

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** ARP Mountaineer Production,LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 09-0616-2532-01

**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 B-36

**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 Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos and Pamela Poulos. Unit B-36.

**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**

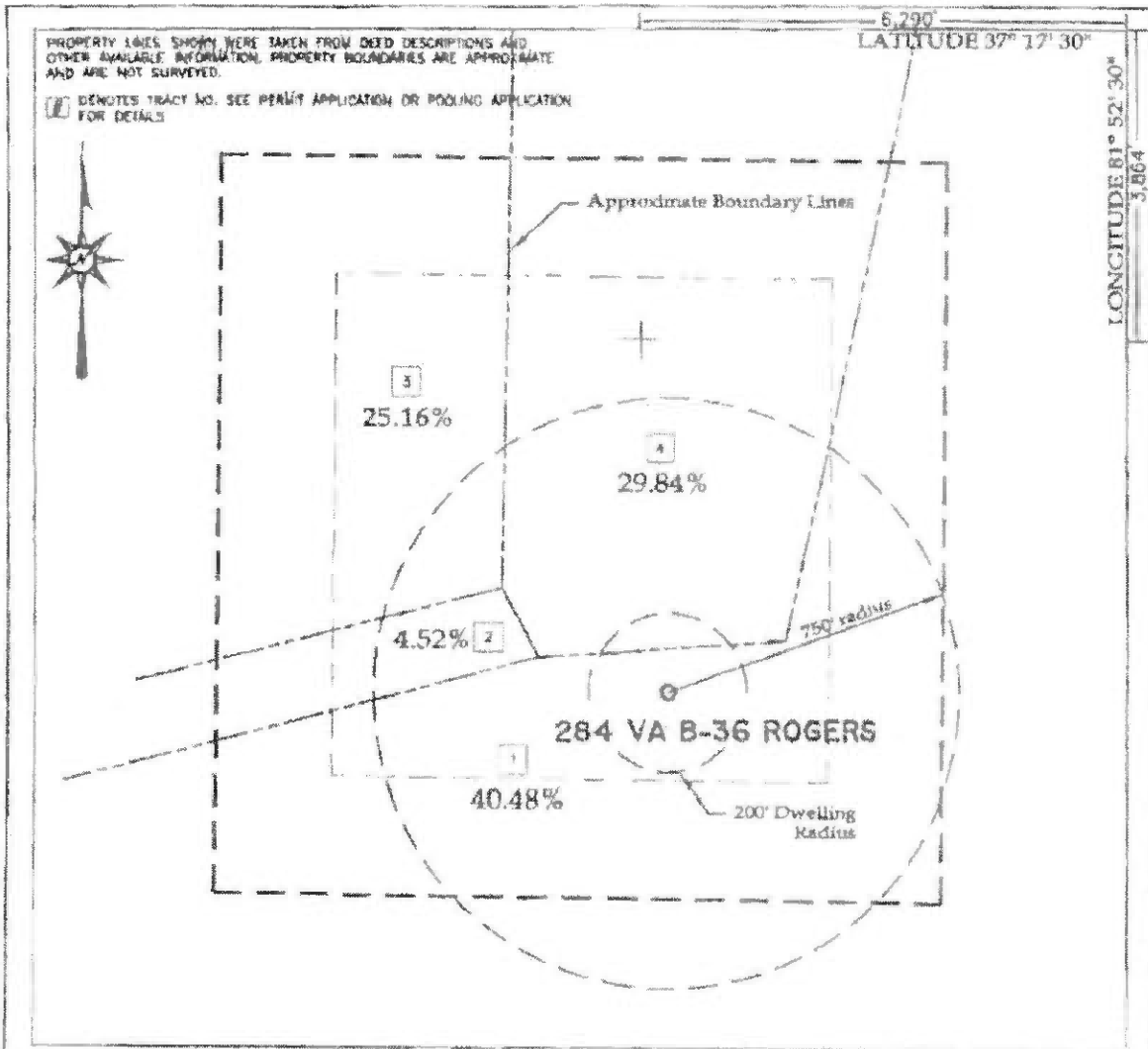
T.G. Rogers, III, Derek Browning Rogers, Kevin Rogers, Shaun Rogers, Gregory Poulos, Jason Poulos, and Pamela Poulos is entitled to 100% of the CBM royalties awarded under Buchanan County, Virginia Circuit Court Case No. 550-13, Opinion dated July 10, 2014, said decision allows the Applicant and Designated 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.

"EXHIBIT A"



**WELL LOCATION PLAT**

COMPANY: GEOMET OPERATING COMPANY WELL NAME OR NUMBER: 284 VA B-36 ROGERS  
 TRACT NUMBER: LBR HOLDINGS, LLC (TRACT NO. 88) SCALE: 1" = 400' DATE: 04/14/09  
 COUNTY: BUCHANAN DISTRICT: GARDEN QUADRANGLE: PATTERSON  
 ELEVATION: 2,334.11' METHOD USED TO DETERMINE ELEVATION: G.P.S. CONTROL LOOP  
 FROM JEWELL SMOKELESS COAL CO. & TEE ENGINEERING CO. CONTROL POINTS  
 NORTHING - 3,643,706.49' EASTING - 10,494,973.92' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 83)  
 NORTHING - 362,826.25' EASTING - 1,011,985.81' (VIRGINIA STATE PLANE - SOUTH ZONE - NAD 83)  
 THIS IS A NEW PLAT       ; AN UPDATED PLAT       ; OR A FINAL LOCATION PLAT  
 POOLING PLAT   x  

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

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



Form DGO-GO-7  
 Rev. 2008

Well Name : 294 VA B-36 Rogers

Pooling Plat Attachment A

Plat Tract Number	Owners	Percentage Ownership
1.) 68	LBR Holdings, LLC	40.48%
2.) 40	LBR Holdings, LLC	4.52%
3.) 70	LBR Holdings, LLC	25.16%
4.) 38	LBR Holdings, LLC	29.84%

Location Description: 2.21 Miles Southeast of State Route 83jct. W/ State Route 639  
and 1.38 miles Southwest of State Route 639jct. W/State Route 628.



EXHIBIT E  
LIST OF CONFLICTING AND UNKOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE  
ESCROW  
UNIT B-36

VOGB DOCKET NO. 09-0616-2532-01

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NONE.

EXHIBIT E  
LIST OF CONFLICTING AND UNKOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE  
ESCROW  
UNIT B-36

EXHIBIT E  
LIST OF CONFLICTING AND UNKOWN OR UNLOCATABLE OWNERS/CLAIMANTS THAT REQUIRE  
ESCROW  
UNIT B-36

EXHIBIT EE  
UNIT B-36  
VOGB DOCKET NO. 09-0616-2532-01  
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 40 of CBM Unit B-36)</u>		
<u>(4.52%)</u>		
<u>LBR Holdings, LLC et al.</u>		
<b><u>COAL FEE OWNERSHIP</u></b>		
LBR HOLDINGS, LLC Fon Rogers, Manager P.O. Box 22427 Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
Jason Poulos 10870 SW 95 <sup>th</sup> Street Miami, FL 33176	4.166662%	0.188333%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166669%	0.188333%
Pamela Poulos 5000 SW 83 <sup>rd</sup> St. Miami, FL 33143	4.166669%	0.188333%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	0.141250%
Shaun Rogers 121 NE 100 <sup>th</sup> St. Miami Shores, FL 32960	3.125000%	0.141250%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	0.141250%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	0.141250%
<b>Tract 2</b>	25.000000%	1.130000%

EXHIBIT EE  
UNIT B-36  
VOGB DOCKET NO. 09-0616-2532-01  
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 38 of CBM Unit B-36)</u>		
<u>(29.84%)</u>		
<u>LBR Holdings, LLC et al.</u>		
<b><u>COAL FEE OWNERSHIP</u></b>		
LBR HOLDINGS, LLC Fon Rogers, Manager P.O. Box 22427 Lexington, KY 40522	25.000000%	n/a
Total-Coal	25.000000%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
Jason Poulos 10870 SW 95 <sup>th</sup> Street Miami, FL 33176	4.166662%	1.243332%
Gregory Poulos 1894 Glenwood Street NE Palm Bay, FL 32907	4.166669%	1.243332%
Pamela Poulos 5000 SW 83 <sup>rd</sup> St. Miami, FL 33143	4.166669%	1.243332%
T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	3.125000%	0.932500%
Shaun Rogers 121 NE 100 <sup>th</sup> St. Miami Shores, FL 32960	3.125000%	0.932500%
Kevin Rogers 139 Wickham Road Garden City, NY 11530	3.125000%	0.932500%
Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	3.125000%	0.932500%
<b>Tract 4</b>	25.000000%	7.000000%

**Total Percentage Ownership of Unit in Dispute:**

Tract 2: 1.130000%

Tract 4: 7.460000%

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8.590000%

BEFORE THE VIRGINIA GAS AND OIL BOARD

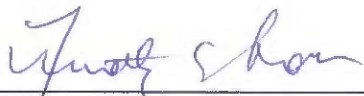
Applicant:	ARP Mountaineer Production, LLC	)	
		)	
Relief Sought:	Unit No. B-36 Oakwood Field	)	Docket No.
	Escrow Disbursement	)	VGOB-09-0616-2532-01
		)	
		)	

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 21<sup>st</sup> 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.

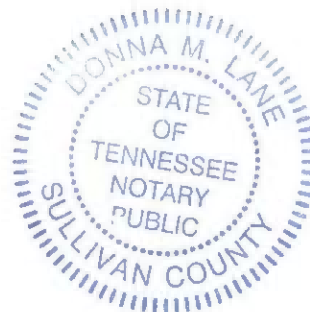
  
\_\_\_\_\_  
Timothy E. Scott

SUBSCRIBED AND SWORN TO before me this 12<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
Notary Public

My commission expires: 11-18-2017

affidavit.mailing Unit B-36]



**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

14604 5' X 3 1/2

**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**

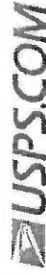
A. Signature  
 Agent  
 Addressee

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 ›  
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Tracking Number: 70150920000175021882

## Product & Tracking Information

## Available Actions

Postal Product: Features: Certified Mail™

Text Updates

DATE & TIME

Email Updates

STATUS OF ITEM

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™**  
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**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

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™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For Delivery Information, Visit our Website at [usps.com](http://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®



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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	

## Track Another Package

Tracking (or receipt) number

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OFFICIAL USE

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

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>

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"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: Pamela 1444 Me Coral Ga	B. Received by (Printed Name) 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
2. Article Number (Transfer from service label) 7015 0920 0001 7502 1844	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
PS Form 3811, July 2013 Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

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

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

**OFFICIAL USE**

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

7013 3020 0001 8825 7317

*Remailed*  
*10/8/15*

Escrow Account Reconciliation Summary

Exhibit J

Unit Name B36  
 Docket Number 2532  
 GeoMet Well 284 ROGERS VA B 36  
 Description

GeoMet Deposit Information		Escrow Bank Data					
Check Date	Check Amount	Trade Date	Settlement Date	Entered On	Description	Amount	Variance
5/25/2011	222.13	5/31/2011	5/31/2011	5/31/2011 13:48	Recd from GeoMet Operating Co dtd 05/25/11 ck #057305 VGOB #2532 B36	\$222.13	\$0.00
6/23/2011	94.72	6/28/2011	6/28/2011	6/28/2011 9:56	Recd from GeoMet dtd 06/23/11 ck #057633 VGOB #2532 B36	\$94.72	\$0.00
7/22/2011	83.2	7/29/2011	7/29/2011	7/29/2011 10:16	Recd from GeoMet dtd 07/22/11 ck #058026 VGOB #2532 B36	\$83.20	\$0.00
8/25/2011	78.76	8/30/2011	8/30/2011	8/30/2011 9:23	Recd from GeoMet dtd 8/25/11 ck #058375 VGOB #2532 B36	\$78.76	\$0.00
9/23/2011	87.72	10/7/2011	10/7/2011	10/7/2011 16:00	Recd from GeoMet Operating dtd 9/23/11 ck #58646 VGOB #2532 B36	\$87.72	\$0.00
10/24/2011	83.97	10/31/2011	10/31/2011	10/31/2011 15:23	Recd from GeoMet dtd 10/24/11 ck #59002 VGOB #2532 B36	\$83.97	\$0.00
11/22/2011	75.91	11/29/2011	11/29/2011	11/28/2011 12:56	Recd from GEOMET dtd 11/22/11 ck #59321 VGOB #2532 B36	\$75.91	\$0.00
12/22/2011	88.1	12/27/2011	12/27/2011	12/27/2011 13:18	Recd from GeoMet dtd 12/22/11 ck #59701 VGOB #2532 B36	\$88.10	\$0.00
1/25/2012	80.97	1/30/2012	1/30/2012	1/30/2012 14:07	Recd from GeoMet dtd 01/25/12 ck #60042 VGOB #2532 B36	\$80.97	\$0.00
2/23/2012	85.02	2/29/2012	2/29/2012	2/28/2012 16:09	Recd from GeoMet dtd 02/23/12 ck #60438 VGOB #2532 B36	\$85.02	\$0.00
3/22/2012	82.14	3/27/2012	3/27/2012	3/27/2012 8:45	Recd from GeoMet dtd 03/22/12 ck #60955 VGOB #2532 B36	\$82.14	\$0.00
4/25/2012	72.88	5/2/2012	5/2/2012	5/2/2012 11:57	Recd from GeoMet dtd 04/25/12 ck #61459 VGOB #2532 B36	\$72.88	\$0.00
5/24/2012	76.8	6/18/2012	6/18/2012	6/18/2012 14:21	Recd from GeoMet dtd 05/24/12 ck #62009 VGOB #2532 B36	\$76.80	\$0.00
6/25/2012	56.46	7/6/2012	7/6/2012	7/6/2012 10:28	Recd from GeoMet dtd 06/25/12 ck #62490 VGOB #2532 B36	\$56.46	\$0.00
7/25/2012	62.68	8/6/2012	8/6/2012	8/6/2012 11:38	Recd from GeoMet dtd 07/25/12 ck #62938 VGOB #2532 B36	\$62.68	\$0.00
8/23/2012	79.29	9/20/2012	9/20/2012	9/19/2012 12:28	Recd from Geomet dtd 08/23/12 ck #0000192 VGOB #2532 B36	\$79.29	\$0.00
9/24/2012	114.45	10/4/2012	10/4/2012	10/4/2012 12:36	Recd from GeoMet dtd 09/24/12 ck #682 VGOB #2532 B36	\$114.45	\$0.00
10/24/2012	135.52	10/29/2012	10/29/2012	10/29/2012 12:44	Recd from GeoMet dtd 10/24/12 Ck #1188 VGOB #2532 B36	\$135.52	\$0.00
11/20/2012	120.71	11/26/2012	11/26/2012	11/26/2012 11:25	Recd from GeoMet dtd 11/20/12 ck #1716 VGOB #2532 B36	\$120.71	\$0.00
12/14/2012	156.44	1/9/2013	1/9/2013	1/9/2013 12:24	Recd from GeoMet dtd 12/14/12 ck #2189 VGOB #2532 B36	\$156.44	\$0.00
1/24/2013	194.29	1/28/2013	1/28/2013	1/28/2013 12:31	Recd from GeoMet dtd 01/24/13 ck #2956 VGOB #2532 B36	\$194.29	\$0.00
2/21/2013	213.96	2/28/2013	2/28/2013	2/28/2013 13:36	Recd from GeoMet dtd 02/21/13 ck #3372 VGOB #2532 B36	\$213.96	\$0.00
3/20/2013	203.79	3/26/2013	3/26/2013	3/26/2013 14:38	Recd from GeoMet dtd 03/20/13 ck #3815 VGOB #2532 B36	\$203.79	\$0.00
4/24/2013	185.73	5/7/2013	5/7/2013	5/7/2013 13:55	Recd from GeoMet dtd 04/24/13 ck #4363 VGOB #2532 B36	\$185.73	\$0.00

5/23/2013	234.79	5/29/2013	5/29/2013	5/29/2013 10:35	Recd from GeoMet dtd 05/23/13 ck #4837 VGOB #2532 B36	\$234.79	\$0.00
6/24/2013	262.72	6/28/2013	6/28/2013	6/28/2013 9:07	Recd from GeoMet dtd 06/24/13 ck #5313 VGOB #2532 B36	\$262.72	\$0.00
7/24/2013	291.25	7/30/2013	7/30/2013	7/30/2013 10:59	Recd from GeoMet dtd 07/24/13 ck #5802 VGOB #2532 B36	\$291.25	\$0.00
8/22/2013	289.55	8/29/2013	8/29/2013	8/29/2013 9:38	Recd from GeoMet dtd 08/22/13 ck #6252 VGOB #2532 B36	\$289.55	\$0.00
9/24/2013	272.74	9/30/2013	9/30/2013	9/30/2013 14:58	Recd from GeoMet dtd 09/24/13 ck #6721 VGOB #2532 B36	\$272.74	\$0.00
10/24/2013	253.94	10/30/2013	10/30/2013	10/30/2013 9:19	Recd from GeoMet dtd 10/24/13 ck #7188 VGOB #25832 B36	\$253.94	\$0.00
11/21/2013	271.79	11/27/2013	11/27/2013	11/27/2013 13:16	Recd from GeoMet dtd 11/21/13 ck #7534 VGOB #2532 B36	\$271.79	\$0.00
12/20/2013	279.34	1/13/2014	1/13/2014	1/13/2014 9:36	Recd from GeoMet dtd 12/20/13 ck #8024 VGOB #2532 B36	\$279.34	\$0.00
1/23/2014	284.68	1/30/2014	1/30/2014	1/30/2014 11:21	Recd from GeoMet dtd 01/23/14 ck #8658 VGOB #2532 B36	\$284.68	\$0.00
2/21/2014	320.91	2/27/2014	2/27/2014	2/27/2014 9:38	Recd from GeoMet dtd 02/21/14 ck #8979 VGOB #2532 B36	\$320.91	\$0.00
3/20/2014	352.71	3/31/2014	3/31/2014	3/31/2014 10:57	Recd from GeoMet dtd 03/20/14 ck #9362 VGOB #2532 B36	\$352.71	\$0.00
4/23/2014	404.93	4/29/2014	4/29/2014	4/29/2014 13:43	Deposit recd from GeoMet dtd 04/23/14 ck #9767	\$404.93	\$0.00
5/22/2014	377.79	5/28/2014	5/28/2014	5/28/2014 13:38	Recd from GeoMet dtd 05/22/14 ck #10199	\$377.79	\$0.00
6/26/2014	322.59	7/9/2014	7/9/2014	7/8/2014 16:03	Recd from GeoMet dtd 06/26/14 ck #10636	\$322.59	\$0.00
7/29/2014	350.68	8/11/2014	8/11/2014	8/11/2014 11:37	Recd from GeoMet dtd 07/29/14 ck #11018	\$350.68	\$0.00
8/12/2014	322.79	9/2/2014	9/2/2014	9/2/2014 15:15	Recd from GeoMet dtd 8/12/14	\$322.79	\$0.00
					Total for Deposits	\$7,628.84	
					Interest and Fees	\$5.64	
Total	\$7,628.84				Total	\$7,634.48	(A) (\$5.64)

(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** B36  
**Docket Number** 2532  
**GeoMet Well** 284 ROGERS VA B 36  
**Description**

<u>WIRE DATE</u>	<u>ESCROW</u>		<u>Docket #</u>	<u>Unit Operator</u>	<u>Beginning</u>		<u>Money</u>					<u>Distributions</u>	<u>Audit</u>		<u>Ending</u>		<u>Difference</u>
	<u>AGENT</u>	<u>Unit</u>			<u>Market</u>	<u>Deposit</u>	<u>Mkt</u>	<u>CDARS</u>	<u>Fees</u>	<u>Costs</u>	<u>Corrections*</u>		<u>Market</u>	<u>ARP</u>			
	<u>ACCT #</u>	<u>Name</u>			<u>Value</u>	<u>Type</u>	<u>Interest</u>	<u>Interest</u>					<u>Value</u>	<u>Wired</u>			
10/3/2014, 10/30/2014	8002532	B36	2532	GEOMET	7,634.48		\$605.00	1.29							\$8,240.13	\$ 605.00	\$0.00
11/26/2014	8002532	B36	2532	GEOMET	\$8,240.13		272.89	\$1.41							\$8,513.74	\$ 272.89	\$0.00
12/22/2014	8002532	B36	2532	GEOMET	8,513.74		\$282.40	2.72							8,798.17	\$ 282.40	\$0.00
1/29/2015	8002532	B36	2532	GEOMET	8,798.17		\$330.80	2.16							9,130.40	\$ 330.80	\$0.00
2/26/2015	8002532	B36	2532	GEOMET	9,130.40		\$359.42	\$1.41							9,490.47	\$ 359.42	\$0.00
3/27/2015	8002532	B36	2532	GEOMET	9,490.47		\$306.24	1.52							9,797.47	\$ 306.24	\$0.00
4/29/2015	8002532	B36	2532	GEOMET	9,797.47		\$335.55	\$1.48							10,133.74	\$ 335.55	\$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:

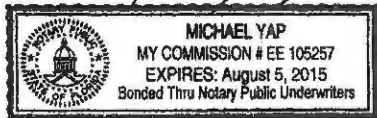
Don Barrett, P.A.  
P.O. Box 927  
Lexington, MS 39095

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

*[Handwritten signature]*



RECEIVED

JUL 13 2015

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

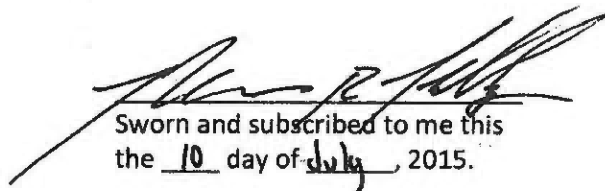
BEFORE THE VIRGINIA GAS AND OIL BOARD

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

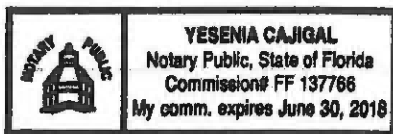
I, Jason G Poulos, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account," 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 25<sup>th</sup> day of June, 2015.

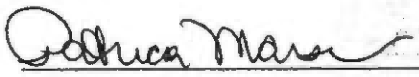
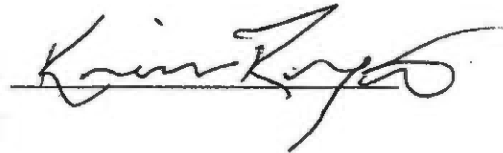


BEFORE THE VIRGINIA GAS AND OIL BOARD

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

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

FURTHER THE AFFIANT SAYETH NOT.



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

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

BEFORE THE VIRGINIA GAS AND OIL BOARD

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

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

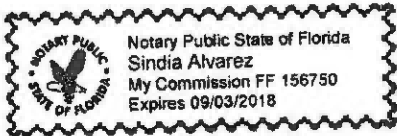
FURTHER THE AFFIANT SAYETH NOT.

Shaun D. Rogers

[Signature]

BY SHAUN DAVIS ROGERS

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

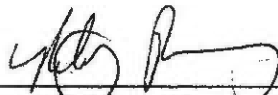


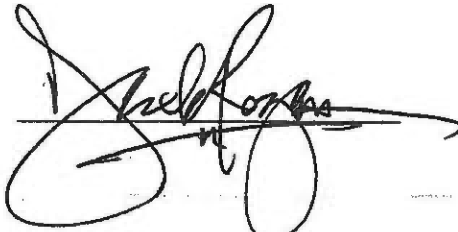
BEFORE THE VIRGINIA GAS AND OIL BOARD

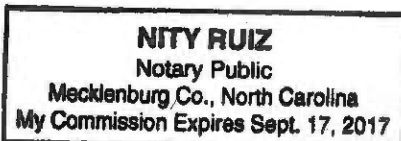
I, DEREK ROGERS, request all royalties attributable to my gas interest which are held in the Virginia Gas and Oil Board's escrow account and all royalties withheld internally by any operator be released to my attorney, Don Barrett, with all checks being made payable to "Don Barrett, P.A. Trust Account,"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

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

FURTHER THE AFFIANT SAYETH NOT.

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





VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

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

Plaintiffs,

v.

LBR HOLDINGS, LLC,

Defendant.

Case No. 550-13

**ORDER**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

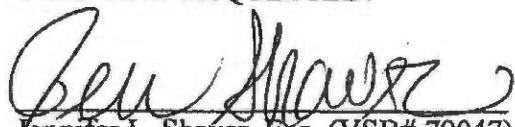
12. Plaintiffs are entitled to receive all coalbed methane gas royalties attributable to their 25% gas estate interest in the Property that are being held in the Virginia Gas and Oil Board's

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

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

  
Circuit Court Judge

SEEN AND REQUESTED:



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

*Counsel for Plaintiffs*

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

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

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

*Counsel for LBR Holdings, LLC*

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

*Beverly S. Tiller*  
Deputy Clerk