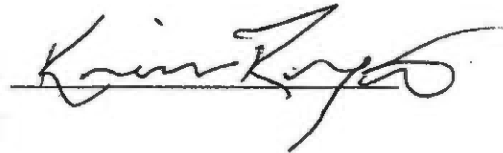


BEFORE THE VIRGINIA GAS AND OIL BOARD

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

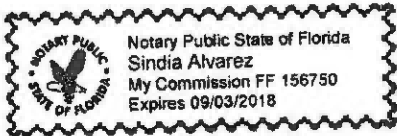
FURTHER THE AFFIANT SAYETH NOT.

Shaun D. Rogers

[Signature]

BY SHAUN DAVIS ROGERS

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

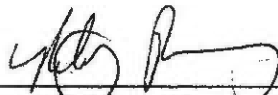


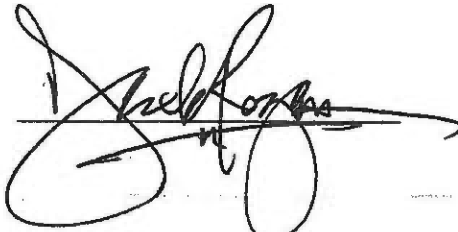
BEFORE THE VIRGINIA GAS AND OIL BOARD

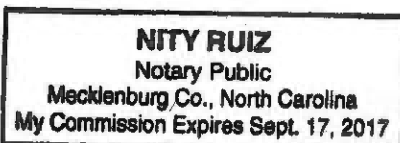
I, DEREK ROGERS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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

Case No. 550-13

v.

LBR HOLDINGS, LLC,

Defendant.

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.

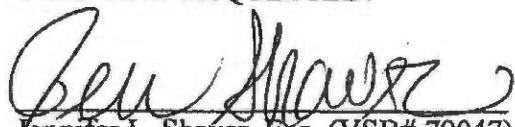
12. Plaintiffs are entitled to receive all coalbed methane gas royalties attributable to their 25% gas estate interest in the Property that are being held in the Virginia Gas and Oil Board's

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