

**VIRGINIA: BEFORE THE VIRGINIA GAS AND OIL BOARD**

**JIMMY LEE HARRIS**  
Petitioner,

v.

Case No.:

**CNX GAS COMPANY, LLC.,**

**Respondent.**

**BA-100 (Tract 1E)**  
**VGOB No. 03-0916-1189-02**

**PETITION FOR ACCOUNTING**

Comes the Plaintiff, by counsel, and bring this action for the entry of an order requiring CNX to provide a full accounting relative to petitioner's interest in certain Coal-Bed Methane (CBM) wells located in Buchanan County. In support thereof, your Plaintiff state as follows:

1. Petitioner owner of real estate, and the associated gas estate, in Buchanan County, Virginia. These interests are located in BA-100 Disbursement Order VGOB# 03-0916-1189-02 (BA-100-Tract 1-E)
2. CNX requested the VGOB to distribute the share of accrued royalties attributable to the above tract to the Petitioner. The CNX petition is attached ad incorporated herein as Exhibit 1.
3. An order was entered by this Board was entered recognizing Petitioner's ownership of the CBM, entitlement to a share of the escrowed CBM royalties for past production relative to such tract, and direction to the escrow agent to release such escrowed funds

attributable to the tract. A copy of the order is attached and incorporated by reference marked Exhibit 2


4. Defendant is the duly appointed unit operator, and has been responsible for production, record-keeping, and deposit of all past royalties with this Board's escrow agent.

5. While Plaintiffs ultimately received the proceeds approved for distribution from the VGOB escrow agent, they were not provided an accountability gross production, gross proceeds, net royalties, accounting of the categories, methodologies, justification, or reasonableness of the deductions made from the gross production royalty purporting to be the net royalty periodically deposited by CNX with the Board's escrow agent.

6. On November 23, 2015, petitioners received a letter from CNX stating that they overpaid petitioner \$6,997.36, despite that fact the amount received was the only amount authorized by the VGOB based upon the information CNX provided in their petition for distribution.

WHEREFORE, Petitioner seeks the entry of an order directing CNX to provide a full and complete accounting of all deductions from gross royalties, resulting in the contribution of net royalties reported in Exhibits 1, in order that the Board can ensure the accuracy of the amount distributed versus representations made by CNX, as well as an order precluding CNX from unilaterally withholding royalties to make up for an accounting error inconsistent with their petition for distribution or the order of the VGOB directing distribution of the same.

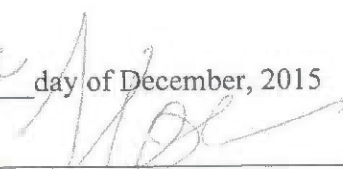
**JIMMY LEE HARRIS  
BY COUNSEL**

  
Terrence Shea Cook  
VSB #34832  
T. Shea Cook, P. C.  
P.O. Box 507  
Richlands, Va. 24641  
276-963-4332  
276-963-6271 (fax)  
[tsheacook@yahoo.com](mailto:tsheacook@yahoo.com)

**AFFIDAVIT**

1. On December 18, 2015, I filed a Petition for Accounting with regards to this matter;
2. On December 18, 2015, I mailed a copy of the Petition for Accounting to Mark Swartz, by regular mail.

Dated this 18th day of December, 2015

  
T. SHEA COOK

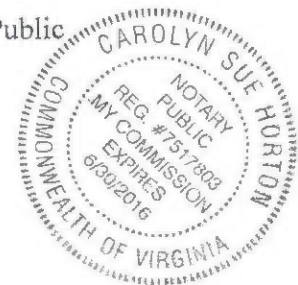
COMMONWEALTH OF VIRGINIA )  
 ) to-wit:  
CITY/COUNTY OF Tazewell )

On this 18 day of Dec. 2015 appeared before me T. Shea Cook, who being first duly sworn, stated that the foregoing is true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_

Notary Public

My Commission Expires: 6-30-16





BEFORE THE VIRGINIA OIL AND GAS BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO.: VGOB 03-0916-1189-02

RELIEF SOUGHT: (1) Disbursement from escrow  
Regarding tracts 1G; and  
(2) Dismissal of coal claimants

UNIT: BA100

*Courtesy Copy*

BUCHANAN COUNTY, VIRGINIA

HEARING DATE: April 21, 2015  
PLACE: Russell County Government Conference Center  
139 Highland Drive  
Lebanon, Virginia  
TIME: 9:00 a.m.

**NOTICE OF HEARING**

**COMMONWEALTH OF VIRGINIA:** To the following persons who will receive a disbursement of escrowed funds if the relief sought by Applicant's Petition is granted by the Virginia Gas and Oil Board:

*Jimmy Lee Harris*

**COMMONWEALTH OF VIRGINIA:** To the following persons identified as **COAL OWNERS** in the pooling application(s) and Virginia Gas and Oil Board Orders pertaining to the referenced Docket No. who were previously pooled by Virginia Gas and Oil Board Order as conflicting claimants to the coalbed methane to be produced from the Unit, **YOUR CLAIMS TO COALBED METHANE ROYALTIES AND/OR WORKING OR CARRIED INTERESTS** for coalbed methane gas produced from this Unit **ARE SUBJECT TO DISMISSAL BY BOARD ORDER AT THE HEARING NOTICED ABOVE:**

*Harrison-Wyatt, L.L.C., (Tract 1E)*

**NOTICE IS HEREBY GIVEN** that Applicant is requesting that the Virginia Gas and Oil Board (hereinafter Board) issue an order as follows:

- (1) Directing the Board's Escrow Agent to make the disbursements to the persons identified in the Table hereto using the percentages stated therein;
- (2) Dismissing the Respondents/coal owners listed above as Respondents and as conflicting claimants.

**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 April 21, 2015 at the Russell County Government Conference Center, 139 Highland Drive, Lebanon, Virginia, and that notice will be published as required by law and the Rules of the Board.

**NOTICE IS FURTHER GIVEN** that you may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information or a copy of the Application and Exhibits, either contact the Virginia Gas and Oil Board, the Department of Mines, Minerals and Energy, the Division of Gas and Oil, 135 Highland Drive, Lebanon, Virginia, (276) 415-9700, or the Applicant at the address shown Below.

**NOTICE IS FURTHER GIVEN** that any Coal Owner identified above who does not appear at the said hearing and provide the Board with evidence and/or a credible theory/argument that he/she/it has a good faith basis under existing law to claim an interest in the coalbed methane produced from the Unit, is subject to dismissal as a pooled Respondent and as a conflicting claimant to coalbed methane royalties, working interest and/or carried interest

CNX Gas Company LLC  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER  
By:   
Anita D. Duty  
Roofing Supervisor  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

BEFORE THE VIRGINIA OIL AND GAS BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL  
DOCKET NO.: VGOB 03-0916-1189-02

RELIEF SOUGHT (1) Disbursement from escrow  
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UNIT: BA100

HEARING DATE: April 21, 2015

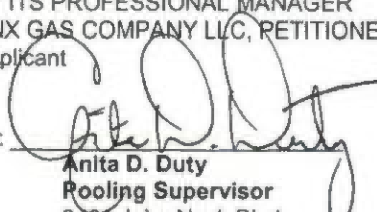
BUCHANAN COUNTY, VIRGINIA

PETITION TO DISBURSE AND MODIFY

1. **Applicant and its counsel:** Applicant is **CNX Gas Company LLC**, 2481 John Nash Blvd., Bluefield, WV, 24701, 304.323.6500. Applicant's counsel is Mark A. Swartz, Hilliard & Swartz, LLP, 122 Capitol St., FL 2, Charleston, WV 25301.
2. **Relief sought:** (1) The disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tracts **1G** to the persons identified in the Table using the percentages set forth in the Table; and (2) dismissal of coal owner(s)/claimant(s) named in the Notice of Hearing and identified in Exhibit B2 who were pooled by the Board as conflicting claimants.
3. **Factual basis for disbursements:** (a) Jimmy Lee Harris is entitled to 100% of the CBM royalties awarded under Case No. 335-11, Opinion dated February 5, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 specifies how said royalties are to be paid.
4. **Reason for Dismissal:** Given legislative action and Supreme Court decision(s) following adoption of the 1990 Act, the Board's policy of identifying a conflict between coal owners and oil and gas owners to protect correlative rights should be changed to a policy of not requiring coal owners to be identified as conflicting claimants, subject to coal owner(s) offering evidence of a viable claim, after receiving notice.
5. **Legal Authority:** *Va. Code Ann. §§ 45.1-361.13, 45.1-361.14.B, 45.1-361.15.A.3, B.2, B.10, B.12, 361.19.A., 45.1-361.21:1, 45.1-361.22.1, .5, 4VAC25-160-10, 80, Swords Creek Land Partnership v. Belcher, et al., #131590, September 12, 2014.*
6. **Exhibits:** The relevant exhibits are annexed to the Notice of Hearing and this Application.
7. **Applicant's standing:** Designated Operator.
8. **Attestation:** The foregoing application, to the best of my knowledge, information and belief, is true and correct.

**CNX Gas Company LLC**  
BY ITS PROFESSIONAL MANAGER  
CNX GAS COMPANY LLC, PETITIONER  
Applicant

By:

  
Anita D. Duty  
Pooling Supervisor  
2481 John Nash Blvd.  
Bluefield, West Virginia 24701

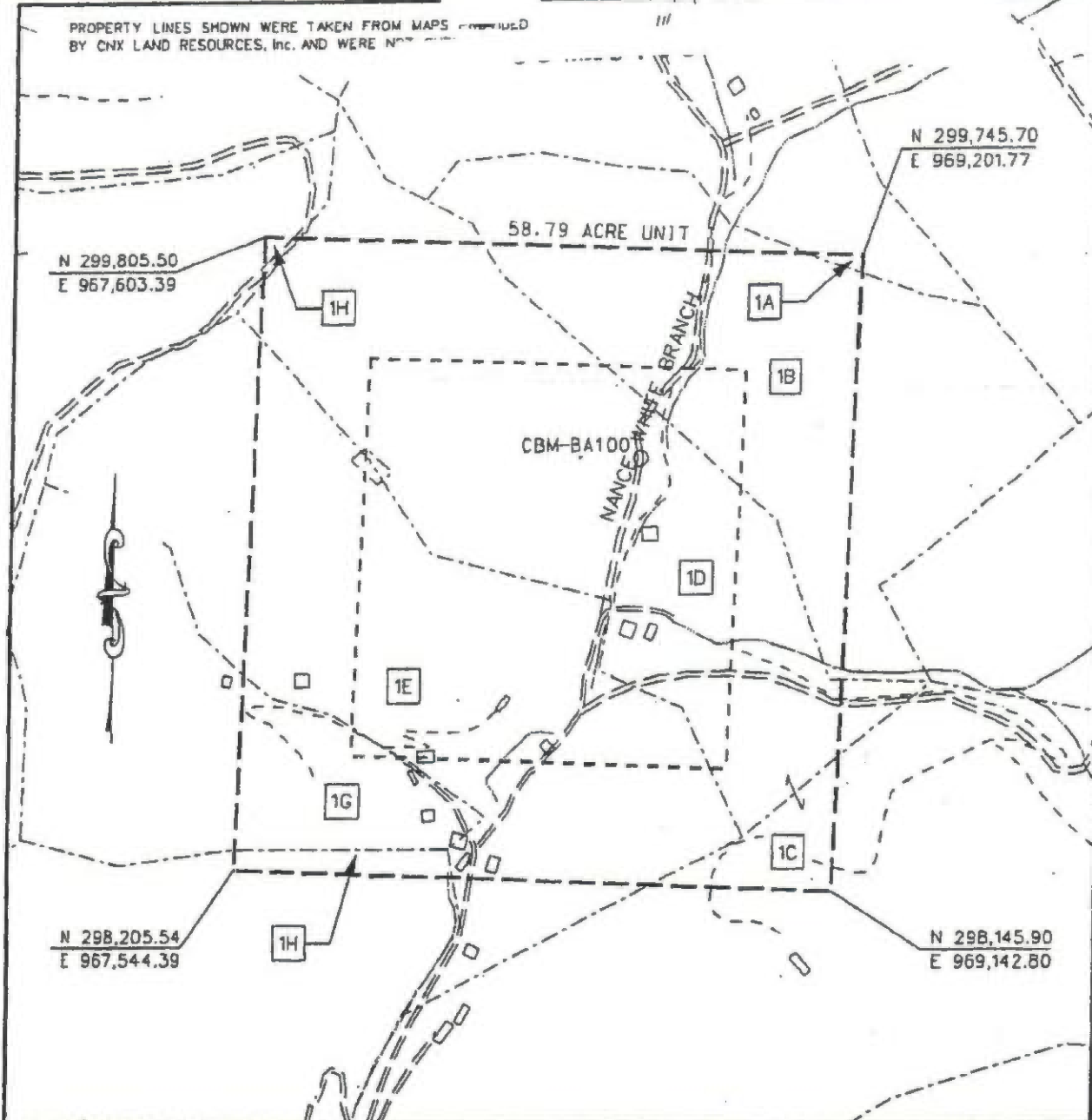
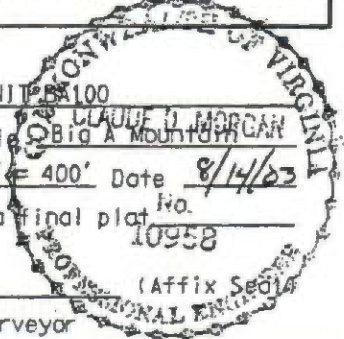


EXHIBIT A  
 NORA FIELD UNIT BA-100  
 FORCE POOLING  
 VGOB-03-0916-1189

Company CNX Gas Company LLC Well Name and Number UNIT BA100  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Big A Mountain  
 County Buchanan District Hurricane Scale: 1" = 400' Date 8/14/03  
 This plat is a new plat  ; an updated plat \_\_\_\_\_ ; or a final plat no.

Form DGO-60-7 \_\_\_\_\_  
 Rev. 9/91 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



**CNX Gas Company LLC**

**UNIT BA-100**

**Tract Identifications**

**(58.79 Acre Unit)**

- 1A. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal  
CNX Gas Company LLC - CBM Leased  
Kenneth E. Harris - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
0.07 acres 0.1190%**
- 1B. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal  
CNX Gas Company LLC - CBM Leased  
Rosa Sanders Heirs - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
10.58 acres 17.9963%**
- 1C. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Ruth Harris - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
1.71 acres 2.9087%**
- 1D. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Ruth Harris- Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
22.45 acres 38.1868%**
- 1E. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Shirley H. Hess, et vir - Surface and All Minerals except Coal  
18.93 acres 32.1994%**
- 1F. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Lowey R. Childress, et ux - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
0.85 acres 1.4458%**
- 1G. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Jimmy Harris - Surface and All Minerals except Coal  
Equitable Resources Exploration - Oil and Gas Leased  
4.08 acres 6.9400%**

**CNX Gas Company LLC  
UNIT BA-100  
Tract Identifications  
(58.79 Acre Unit)**

- 1H. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Dallis James, et ux- Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
0.12 acres                      0.2040%**

Exhibit B2  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Respondents to be Added or Dismissed  
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Reason for Dismissal
<u>Tract #1E - 18.93 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	18.93 acres	32.1994%	Coal Owner

Exhibit E  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Owners in escrow, not including persons dismissed on Exhibit B-2  
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1E - 18.93 acres</u>		
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) Shirley H. Hess 71 Ash St. Honaker, VA 24260	18.93 acres	32.1994%

Exhibit EE  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Respondents with Royalty Split Agreements and/or Court Orders  
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1A - 0.07 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.07 acres	0.1191%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Kenneth E. Harris 2775 Bandy Road Cedar Bluff, VA 24809	0.07 acres	0.1191%	n/a
<b><u>Tract #1B - 10.58 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	10.58 acres	17.9963%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Rosa Sanders Heirs, Deviseses, Successors or Assigns	10.58 acres	17.9963%	
(a) Foster E. Ball Heirs, Deviseses, Successors or Assigns			
(a.1) Judy Faye Ball 54 Lumber Lane Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(b) Sarah Jane Cook 1255 Dixie Lane Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(c) Betty Marsh 425 Manhattan Drive Orlando, FL 32839	2.12 1/5 of 3.50 acres	3.5993%	n/a
(d) Chester A. McGlothlin 4613 Old Grissom Creek Road Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(e) Margaret Bowles Heirs, Deviseses, Successors or Assigns			
(e.1) Karen Sampson 629 C 4th Ave., Apt. C Marlinton, WV 24954	0.71 1/15 of 3.50 acres	1.1998%	n/a
(e.2) Dianna L. Boothe 2205 Blue Fish Place Geneva, FL 32732	0.71 1/15 of 3.50 acres	1.1998%	n/a
(e.3) Herbert Sampson 5885 Dahlia Dr. Apt 102 Orlando, FL 32807-3258	0.71 1/15 of 3.50 acres	1.1998%	n/a
<b><u>Tract #1C - 1.71 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	1.71 acres	2.9087%	n/a

Exhibit EE  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Respondents with Royalty Split Agreements and/or Court Orders  
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Ruth Harris Heirs, Devisees, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	1.71 acres	2.9087%	
(1.0) Ruben Harris Heirs, Devisees, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devisees, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devisees, Successors or Assigns			
(2.1.1) Dallas McGlothlin	<i>Conveyed 4/16/2012 to Roger and Melissa Baldwin (Instrument # 12000C)</i>		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	0.86 acres 1/2 of 1.71 acres	1.4543%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1265 Honaker, VA 24260	0.86 acres 1/2 of 1.71 acres	1.4543%	n/a
<b><u>Tract #1D - 22.45 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	22.45 acres	38.1868%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Ruth Harris Heirs, Devisees, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	22.45 acres	38.1868%	
(1.0) Ruben Harris Heirs, Devisees, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devisees, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devisees, Successors or Assigns			
(2.1.1) Dallas McGlothlin	<i>Conveyed 4/16/2012 to Roger and Melissa Baldwin (Instrument # 12000C)</i>		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1265 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a
<b><u>Tract #1E - 0.85 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.85 acres	1.4458%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.85 acres	1.4458%	n/a
<i>Royalties paid to:</i>			
Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.43 acres 1/2 of 0.85 acres	0.7229%	n/a

Exhibit EE  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Respondents with Royalty Split Agreements and/or Court Orders  
(58.78 Acre Unit)

	Acres In Unit	Percent of Unit	Percent of Escrow
Velma A. Childress PO Box 2864 Lebanon, VA 24266	0.43 acres 1/2 of 0.85 acres	0.7229%	n/a
<b><u>Tract #1G - 4.08 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	4.08 acres	6.9400%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Jimmy Harris 1700 Township Road 11 Brinkhaven, OH 43006	4.08 acres	6.9400%	17.7314%
<i>Prevailing plaintiff under Case No. 335-11 Awarded 100% of the CBM royalty.</i>			
<b><u>Tract #1H - 0.12 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.12 acres	0.2041%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Dallis & Carol James 4565 Old Grissom Creek Road Honaker, VA 24260	0.12 acres	0.2041%	n/a
<b>Total Acreage Resolved</b>		39.8600	
<b>Total Percentage Resolved</b>		67.8006%	

**Exhibit J**  
**Unit BA100 Escrow Account Reconciliation**  
**VCGB 03-0916-1189**

ONX Deposit Information			
Check Date	Check Number	Total	
4/25/2005	50386	\$11,436.85	
5/25/2005	51572	\$1,457.25	
6/24/2005	52643	\$448.78	
7/25/2005	53789	\$645.25	
8/25/2005	55157	\$723.78	
9/23/2005	56483	\$732.22	
10/25/2005	57766	\$641.86	
11/25/2005	59054	\$858.13	
12/23/2005	60956	\$968.83	
1/25/2006	62088	\$780.92	
2/24/2006	63608	\$920.03	
3/24/2006	64970	\$969.15	
4/25/2006	66384	\$623.09	
5/25/2006	67633	\$639.28	
6/23/2006	68984	\$577.69	
7/25/2006	71191	\$500.06	
8/25/2006	108	\$338.06	
9/25/2006	1265	\$141.30	
10/25/2006	2669	\$244.35	
11/25/2006	4100	\$133.77	
12/25/2006	5674	\$86.49	
1/25/2007	6974	\$98.60	
1/31/2007	8202	\$57.71	
2/25/2007	9329	\$184.37	
3/25/2007	10862	\$126.80	
4/25/2007	12310	\$61.74	
5/25/2007	13755	\$180.46	
6/25/2007	15931	\$695.36	
7/25/2007	17394	\$1,010.50	
8/25/2007	18881	\$1,106.96	
9/25/2007	20477	\$1,000.35	
10/25/2007	22050	\$669.71	
11/25/2007	24232	\$361.97	
12/25/2007	25471	\$418.03	
1/25/2008	27065	\$401.81	
2/25/2008	28716	\$360.48	
3/25/2008	30149	\$1,098.73	
4/25/2008	31792	\$1,510.92	
5/25/2008	33378	\$2,014.75	
6/25/2008	35086	\$2,082.07	
7/25/2008	36863	\$2,821.56	
8/25/2008	38646	\$2,959.51	
9/25/2008	40460	\$3,354.28	
10/25/2008	42579	\$3,281.13	
11/25/2008	45147	\$1,993.29	
12/25/2008	47697	\$1,818.41	
1/25/2009	49173	\$1,537.48	
2/25/2009	52558	\$1,687.81	
3/25/2009	54400	\$1,468.35	

Date	Escrow Royalty Deposits	Income	\$ Mfr for CDABS for	Fee	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
4/30/2005	\$11,436.85	\$17.15			\$0.00					\$17.15	\$11,454.00	\$11,454.00	\$0.00
5/31/2005	\$1,457.25	\$18.33			\$0.00					\$18.33	\$12,929.58	\$12,929.58	\$0.00
6/30/2005	\$448.78	\$22.31			\$0.00					\$22.31	\$13,400.67	\$13,400.67	\$0.00
7/31/2005	\$645.25	\$34.20			\$0.00					\$34.20	\$14,070.12	\$14,070.12	\$0.00
8/31/2005	\$746.79	\$38.70			\$0.00					\$38.70	\$14,822.60	\$14,822.60	\$0.00
9/30/2005	\$732.22	\$32.40			\$0.00					\$32.40	\$15,610.23	\$15,587.22	-\$23.01
10/31/2005	\$641.86	\$34.77			\$0.00					\$34.77	\$16,268.86	\$16,263.85	-\$5.01
11/30/2005	\$858.13	\$37.61			\$0.00					\$37.61	\$17,142.60	\$17,159.59	\$23.01
12/31/2005	\$968.83	\$40.67			\$0.00					\$40.67	\$18,197.15	\$18,169.14	-\$23.01
1/31/2006	\$780.92	\$47.73			\$0.00					\$47.73	\$19,020.80	\$19,997.79	-\$23.01
2/28/2006	\$920.03	\$51.80			\$0.00					\$51.80	\$19,992.63	\$19,969.62	-\$23.01
3/31/2006	\$969.15	\$53.76			\$0.00					\$53.76	\$21,015.54	\$20,992.53	-\$23.01
4/30/2006	\$623.09	\$67.05			\$0.00					\$67.05	\$21,705.68	\$21,682.67	-\$23.01
5/31/2006	\$639.28	\$66.58			\$0.00					\$66.58	\$22,411.54	\$22,388.53	-\$23.01
6/30/2006	\$577.69	\$71.45			\$0.00					\$71.45	\$23,060.68	\$23,037.67	-\$23.01
7/31/2006	\$500.06	\$72.99			\$0.00					\$72.99	\$23,633.73	\$23,610.72	-\$23.01
8/31/2006	\$0.00	\$79.50			\$0.00					\$79.50	\$23,713.23	\$23,948.78	\$456.35
10/31/2006	\$244.35	\$91.60			\$0.00					\$91.60	\$24,613.90	\$24,505.53	-\$107.97
11/30/2006	\$133.77	\$94.89		(\$1.66)	\$0.00					\$93.23	\$24,840.50	\$24,732.53	-\$107.97
12/31/2006	\$86.49	\$96.42		(\$13.23)	\$0.00					\$83.19	\$25,010.18	\$24,902.21	-\$107.97
1/31/2007	\$98.60	\$91.42			\$0.00					\$91.42	\$25,200.20	\$25,092.23	-\$107.97
2/28/2007	\$0.00	\$88.28			\$0.00					\$88.28	\$25,288.48	\$25,288.22	-\$26.26
3/31/2007	\$242.08	\$82.18			\$0.00					\$82.18	\$25,612.74	\$25,504.77	-\$107.97
4/30/2007	\$188.54	\$95.28			\$0.00					\$95.28	\$25,896.56	\$25,788.59	-\$107.97
5/31/2007	\$180.46	\$88.19			\$0.00					\$88.19	\$26,165.21	\$26,057.24	-\$107.97
6/30/2007	\$0.00	\$92.64			\$0.00					\$92.64	\$26,257.85	\$26,845.24	\$587.39
7/31/2007	\$1,705.86	\$184.02			\$0.00					\$184.02	\$28,055.72	\$28,059.76	-\$15.96
8/31/2007	\$1,106.96	\$95.53			\$0.00					\$95.53	\$29,258.21	\$29,242.25	-\$15.96
9/30/2007	\$1,000.35	\$157.00			\$0.00					\$157.00	\$30,415.56	\$30,399.60	-\$15.96
10/31/2007	\$0.00	\$101.92			\$0.00					\$101.92	\$30,517.48	\$31,111.23	\$593.75
11/30/2007	\$971.68	\$107.49			\$0.00					\$107.49	\$31,596.65	\$31,580.69	-\$15.96
12/31/2007	\$418.03	\$100.64			\$0.00					\$100.64	\$32,115.32	\$32,099.36	-\$15.96
1/31/2008	\$401.81	\$81.31			\$0.00					\$81.31	\$32,598.44	\$32,582.48	-\$15.96
2/29/2008	\$360.48	\$69.91			\$0.00					\$69.91	\$33,028.83	\$33,012.87	-\$15.96
3/31/2008	\$1,098.73	\$61.86			\$0.00					\$61.86	\$34,189.42	\$34,173.46	-\$15.96
4/30/2008	\$1,510.92	\$47.86			\$0.00					\$47.86	\$35,748.20	\$35,732.24	-\$15.96
5/31/2008	\$2,014.75	\$41.42			\$0.00					\$41.42	\$37,804.37	\$37,788.41	-\$15.96
6/30/2008	\$2,082.07	\$43.47			\$0.00					\$43.47	\$39,929.91	\$39,913.95	-\$15.96
7/31/2008	\$2,821.56	\$44.49			\$0.00					\$44.49	\$42,795.96	\$42,780.00	-\$15.96
8/31/2008	\$2,959.51	\$60.58			\$0.00					\$60.58	\$45,816.05	\$45,800.09	-\$15.96
9/30/2008	\$3,354.28	\$57.28			\$0.00					\$57.28	\$49,227.61	\$49,211.65	-\$15.96
10/31/2008	\$2,281.13	\$49.26			\$0.00					\$49.26	\$51,538.00	\$51,562.04	\$15.96
11/30/2008	\$1,993.29	\$68.22			\$0.00					\$68.22	\$53,619.51	\$53,603.55	-\$15.96
12/31/2008	\$1,818.41	\$28.71			\$0.00					\$28.71	\$55,466.63	\$55,450.67	-\$15.96
1/1/2009	\$0.00	\$2.70			\$0.00					\$2.70	\$55,469.33	\$56,990.85	\$1,521.52
2/28/2009	\$3,225.29	(\$5.13)			\$0.00					-\$5.13	\$58,689.49	\$58,673.53	-\$15.96
3/31/2009	\$1,468.35	\$14.48			\$0.00					\$14.48	\$60,172.32	\$60,156.36	-\$15.96

**Unit BA100 Escrow Account Reconciliation**  
**VCGB 03-0916-1189**

**Exhibit J**

CNX Deposit Information		
Check Date	Check Number	Total
4/25/2009	55970	\$916.47
5/25/2009	57559	\$846.91
6/25/2009	58868	\$688.70
7/25/2009	60308	\$649.41
8/25/2009	61840	\$671.67
9/25/2009	63248	\$801.82
11/19/2009	66941	\$97,618.23
12/18/2009	68926	\$682.49
1/18/2010	71909	\$821.64
2/22/2010	73487	\$884.86
3/22/2010	75397	\$1,321.14
4/20/2010	75397	\$1,052.29
5/19/2010	77039	\$1,016.03
6/21/2010	78539	\$692.81
7/20/2010	80236	\$809.56
8/20/2010	81860	\$785.90
9/22/2010	83343	\$938.66
10/19/2010	85914	\$955.591
11/19/2010	88971	\$625.83
12/20/2010	90844	\$665.10
1/20/2011	92129	\$555.94
2/24/2011	93726	\$812.50
3/21/2011	95330	\$817.58
4/20/2011	97115	\$740.91
5/19/2011	98560	\$663.80
6/21/2011	100359	\$703.90
7/19/2011	101801	\$730.28
8/19/2011	102838	\$710.73
9/19/2011	104280	\$756.85
10/13/2011	106684	\$747.45
11/14/2011	10935	\$591.09
12/15/2011	10389	\$431.94
1/18/2012	11999	\$266.99
2/20/2012	13715	\$245.01
3/20/2012	15291	\$203.09
4/20/2012	16940	\$146.30
5/21/2012	18482	\$273.05
6/20/2012	19748	\$196.20
7/25/2012	24046	\$175.97
8/31/2012	0214000044	\$207.02
10/1/2012	0214000996	\$324.67
10/30/2012	0214005314	\$369.78
12/31/2012	0214010945	\$279.28
12/31/2012	0214016213	\$373.97
2/1/2013	0214021402	\$461.54
2/20/2013	E000003780	\$488.46
3/20/2013	E000004897	\$376.76
4/21/2013	E000005982	\$323.15

Date	Escrow Royalty Deposits	Income	\$ Mktel Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
4/30/2009	\$916.47	(\$9.49)				\$0.00					-\$9.49	\$61,079.30	\$61,069.84	-\$15.96
5/31/2009	\$846.91	(\$9.71)				\$0.00					-\$9.71	\$61,916.50	\$61,906.54	-\$15.96
6/30/2009	\$688.70	(\$10.14)				\$0.00					-\$10.14	\$62,595.06	\$62,579.10	-\$15.96
7/31/2009	\$649.41	(\$10.40)				\$0.00					-\$10.40	\$63,234.07	\$63,218.11	-\$15.96
8/31/2009	\$671.67	(\$6.08)				\$0.00					-\$6.08	\$63,899.66	\$63,883.70	-\$15.96
9/30/2009	\$801.82	(\$4.34)				\$0.00					-\$4.34	\$64,697.14	\$64,681.18	-\$15.96
10/31/2009	\$0.00	(\$5.12)				(\$3,737.25)					-\$5.12	\$60,938.81	\$60,938.81	-\$15.96
11/30/2009	\$37,618.23	(\$4,511)				\$0.00					-\$4,511	\$98,568.49	\$98,552.53	-\$15.96
12/31/2009	\$682.49	(\$27.49)				\$0.00					-\$27.49	\$99,223.49	\$99,207.53	-\$15.96
1/1/2010	\$821.64	\$18.47				\$0.00					\$18.47	\$100,033.88	\$100,047.64	\$13.76
2/1/2010	\$884.86	\$19.24				\$0.00					\$19.24	\$100,929.93	\$100,943.69	\$13.76
3/1/2010	\$1,321.14	\$21.48				\$0.00					\$21.48	\$102,264.14	\$102,277.90	\$13.76
4/1/2010	\$1,052.29	\$22.46				\$0.00					\$22.46	\$103,330.37	\$103,344.13	\$13.76
5/1/2010	\$1,016.03	\$20.58				\$0.00					\$20.58	\$104,358.37	\$104,372.13	\$13.76
6/1/2010	\$692.81	\$21.45				\$0.00					\$21.45	\$104,971.90	\$104,985.66	\$13.76
7/1/2010	\$809.56	\$21.69	\$3.00			\$0.00					\$24.69	\$105,797.40	\$105,811.16	\$13.76
8/1/2010	\$785.90	\$18.66	\$7.30			\$0.00					\$25.96	\$106,600.44	\$106,614.20	\$13.76
9/1/2010	\$938.66	\$17.48	\$10.33			\$0.00					\$27.81	\$107,538.03	\$107,571.79	\$13.76
10/1/2010	\$955.591	\$16.40	\$14.22			\$0.00					\$30.62	\$108,419.16	\$108,432.92	\$13.76
11/1/2010	\$625.83	\$18.61	\$18.61			\$0.00					\$37.22	\$109,068.78	\$109,082.54	\$13.76
12/1/2010	\$665.10	\$11.20	\$7.68			\$0.00					\$18.88	\$109,699.54	\$109,693.30	-\$13.76
1/31/2011	\$555.94	\$11.58	\$6.61			\$0.00					\$18.19	\$110,255.53	\$110,269.29	\$13.76
2/28/2011	\$812.50	\$7.81	\$3.30			\$0.00					\$11.11	\$111,074.78	\$111,088.54	\$13.76
3/31/2011	\$917.58	\$6.75	\$4.56			\$0.00					\$11.27	\$111,895.52	\$111,909.28	\$13.76
4/30/2011	\$740.91	\$5.23	\$4.19			\$0.00					\$9.42	\$112,645.58	\$112,659.34	\$13.76
5/31/2011	\$663.80	\$5.28	\$4.25			\$0.00					\$9.53	\$113,330.57	\$113,344.33	\$13.76
6/30/2011	\$703.90	\$4.99	\$6.28			\$0.00					\$11.27	\$114,049.57	\$114,063.33	\$13.76
7/31/2011	\$730.28	\$5.29	\$4.93			\$0.00					\$10.22	\$114,806.73	\$114,820.49	\$13.76
8/30/2011	\$710.73	\$3.88	\$9.14			\$0.00					\$13.02	\$115,520.98	\$115,534.74	\$13.76
9/30/2011	\$756.85	\$4.55	\$4.92			\$0.00					\$9.47	\$116,297.80	\$116,311.56	\$13.76
10/31/2011	\$747.45	\$3.95	\$0.74			\$0.00					\$4.69	\$117,054.67	\$117,068.43	\$13.76
11/30/2011	\$591.09	\$3.88	\$9.78			\$0.00					\$13.66	\$117,659.62	\$117,673.38	\$13.76
12/31/2011	\$431.94	\$4.22	\$5.62			\$0.00					\$9.84	\$118,117.31	\$118,131.07	\$13.76
1/31/2012	\$266.99	\$4.64	\$3.05			\$0.00					\$7.69	\$118,392.37	\$118,406.13	\$13.76
2/28/2012	\$245.01	\$3.58	\$9.21			\$0.00					\$12.79	\$118,659.82	\$118,673.58	\$13.76
3/31/2012	\$203.09	\$3.88	\$5.26			\$0.00					\$9.14	\$118,892.84	\$118,906.60	\$13.76
4/30/2012	\$146.30	\$2.61	\$0.47			\$0.00					\$3.08	\$119,061.38	\$119,075.14	\$13.76
5/31/2012	\$273.05	\$1.81	\$5.32			\$0.00					\$7.13	\$119,370.15	\$119,383.91	\$13.76
6/30/2012	\$196.20	\$1.60	\$5.03			\$0.00					\$6.63	\$119,596.38	\$119,610.14	\$13.76
7/31/2012	\$182.99	\$1.85	\$5.21			\$0.00					\$3.06	\$119,629.59	\$119,643.35	\$13.76
8/31/2012	\$382.99	\$2.00	\$4.89			\$0.00					\$6.89	\$120,005.28	\$120,019.04	\$13.76
9/30/2012	\$694.88	\$1.55	\$4.84			\$0.00					\$6.39	\$120,665.26	\$120,679.02	\$13.76
10/31/2012	\$729.28	\$1.67	\$3.47			\$0.00					\$5.14	\$121,394.56	\$121,408.32	\$13.76
12/31/2012	\$373.97	\$1.66	\$3.20			\$0.00					\$4.86	\$121,788.54	\$121,802.30	\$13.76
1/31/2013	\$461.54	\$1.69	\$2.34			\$0.00					\$4.03	\$121,420.80	\$121,434.56	\$13.76
2/28/2013	\$488.46	\$1.47	\$2.83			\$0.00					\$3.30	\$121,892.39	\$121,906.15	\$13.76
3/31/2013	\$376.76	\$1.63	\$2.54			\$0.00					\$3.17	\$122,380.00	\$122,393.76	\$13.76
4/30/2013	\$323.15	\$1.34	\$2.26			(\$10.23)					\$1.11	\$122,764.58	\$122,778.34	\$13.76

**Exhibit J**  
**Unit BA100 Escrow Account Reconciliation**  
**VC0B 03-0916-1189**

CNX Deposit Information			Total
Check Date	Check Number		
5/21/2013	E000007156		\$440.43
6/19/2013	E000009469		\$438.78
7/22/2013	E000009857		\$478.88
8/20/2013	E000011208		\$499.11
9/20/2013	E000012516		\$433.98
10/21/2013	E000015748		\$371.67
11/19/2013	E000016921		\$377.47
12/18/2013	E000018195		\$376.85
1/21/2014	E000019531		\$376.92
2/24/2014	E000021027		\$437.22
3/20/2014	E000022383		\$664.18
4/22/2014	E000024369		\$691.85
5/19/2014	E000026092		\$579.56
6/20/2014	E000027716		\$484.18
7/18/2014	E000029611		\$506.12
8/20/2014	E000031362		\$466.53
9/18/2014	E000033239		\$435.16
10/20/2014	E000037082		\$342.59
11/19/2014	E000038614		\$333.86
12/19/2014	E000040410		\$285.94
1/20/2015	E000042229		\$174.86

**Total Deposited** **\$132,788.11**

**01 Disbursement** **-\$3,737.25**

**Interest & Fees** **\$3,664.29**

**Grand Total** **\$132,715.15**

**First Bank and Trust** **\$132,701.39**

**1/31/2015**

**difference** **\$13.76**

Escrow Balld Data														
Date	Escrow Royalty Deposits	Income	\$ Mkted Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Res.	Bank Balance	Running Balance	Difference
5/31/2013	\$440.43		\$1.33	\$28.12	(\$10.26)						\$19.19	\$123,565.72	\$123,579.48	\$13.76
6/30/2013	\$438.78		\$1.36	\$27.22	(\$10.30)		(\$12.28)			\$6.00	\$6.00	\$124,010.50	\$124,024.26	\$13.76
7/31/2013	\$478.88		\$1.47	\$28.26	(\$10.33)					\$19.40	\$19.40	\$124,508.78	\$124,522.54	\$13.76
8/31/2013	\$499.11		\$1.24	\$28.97	(\$10.38)					\$19.83	\$19.83	\$125,027.72	\$125,041.48	\$13.76
9/30/2013	\$433.98		\$1.18	\$28.04	(\$10.42)					\$18.80	\$18.80	\$125,482.50	\$125,496.26	\$13.76
10/31/2013	\$371.67		\$1.29	\$28.95	(\$10.46)					\$19.78	\$19.78	\$125,873.95	\$125,887.71	\$13.76
11/30/2013	\$377.47		\$1.32	\$27.29	(\$10.49)					\$18.12	\$18.12	\$126,265.54	\$126,283.30	\$13.76
12/31/2013	\$376.85		\$1.28	\$28.96	(\$10.52)					\$19.72	\$19.72	\$126,666.11	\$126,679.87	\$13.76
1/31/2014	\$376.92		\$0.66	\$29.69	(\$10.56)					\$19.79	\$19.79	\$127,062.82	\$127,076.58	\$13.76
2/28/2014	\$437.22		\$0.61	\$27.19	(\$10.59)					\$17.21	\$17.21	\$127,512.25	\$127,531.01	\$13.76
3/31/2014	\$664.18		\$0.76	\$30.44	(\$10.63)					\$20.57	\$20.57	\$128,202.00	\$128,215.76	\$13.76
4/30/2014	\$691.85		\$0.86	\$29.51	(\$10.68)					\$19.69	\$19.69	\$128,913.94	\$128,927.30	\$13.76
5/31/2014	\$579.56		\$0.86	\$29.51	(\$10.68)					\$21.58	\$21.58	\$129,514.68	\$129,528.44	\$13.76
6/30/2014	\$484.18		\$0.94	\$30.61	(\$10.74)					\$20.76	\$20.76	\$130,019.62	\$130,033.38	\$13.76
7/31/2014	\$506.12		\$0.99	\$31.32	(\$10.79)					\$21.82	\$21.82	\$130,547.56	\$130,561.32	\$13.76
8/31/2014	\$466.53		\$1.07	\$31.78	(\$10.88)					\$21.97	\$21.97	\$131,036.06	\$131,049.82	\$13.76
9/30/2014	\$435.16		\$1.10	\$30.04	(\$10.88)					\$20.26	\$20.26	\$131,491.48	\$131,505.24	\$13.76
10/31/2014	\$342.59		\$1.22	\$30.76	(\$10.96)					\$21.02	\$21.02	\$131,855.09	\$131,868.85	\$13.76
11/30/2014	\$333.86		\$0.88	\$30.81	(\$10.99)					\$20.70	\$20.70	\$132,209.65	\$132,223.41	\$13.76
12/31/2014	\$285.94		\$0.51	\$26.31	(\$10.99)					\$15.83	\$15.83	\$132,511.42	\$132,525.18	\$13.76
1/31/2015	\$174.86		\$6.16	\$19.99	(\$11.04)					\$15.11	\$15.11	\$132,701.39	\$132,715.15	\$13.76
<b>Total</b>												<b>\$3,664.29</b>		

VGOB Disbursement  
Unit BA100

VGOB-03-0916-1189-02

Table 1

Tracts: 1G

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed	Disbursement
		Total acreage in escrow before disbursement				23.01000		
	1G	Tract 1G (total acreage)	4.08					
1	1G	Jimmy Lee Harris\1700 Township Road 11, Bfinkhaven, OH 43006		4.0800	100.00%	4.0800	17.7314%	\$23,529.84

Wells contributing to the escrow account: CBM BA100 W/PL

EXHIBIT

2

prepared by  
VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

Order recorded under  
CODE OF VIRGINIA  
§ 45-1-361.26

RELIEF  
SOUGHT: An Order for Disbursement of Escrowed Funds  
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45-1-351. (et seq) AND § 45-1-361.22 (et seq)

UNITWELL NAME: BA100  
TRACT(S): 1G  
LOCATION: BUCHANAN County, Virginia

DOCKET NUMBER: VGOB-03-0916-1189-02

APPLICANTS: CNX Gas Company LLC on behalf of Jimmy Lee Harris

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia  
April 21, 2015

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 01/20/2004, Recorded on 01/22/2004, Deed Book/Instrument No. 585, Page 125.
2. Supplemental Order Executed 03/11/2005. Recorded on 03/14/2005, Deed Book/Instrument No. 614, Page 195.
3. Disbursement Order -01, Recorded on 09/28/2009, Deed Book/Instrument No. 090002908.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the April 21, 2015 hearing and considered whether to:

150000805

1500008057

(1) Amend the Pocking Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1G identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1G relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

(a) Jimmy Lee Harris is entitled to 100% of the CBM royalties awarded under Case No. 335-11. Opinion dated February 5, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 specifies how said royalties are to be paid.

RELIEF GRANTED:

VGOB Disbursement  
Unit BA10D

VGDB-03-0918-1189-02

Table 1  
Tracts: 1G

Item	Tract	Disbursement Table	Fractional Ownership	Net Acreage Ownership	Royalty Split Agreement	Escrowed Acres	Percent of Escrowed Funds Disbursed
		Total acreage in escrow before disbursement				23,010.00	
	1G	Tract 1G (total acreage)	4.06				
1	1G	Jimmy Lee Harris\1700 Township Road 11, Brimhaven, OH 43008		4.0800	100.00%	4.0800	17.7314%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

**CONCLUSION:**

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

**APPEALS:**

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

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DONE AND EXECUTED this 4 day of May, 2015 by a majority of the Virginia Gas and Oil Board.

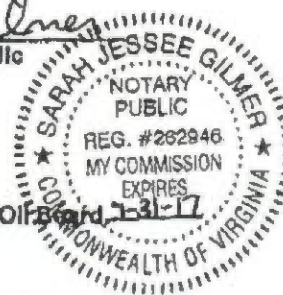
*Bradley C. Lambert*

Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 4<sup>th</sup> day of May, 2015, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

*Sarah Jessee Gilmer*  
Sarah Jessee Gilmer, Notary Public  
262946



My Commission expires: July 31, 2017

DONE AND PERFORMED this 5 day of May, 2015 by Order of the Virginia Gas and Oil Board.

*Rick Cooper*

Rick Cooper  
Principal Executive to the  
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 5<sup>th</sup> day of May, 2015 personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is the Principal Executive to the staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

*Sarah Jessee Gilmer*  
Sarah Jessee Gilmer, Notary Public  
262946



My Commission expires: July 31, 2017

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BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 03-0916-1189-02

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

HEARING DATE: April 21, 2015

DRILLING UNIT: BA100

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) 586-5075. 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 Tracts 1G to the persons identified in the Table using the percentages set forth in the Table; and (2) dismissal of coal owner(s)/claimant(s) named in the Notice of Hearing and identified in Exhibit B2 who were pooled by the Board as conflicting claimants.

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

(a) Jimmy Lee Harris is entitled to 100% of the CBM royalties awarded under Case No. 335-11, Opinion dated February 6, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1 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.

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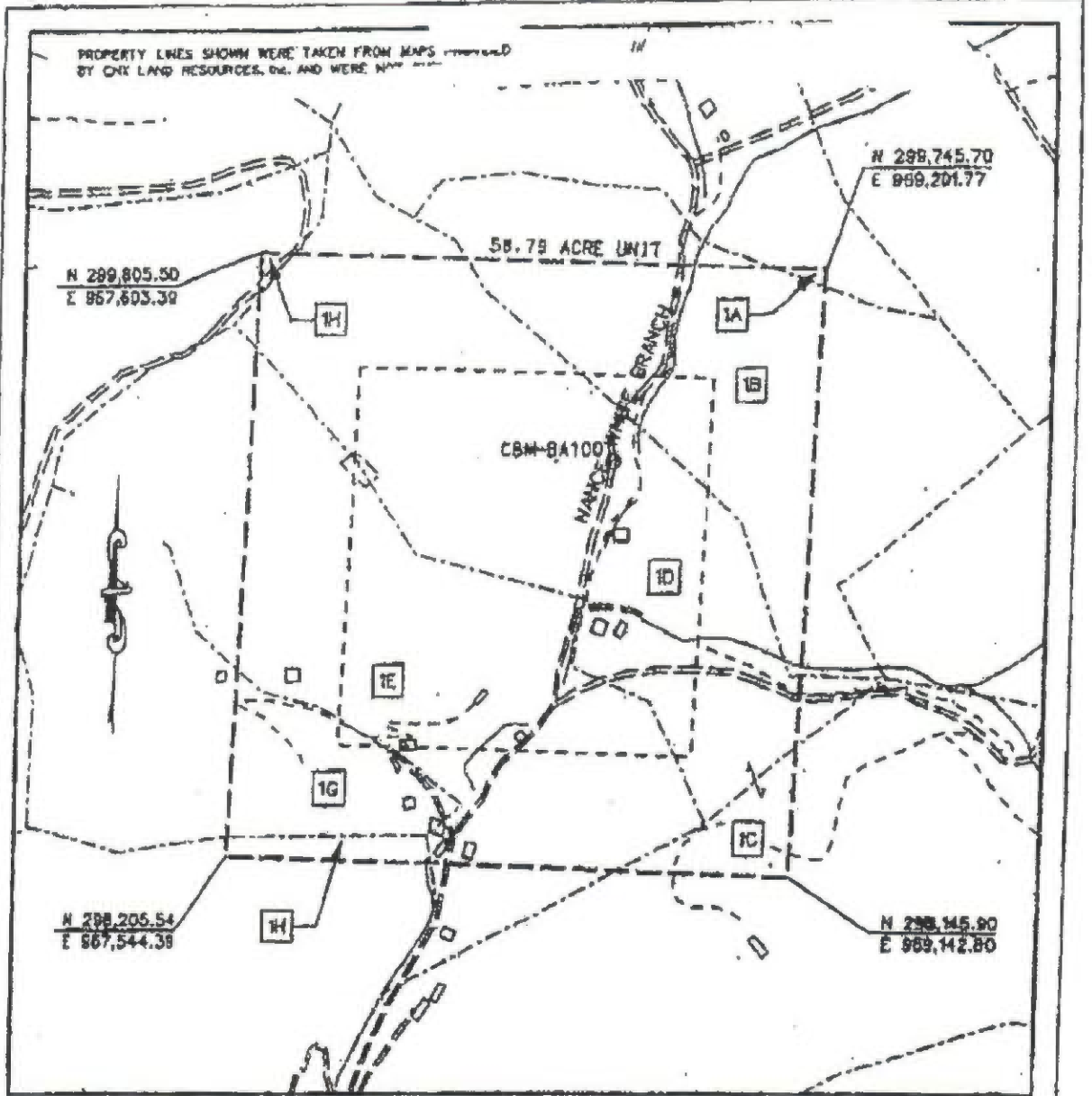
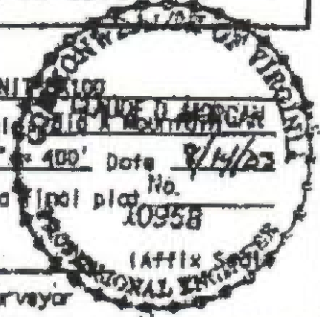


EXHIBIT A  
 NDRA FIELD UNIT BA-100  
 FORCE POOLING  
 VGOB-03-0916-1189

Company CNX Gas Company LLC Well Name and Number UNIT BA-100  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle S-16-A-100-100-100  
 County Buchanan District Hurricane Scale: 1" = 400' Date 8/14/15  
 This plot is a new plot X; on updated plot \_\_\_\_\_; or a final plot No. 10958

Form D60-GO-7  
 Rev. 9/91  
 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



Power Pooling BA100POOL.dgn 08/12/2015 11:23:58 AM

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**CNX Gas Company LLC**  
**UNIT BA-100**  
 Tract Identifications  
 (58.79 Acre Unit)

- 1A. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal  
 CNX Gas Company LLC - CBM Leased  
 Kenneth E. Harris - Surface and All Minerals except Coal  
 CNX Gas Company LLC - Oil, Gas and CBM Leased  
 0.07 acres 0.1190%
- 1B. Harrison - Wyatt, LLC (Big Axe Tr. 4) - Coal  
 CNX Gas Company LLC - CBM Leased  
 Rosa Sanders Hicks - Surface and All Minerals except Coal  
 CNX Gas Company LLC - Oil, Gas and CBM Leased  
 10.58 acres 17.8953%
- 1C. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 CNX Gas Company LLC - CBM Leased  
 Ruth Harris - Surface and All Minerals except Coal  
 CNX Gas Company LLC - Oil, Gas and CBM Leased  
 1.71 acres 2.9087%
- 1D. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 CNX Gas Company LLC - CBM Leased  
 Ruth Harris- Surface and All Minerals except Coal  
 CNX Gas Company LLC - Oil, Gas and CBM Leased  
 22.45 acres 38.1868%
- 1E. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 CNX Gas Company LLC - CBM Leased  
 Shirley H. Hess, et vir - Surface and All Minerals except Coal  
 18.93 acres 32.1984%
- 1F. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 CNX Gas Company LLC - CBM Leased  
 Lowey R. Childress, et ux - Surface and All Minerals except Coal  
 CNX Gas Company LLC - Oil, Gas and CBM Leased  
 0.85 acres 1.4458%
- 1G. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal  
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased  
 CNX Gas Company LLC - CBM Leased  
 Jimmy Harris - Surface and All Minerals except Coal  
 Equitable Resources Exploration - Oil and Gas Leased  
 4.08 acres 6.9400%

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**CNX Gas Company LLC**  
**UNIT BA-100**  
Tract Identifications  
(58.78 Acre Unit)

- 1H. Harrison-Wyatt, LLC. (Big Ace Tr. 4) - Coal  
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seen Leased  
CNX Gas Company LLC - CBM Leased  
Duff's James, et al - Surface and All Minerals except Coal  
CNX Gas Company LLC - OR, Gas and CBM Leased  
0.12 acres 0.2040%

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Exhibit E  
Unit BA-100  
Docket #VGOB 03-0916-1189-02  
List of Owners in escrow  
(59.79 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1E - 18.93 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	18.93 acres	32.1994%
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) Shirley H. Hess 71 Ash St Honaker, VA 24260	18.93 acres	32.1994%

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Exhibit EE  
 Unit BA-160  
 Docket #VGOB 03-0916-1189-02  
 List of Respondents with Royalty Split Agreements and/or Court Orders  
 (50.79 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Energy
<b>Tract #1A - 0.07 acres</b>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.07 acres	0.1181%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Kenneth E. Harris 2775 Sandy Road Cedar Bluff, VA 24809	0.07 acres	0.1181%	n/a
<b>Tract #1B - 10.56 acres</b>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	10.56 acres	17.9063%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Roca Sanders Heirs, Devisees, Successors or Assigns	10.56 acres	17.9063%	
(a) Foster E. Bell Heirs, Devisees, Successors or Assigns			
(a.1) Judy Faye Bell 54 Lumber Lane Honaker, VA 24260	2.12 1/5 of 3.50 acres	3.5993%	n/a
(b) Sarah Jane Cook 1255 Dblue Lane Honaker, VA 24280	2.12 1/5 of 3.50 acres	3.5993%	n/a
(c) Betty Marsh 425 Manhattan Drive Orlando, FL 32839	2.12 1/5 of 3.50 acres	3.5993%	n/a
(d) Chester A. McGlothlin 4619 Old Griesom Creek Road Honaker, VA 24280	2.12 1/5 of 3.50 acres	3.5993%	n/a
(e) Margaret Bowles Heirs, Devisees, Successors or Assigns			
(e.1) Karen Sampson 629 G 4th Ave., Apt. C Martinton, WV 24854	0.71 1/5 of 3.50 acres	1.1998%	n/a
(e.2) Dianna L. Boothe 2208 Blue Fish Place Geneva, FL 32732	0.71 1/5 of 3.50 acres	1.1998%	n/a
(e.3) Herbert Sampson 5885 Dahlia Dr, Apt 102 Orlando, FL 32807-3258	0.71 1/5 of 3.50 acres	1.1998%	n/a
<b>Tract #1C - 1.71 acres</b>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	1.71 acres	2.9087%	n/a

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Exhibit EE  
Unit BA-100  
Docket #VGOB 03-0016-1188-02  
List of Respondents with Royalty Split Agreements and/or Court Orders  
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Ruth Harris Heirs, Devises, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	1.71 acres	2.9087%	
(1.0) Ruben Harris Heirs, Devises, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devises, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devises, Successors or Assigns			
(2.1.1) Dallas McGlothlin	Conveyed 4/18/2012 to Roger and Melissa Baldwin (Instrument # 120000)		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	0.88 acres 1/2 of 1.71 acres	1.4543%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1285 Honaker, VA 24260	0.88 acres 1/2 of 1.71 acres	1.4543%	n/a
<b><u>Tract #1D - 22.45 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	22.45 acres	38.1866%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Ruth Harris Heirs, Devises, Successors or Assigns (a.k.a. Elizabeth McGlothlin Heirs)	22.45 acres	38.1866%	
(1.0) Ruben Harris Heirs, Devises, Successors or Assigns			
(2.0) Myrtle Ruth Harris Heirs, Devises, Successors or Assigns			
(2.1) Elizabeth McGlothlin Heirs, Devises, Successors or Assigns			
(2.1.1) Dallas McGlothlin	Conveyed 4/18/2012 to Roger and Melissa Baldwin (Instrument # 120000)		
(2.1.1.1) Roger Baldwin P.O. Box 1146 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a
(2.1.1.2) Melissa Maxfield PO Box 1285 Honaker, VA 24260	11.23 acres 1/2 of 22.45 acres	19.0934%	n/a
<b><u>Tract #1E - 0.85 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.85 acres	1.4468%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.85 acres	1.4468%	n/a
<b><u>Royalties paid to:</u></b>			
Lowery R. Childress, et ux. 2371 Nance White Branch Road Honaker, VA 24260	0.43 acres 1/2 of 0.85 acres	0.7228%	n/a

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Exhibit EE  
 Unit 5A-100  
 Docket #VGOB 03-0015-1139-02  
 List of Respondents with Royalty Split Agreements and/or Court Orders  
 (56.78 Acre Unit)

	Acres in Unit	Percent of Unit	Percent of Escrow
Veima A. Childress PO Box 2884 Lanham, VA 24208	0.43 acres 1/2 of 0.85 acres	0.7220%	n/a
<b>Tract 519 - 4.08 acres</b>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	4.08 acres	8.5400%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Jimmy Harris 1700 Township Road 11 Brinkhaven, OH 43006	4.08 acres	6.9400%	17.7314%
<i>Prevailing plaintiff under Case No. 335-11 Awarded 100% of the CBM royalty.</i>			
<b>Tract 511 - 0.12 acres</b>			
<b>COAL OWNERSHIP</b>			
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) P.O. Box 11000 Danville, VA 24543	0.12 acres	0.2041%	n/a
<b>OIL &amp; GAS OWNERSHIP</b>			
(1) Dalke & Carol James 4586 Old Grissom Creek Road Honaker, VA 24200	0.12 acres	0.2041%	n/a
Total Acreage Resolved		39.8600	
Total Percentage Resolved			67.5008%

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VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

JIMMY LEE HARRIS,

Plaintiff

vs.

Case No. 335-11

HARRISON-WYATT, LLC,

Defendant

**FINAL ORDER ENTERING JUDGMENT**

Upon the motion of Defendant, Harrison-Wyatt, LLC, for entry of judgment, it is; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC, is not the owner of the coal-bed methane gas within the following tracts within the below named and described units permitted pursuant to the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 et seq.:

- a. From Unit BA-99, Forced Pooling Supplemental Order, Entered March 8, 2005, Regarding Docket No. VGOB-04-120-1252, Tract 1(D) of Exhibit A (BOOK 0613 PAGE 0810) to the order, 10.78 acres; and,

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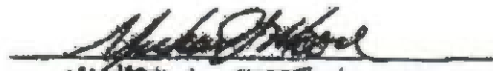
b. From Unit BA100, Forced Pooling Supplemental Order, Entered March 8, 2005, Regarding Docket No. VGOB-03-0916-1189, Tract 1(G) of Exhibit A (BOOK 0614, pg 0199) to the order, 4.08 acres.

The above described tracts within the named units are referred to in this Order as the ("Subject Properties").

It is further; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties, and that it is not a conflicting claimant to the ownership of the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties.

The Defendant's motion for a bill of particulars and demurrer are denied. All other claims asserted by either party against the other are denied, and this action is stricken from the docket of this Court with prejudice to the Plaintiff and Defendant as to any such other claims.

ENTER: This, the 5<sup>th</sup> day February, 2015.

  
MICHAEL L. MOORE  
~~HESTER WILLIAMS~~ JUDGE

150000805

REQUESTED:



Counsel for Defendant, HARRISON-WYATT, LLC

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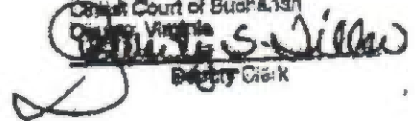


Counsel for Plaintiffs, T. SHEA COOK, ESQ.

INSTRUMENT #150000805  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 18, 2015 AT 03:47PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB

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

  
Beverly Clerk



**CNX GAS COMPANY**

PO Box 570  
Pounding Mill, VA 24637

304-323-6624 Office  
NicoleFields@ConsolEnergy.com



November 23, 2015

Jimmy Lee Harris  
1700 Township Road 11  
Brinkhaven OH, 43006-9001  
Owner# 20032132

Re: BA-100 Disbursement Order VGOB# 03-0916-1189-02

Dear Mr. Harris:

I am writing to inform you that the most recent recorded Disbursement Order (03) issued on Unit BA100 noted that the Escrow Account has been overpaid. In November 2009 a processing error caused additional funds to be paid into the BA100Escrow Account. As a result the error, the following Disbursement Order (02) was paid out to ExEE owners based on an incorrect balance.

It has been calculated that your original payout of \$23,617.27 was incorrect. The correct payout balance specific to your interest should have totaled \$16,619.91. As a result of this error being noticed a receivable balance of \$6,997.36 will be applied to your current CNX Gas royalties. This balance will be loaded against your account effective with November 2015 processing / September sales. Following these adjustment monthly statements will be mailed summarizing the balance against your account. Once this balance is recovered in full your royalty checks will automatically be issued to pay.

I apologize for this error and the inconvenience it has caused. Please, feel free to contact myself, or the Supervisor of Pooling - Anita Duty, at [anitaduty@consolenergy.com](mailto:anitaduty@consolenergy.com) with any additional questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Fields".

Nicole Fields  
Senior Analyst, Royalty  
CNX Gas Company LLC

Enclosure(s)

CNX GAS COMPANY

STATEMENT DATE

11/23/2015

OWNER # 20032132  
 OWNER NAME: JIMMY LEE HARRIS  
 ADDRESS 1700 TOWNSHIP ROAD 11  
 CITY BRINKHAVEN  
 STATE OH  
 ZIP 43006-9001

WELL NAME BA 100  
 WELL # 301914-1

VGOB # 03-0916-1189-02  
 DISBURSEMENT OVERPAYMENT

<u>BEGINNING BALANCE</u>	
\$	6,997.36
<u>SALES MONTH</u>	
09/2015	<u>TOTAL PAYABLE</u>
	\$ (68.91)
<u>REMAINING BALANCE</u>	\$ 6,928.45

16-0119-4085

**VIRGINIA: BEFORE THE VIRGINIA GAS AND OIL BOARD**

**JIMMY LEE HARRIS**  
Petitioner,

v.

Case No.:  
16-0119-4085

**CNX GAS COMPANY, LLC.,**

**Respondent.**

**BA-100 (Tract 1E)**  
**VGOB No. 03-0916-1189-02**

**PETITION FOR ACCOUNTING**

Comes the Plaintiff, by counsel, and bring this action for the entry of an order requiring CNX to provide a full accounting relative to petitioner's interest in certain Coal-Bed Methane (CBM) wells located in Buchanan County. In support thereof, your Plaintiff state as follows:

1. Petitioner owner of real estate, and the associated gas estate, in Buchanan County, Virginia. These interests are located in BA-100 Disbursement Order VGOB# 03-0916-1189-02 (BA-100-Tract 1-E)
2. CNX requested the VGOB to distribute the share of accrued royalties attributable to the above tract to the Petitioner. The CNX petition is attached ad incorporated herein as Exhibit 1.
3. An order was entered by this Board was entered recognizing Petitioner's ownership of the CBM, entitlement to a share of the escrowed CBM royalties for past production relative to such tract, and direction to the escrow agent to release such escrowed funds

attributable to the tract. A copy of the order is attached and incorporated by reference marked Exhibit 2

4. Defendant is the duly appointed unit operator, and has been responsible for production, record-keeping, and deposit of all past royalties with this Board's escrow agent.

5. While Plaintiffs ultimately received the proceeds approved for distribution from the VGOB escrow agent, they were not provided an accountability gross production, gross proceeds, net royalties, accounting of the categories, methodologies, justification, or reasonableness of the deductions made from the gross production royalty purporting to be the net royalty periodically deposited by CNX with the Board's escrow agent.

6. On November 23, 2015, petitioners received a letter from CNX stating that they overpaid petitioner \$6,997.36, despite that fact the amount received was the only amount authorized by the VGOB based upon the information CNX provided in their petition for distribution.

WHEREFORE, Petitioner seeks the entry of an order directing CNX to provide a full and complete accounting of all deductions from gross royalties, resulting in the contribution of net royalties reported in Exhibits 1, in order that the Board can ensure the accuracy of the amount distributed versus representations made by CNX, as well as an order precluding CNX from unilaterally withholding royalties to make up for an accounting error inconsistent with their petition for distribution or the order of the VGOB directing distribution of the same.

**JIMMY LEE HARRIS  
BY COUNSEL**

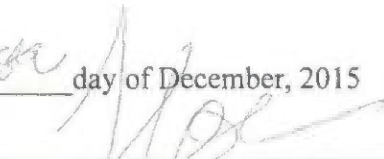


Terrence Shea Cook  
VSB #34832  
T. Shea Cook, P. C.  
P.O. Box 507  
Richlands, Va. 24641  
276-963-4332  
276-963-6271 (fax)  
[tsheacook@yahoo.com](mailto:tsheacook@yahoo.com)

**AFFIDAVIT**

1. On December 18, 2015, I filed a Petition for Accounting with regards to this matter;
2. On December 18, 2015, I mailed a copy of the Petition for Accounting to Mark Swartz, by regular mail.

Dated this 18<sup>th</sup> day of December, 2015

  
\_\_\_\_\_  
T. SHEA COOK

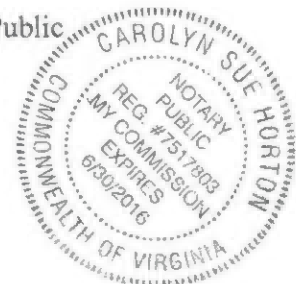
COMMONWEALTH OF VIRGINIA )  
 ) to-wit:  
CITY/COUNTY OF Tazewell )

On this 18 day of Dec., 2015 appeared before me T. Shea Cook, who being first duly sworn, stated that the foregoing is true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_

Notary Public

My Commission Expires: 6-30-16



**VIRGINIA: BEFORE THE VIRGINIA GAS AND OIL BOARD**

**JIMMY LEE HARRIS**  
Petitioner,

v.

Case No.:

**CNX GAS COMPANY, LLC.,**

**Respondent.**

**BA-100**  
**VGOB No. 03-0916-1189-02**

**RELIEF SOUGHT**

“PETITIONER JIMMY HARRIS requests VGOB to order CNX to provide a detailed accounting and justification as to how the states discrepancy in escrow payments occurred as well as to not unilaterally withholding royalties for monies received per the distribution order of VGOB”



Terrence Shea Cook  
VSB #34832  
T. Shea Cook, P. C.  
P.O. Box 507  
Richlands, Va. 24641  
276-963-4332  
276-963-6271 (fax)  
[tsheacook@yahoo.com](mailto:tsheacook@yahoo.com)