

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 11-0215-2911-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 16A, 16C (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES (3) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.**

**HEARING DATE:** June 21, 2016

**DRILLING UNIT:** Buchanan No.1SGU3

**BUCHANAN COUNTY, VIRGINIA**

**PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS**

**1. Petitioner and its counsel**

Petitioner is CNX Gas Company LLC, PO Box 570, Pounding Mill, VA 24637, (276)596-5075. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 Capital Street, Suite 201, Charleston, WV 25301.

**2. Relief Sought**

1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 16A & 16C, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to James M. McGuire Land Trust, Greta Meek, Sherry R. McDonald, Aristotle McDonald, Abraham McDonald, Tamala M. Pelphrey, By'Shey McDonald, CNX Gas Company LLC, and Norfolk Southern Railway Company c/o Pocahontas Land Corporation; (3) Dismissal of Coal Owner: James M. McGuire Land Trust.

**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)**

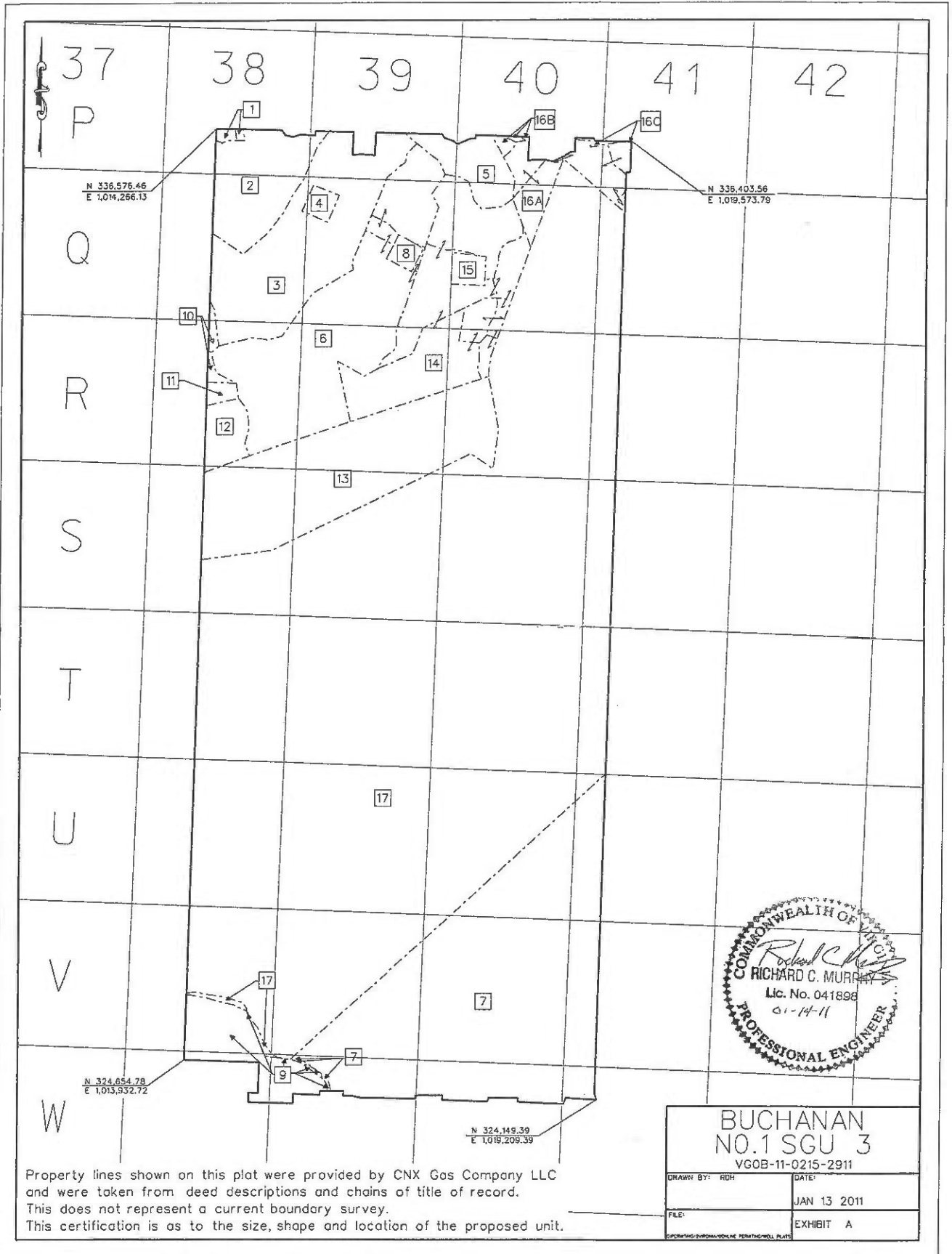
Sealed Gob Unit

**5. Factual basis for relief requested**

- a. James M. McGuire Land Trust and Greta Meek and Tamala M. Pelphrey and CNX Gas Company, successor in title have entered into royalty split agreement(s). Said royalty split agreement(s) allow the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE.
- b. Sherry R. McDonald, Aristotle McDonald, Abraham McDonald, By'Shey Mcdonald, CNX Gas Company LLC, and Norfolk Southern Railway Co., c/o Pocahontas Land Corporation is the gas claimants in Tract 16A & 16C As such, is entitled to 100% of the CBM royalties now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- c. That CNX Gas Company LLC has given the notice(s) required by § 45.1-361.22:2.A to all conflicting claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- d. That none of the conflicting claimants noticed have provided, within 45 days of the notice(s) given as provided in b. above, the Board, its designated agent the Director of the Division of Gas and Oil, the Operator and/or the Applicant evidence of either an agreement regarding the escrowed funds/royalties or a proceeding regarding same.
- e. That a detailed accounting in accordance with the applicable provisions of § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- f. That an Exhibit identified as Table 1 is annexed hereto, and it specifies how the disbursement (s) is to be calculated and paid by the escrow agent.
- g. That Va. Code Ann. § 45.1-361.22:2.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant and not escrow same. See Exhibit EE annexed hereto.

#### **6. Attestation**

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



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

**CNX Gas Company LLC**  
**BUCHANAN #1 SGU-3**  
**Tract Identifications**  
**(1474.57 Acres Unit)**

1. Consolidation Coal Company (81.60 Acre Tract) – Coal in Jawbone Seam and Below (½)  
Ronald A. Clyborne – Coal Above Jawbone Seam and Oil and Gas (1/2)  
Consolidation Coal Company – Coal Below Jawbone Leased (1/2)  
J.C. Franks, et al – All Minerals (1/2)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
1.26 Acres      0.0854%
2. Robert J. Dennis, et al (114 Acre Tract) – Fee  
Island Creek Coal Co./Consol Energy, Inc. – All Coal Below Tiller except P-3 Seam Leased  
Consolidation Coal Company – Coal In P-3 Seam Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
33.66 Acres      2.2827%
3. Consolidation Coal Company (111 Acre Tract) – Coal In and Below the Jawbone Seam (1/2)  
Ronald A. Clyborne – Coal Above Jawbone Seam and Oil and Gas (1/2)  
Consolidation Coal Company – Coal Above the Jawbone Seam Leased  
J.C. Franks, et al – All Minerals (1/2)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
71.77 Acres      4.8672%
4. J.C. Franks, et al (3 Acre Tract) – Fee  
Consolidation Coal Company – Coal Below Jawbone Seam Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
2.96 Acres      0.2007%
5. Consolidation Coal Company (76.40 Acre Tract) – Coal In and Below Jawbone Seam (1/2)  
Ronald A. Clyborne – Coal Above Jawbone Seam and Oil and Gas (1/2)  
Consolidation Coal Company – Coal Below Jawbone Leased (1/2)  
J.C. Franks, et al – All Minerals (1/2)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
15.55 Acres      1.0545%
6. Consolidation Coal Company (91 Acre Tract) – Coal In and Below Jawbone Seam (1/2)  
Ronald A. Clyborne – Coal Above Jawbone Seam and Oil and Gas (1/2)  
Consolidation Coal Company – Coal Above Jawbone Seam Leased  
J.C. Franks, et al – All Minerals (1/2)  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
95.81 Acres      6.4975%
7. Coal Mountain Mining Company L.L.P., Tr. 27 (1140 Acre Tract) – Fee  
Consolidation Coal Company – Coal Below Drainage Leased  
Knox Creek Coal Corporation – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
204.68 Acres      13.8807%

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

**CNX Gas Company LLC**  
**BUCHANAN #1 SGU 3**  
**Tract Identifications**  
**(1474.57 Acre Unit)**

8. Consolidation Coal Company (3 Acre Tract) – Coal  
 CNX Gas Company LLC – Oil, Gas and CBM  
 2.74 Acres 0.1858%
9. Commonwealth Coal Corporation, Tract 2 (965.00 Acres) – All Minerals  
 Consolidation Coal Company – Below Drainage Coal Leased  
 Knox Creek Coal Company – Above Drainage Coal Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 25.20 Acres 1.7090%
10. Consolidation Coal Company (18 Acre Tract) – Coal In and Below the Jawbone Seam (1/2)  
 Ronald A. Clyborne – Coal Above Jawbone Seam and Oil and Gas (1/2)  
 Consolidation Coal Company – Coal Above Jawbone Seam Leased  
 J.C. Franks, et al – All Minerals (1/2)  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 2.35 Acres 0.1594%
11. R. O. VanDyke Heirs, et al (154 Acre Tract) – All Minerals  
 Consolidation Coal Company – Coal Below Drainage Leased  
 Jewell Smokeless Coal Corporation – Coal In Jawbone Seam Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 2.24 Acres 0.1519%
12. Dennis G. Dobrenz (98 Acre Tract) – All Minerals  
 Consolidation Coal Company – Coal Below Tiller Seam Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 9.72 Acres 0.6592%
13. R.O. Vandyke Heirs, et al (126.20 Acre Tract) – All Minerals  
 Consolidation Coal Company – Coal Below Drainage Leased  
 Jewell Smokeless Coal Corporation – Jawbone Seam Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 96.39 Acres 6.5868%
14. Dennis G. Dobrenz (87.00 Acre Tract) – All Minerals  
 Consolidation Coal Company – Coal Below Tiller Seam Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 78.43 Acres 5.3188%
15. Consolidation Coal Company – All Coal  
 CNX Gas Company LLC – Oil and Gas  
 3.88 Acres 0.2598%

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**CNX Gas Company LLC  
BUCHANAN #1 SGU 3  
Tract Identifications  
(1474.57 Acre Unit)**

- 16A. James M. McGuire Trust (460.57 Acre Tract) – Coal  
Consolidation Coal Company – Below Drainage Coal Leased  
Jewell Smokeless Coal Corp. – Raven Seam of Coal Leased  
CNX Gas Company LLC – CBM Leased  
Consolidation Coal Company – Oil and Gas  
21.25 Acres 1.4411%
- 16B. James M. McGuire Trust (460.57 Acre Tract) – Coal  
Consolidation Coal Company – Below Drainage Coal Leased  
Jewell Smokeless Coal Corp. – Raven Seam of Coal Leased  
CNX Gas Company LLC – CBM Leased  
CNX Gas Company LLC – Oil and Gas  
1.37 Acres 0.0929%
- 16C. James M. McGuire Trust (460.57 Acre Tract) – Coal  
Consolidation Coal Company – Below Drainage Coal Leased  
Jewell Smokeless Coal Corp. – Raven Seam of Coal Leased  
CNX Gas Company LLC – CBM Leased  
Norfolk Southern Railway Company – Oil and Gas  
CNX Gas Company LLC – CBM Leased  
0.58 Acres 0.0398%
17. Coal Mountain Mining Company L.L.P. Tr. 26 (1355 Acre Tract) – Fee  
Consolidation Coal Company – Coal Below Drainage Leased  
Knox Creek Coal Corporation – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
804.78 Acres 54.5773%

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VGOB Disbursement  
Unit Buchanan No.1SGU3

VGOB-11-0215-2911-01

Table 2 (pay percentage on balance after deducting the above balance)  
A portion of 16A, 16C

			Fractional	Net Acreage	Royalty	Escrowed	Percent of	Adjustment	Disbursement
			Ownership	Ownership	Split	Acres	Escrowed	Amount	
			in Tract	inTract	Agreement	Disbursed	Disbursed		
Item	Tract	Disbursement Table							
		Total acreage in escrow before disbursement				11.21000			
16A Tract 16A (total acreage)			21.2500						
1	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	50.00%	0.5903	5.2656%	29.50	\$358.44
2	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	100.00%	1.1806	10.5313%	59.01	\$716.87
3	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	100.00%	1.1806	10.5313%	59.01	\$716.87
4	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	100.00%	1.1806	10.5313%	59.01	\$716.87
5	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	50.00%	0.5903	5.2656%	29.50	\$358.44
6	16A	CNX Gas Company LLC\PO Box 643830, Canonsburg, PA 15264-3830	1/18	1.1806	100.00%	1.1806	10.5313%	59.01	\$716.87
7	16A	James M. McGuire Trust\PO Box 1067, Bluefield, VA 24605		2.3612	50.00%	1.1806	10.5317%	59.01	\$716.90
16C Tract 16C (total acreage)			0.5800						
1	16C	Norfolk Southern Railway Co. c/o Pocahontas Land Corporation \P.O. Box 1517, Bluefield, WV 24701		0.5800	100.00%	0.5800	5.1740%		\$381.18

**Adjustment Comments:** Escrow Agent to subtract the amount in the adjustment column after the percentage calculation is made for each person with an adjustment amount listed in the percentage table. The new owner's payment (listed in the percentage table), is subtracted from what was paid in the exact pay table to the old owner.

**Wells contributing to the escrow account:** PGP 400, PGP P43 W/PL, PGP P44 W/PL, CBM Q40C W/P, CBM Q40F W/PL, CBM Q40G W/PL, CBM Q40E W/PL, CBM Q40A, CBM Q40B, CBM Q40J W/PL, CBM Q40K W/PL, PGP Q41 W/PL, CBM Q41B W/ PL, CBM Q42 W/PL, CBM Q43C W/PL, CBM Q43D W/PL, CBM Q43D W/PL, CBM Q44B W/PL, CBM Q44C W/PL, CBM Q44D W/PL, PGP R43 W/PL, PGP R43A W/PL, CBM R44C W/PL, CBM R44A W/PL, CBM S44C W/PL, CBM S44D W/PL

**Exhibit E**  
**Buchanan No.1 SGU #3**  
**Docket #VGOB 11-0215-2911-01**  
**List of Conflicting Owners/Claimants that require escrow**  
**(1,474.57 Acre Unit)**

	Acres in Unit	Interest in Unit
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**Tract #16A, 21.25 acres**

**COAL OWNERSHIP**

(1) James M. McGuire Trust <i>(460.57 acre tract)</i> P.O. Box 1067 Bluefield, VA 24605	21.25 acres	1.4411%
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**OIL & GAS OWNERSHIP**

(1) Consolidation Coal Company, et al <i>Previously W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns</i>	21.25 acres	1.4411%
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***The previous owners listed below did not respond timely to the W9 request and will continue to be escrowed***

(g) Consolidation Coal Company/ CNX Gas C 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Greg B. McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%
(h) Consolidation Coal Company/ CNX Gas C 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Byrd McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%
(j) Consolidation Coal Company/ CNX Gas C 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Timothy McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%

Greg McDonald conveyed interest as Co-Executer and Co-Trustee (Instrument No.11-2743)  
 Timothy J. McDonald conveyed interest as Co-Executer and Co-Trustee (Instrument No.11-2708)  
 Greg McDonald *conveyed interest (Instrument 11-2743), 11/4/2011*  
 Timothy J. McDonald *conveyed interest (Instrument 11-2708), 11/3/2011*  
 Byrd W. McDonald II *conveyed interest (Instrument 11-2755), 11/7/2011*

**TOTAL ACRES IN ESCROW:**

<b>Acreage in Unit</b>	3.5417	
<b>Percentage of Unit</b>		0.2402%

Exhibit EE  
 Buchanan No.1 SGU #3  
 Docket #VGOB 11-0215-2911-01  
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
 (1,474.57 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #1, 1.26 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(81.60 Acre Tract)</i>	1.26 acres	0.0854%	
(b) Consolidation Coal Company <i>(1/2 of Coal In &amp; Below Jawbone Seam)</i> 10545 Riverside Drive Oakwood, VA 24631	0.63 acres 1/2 of 1.26 acres	0.0427%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(81.60 Acre Tract)</i>	1.26 acres	0.0854%	
(b) Ronald Clyborne 9325 Olympic View Drive Edmonds, WA 98020-2397	0.63 acres 1/2 of 1.26 acres	0.0427%	<i>n/a</i>
<b><u>Tract #3, 71.77 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(111 Acre Tract)</i>	71.77 acres	4.8672%	
(b) Consolidation Coal Company <i>(1/2 of Coal In &amp; Below Jawbone Seam)</i> 10545 Riverside Drive Oakwood, VA 24631	35.885 acres 1/2 of 71.77 acres	2.4336%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(111 Acre Tract)</i>	71.77 acres	4.8672%	
(b) Ronald Clyborne 9325 Olympic View Drive Edmonds, WA 98020-2397	35.885 acres 1/2 of 71.77 acres	2.4336%	<i>n/a</i>
<b><u>Tract #5, 15.55 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(76.40 Acre Tract)</i>	15.55 acres	1.0545%	
(b) Consolidation Coal Company <i>(1/2 of Coal In &amp; Below Jawbone Seam)</i> 10545 Riverside Drive Oakwood, VA 24631	7.775 acres 1/2 of 15.55 acres	0.5273%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Deviseses, Successors or Assigns, et al. <i>(76.40 Acre Tract)</i>	15.55 acres	1.0545%	
(b) Ronald Clyborne 9325 Olympic View Drive Edmonds, WA 98020-2397	7.775 acres 1/2 of 15.55 acres	0.5273%	<i>n/a</i>

Exhibit EE  
 Buchanan No.1 SGU #3  
 Docket #VGOB 11-0215-2911-01  
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
 (1,474.57 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #6, 95.81 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Devisees, Successors or Assigns, et al. <i>(91.00 Acre Tract)</i>	95.81 acres	6.4975%	
(b) Consolidation Coal Company <i>(1/2 of Coal In &amp; Below Jawbone Seam)</i> 10545 Riverside Drive Oakwood, VA 24631	47.905 acres 1/2 of 95.81 acres	3.2487%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Devisees, Successors or Assigns, et al. <i>(91.00 Acre Tract)</i>	95.81 acres	6.4975%	
(b) Ronald Clyborne 9325 Olympic View Drive Edmonds, WA 98020-2397	47.905 acres 1/2 of 95.81 acres	3.2487%	<i>n/a</i>
<b><u>Tract #10, 2.35 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Devisees, Successors or Assigns, et al. <i>(18 Acre Tract)</i>	2.35 acres	0.1594%	
(b) Consolidation Coal Company <i>(1/2 of Coal In &amp; Below Jawbone Seam)</i> 10545 Riverside Drive Oakwood, VA 24631	1.175 acres 1/2 of 2.35 acres	0.0797%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) J. H. Franks Heirs, Devisees, Successors or Assigns, et al. <i>(18 Acre Tract)</i>	2.35 acres	0.1594%	
(b) Ronald Clyborne 9325 Olympic View Drive Edmonds, WA 98020-2397	1.175 acres 1/2 of 2.35 acres	0.0797%	<i>n/a</i>
<b><u>Tract #16A, 21.25 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) James M. McGuire Trust <i>(460.57 acre tract)</i> P.O. Box 1067 Bluefield, VA 24605	21.25 acres	1.4411%	<b>10.5313%</b> <b>(Royalty Split) -50%</b>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Consolidation Coal Company, et al <i>Previously W. B. McDonald, et ux. Heirs, Devisees, Successors or Assigns</i>	21.25 acres	1.4411%	
(a) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously Meledge Estridge, conveyed 1/2 interest (Instrument 11-2623) , 10/21/2011</i>	10.63 acres 1/2 of 21.25 acres	0.7205%	<i>n/a</i>

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**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**  
**(1,474.57 Acre Unit)**

	Acres in Unit	Interest in Unit	Percent of Escrow
<i>Note: Royalties will be paid to the prior owner per royalty agreement up to the date the property was sold</i>			
(b) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Greta Meek</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	5.2656% <b>(Royalty Split) -50%</b>
(c) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Sherry R. McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	10.5313% <b>HB2058</b>
<b>HB2058 Escrow Release (release amount due prior to conveyance)</b>			
(d) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Aristotle McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	10.5313% <b>HB2058</b>
<b>HB2058 Escrow Release (release amount due prior to conveyance)</b>			
(e) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Abraham McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	10.5313% <b>HB2058</b>
<b>HB2058 Escrow Release (release amount due prior to conveyance)</b>			
(f) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, Tamala M. Pelphrey</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	5.2656% <b>(Royalty Split) -50%</b>
(i) Consolidation Coal Company/ CNX Gas Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>Previously B. W. McDonald Testamentary Trust, By'Shey McDonald</i>	1.18 acres 1/18 of 21.25 acres	0.0801%	10.5313% <b>HB2058</b>
<b>HB2058 Escrow Release (release amount due prior to conveyance)</b>			
Greg McDonald conveyed interest as Co-Executer and Co-Trustee (Instrument No.11-2743) Sherry R. McDonald conveyed interest as Co-Executer and Co-Trustee (Instrument No. 11-2744) of 1.86 acres Timothy J. McDonald conveyed interest as Co-Executer and Co-Trustee (Instrument No.11-2708) Tamela M. Pelphrey <i>conveyed interest (Instrument 11-2744), 11/4/2011</i> Greta M. Meek <i>conveyed interest (Instrument 11-2745), 11/4/2011</i>			

**Tract #16B, 1.37 acres**

**COAL OWNERSHIP**

(1) James M. McGuire Trust <i>(460.57 acre tract)</i> P.O. Box 1067 Bluefield, VA 24605	1.37 acres	0.0929%	<i>n/a</i>
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**Exhibit EE**  
**Buchanan No.1 SGU #3**  
**Docket #VGOB 11-0215-2911-01**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**  
**(1,474.57 Acre Unit)**

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	1.37 acres	0.0929%	<i>n/a</i>
<b><u>Tract #16C, 0.58 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) James M. McGuire Trust <i>(460.57 acre tract)</i> P.O. Box 1067 Bluefield, VA 24605	0.58 acres	0.0393%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Norfolk Southern Railway Company  <i>If no conflict royalties paid to:</i> Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701	0.58 acres	0.0393%	<b>5.1740%</b> <b>HB2058</b>
<b>Total Acreage Resolved in Unit</b>		<b>113.0283</b>	
<b>Total Percentage Resolved in Unit</b>			<b>7.6652%</b>

# AFFIDAVIT OF MAILING

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

**Applicant:** CNX Gas Company LLC  
**Relief Sought:** Disbursement Petition for Buchanan No. 1 SGU3  
VGOB: 11-0215-2911-01

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

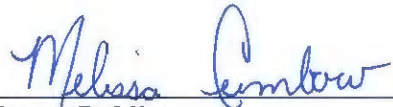
1. I am the Pooling Supervisor for CNX Land Resources, Inc. and am responsible for the notification process required by Va. Code Ann. §45.1-361.19 of the Code of Virginia and 4VAC25-160-40.
2. That on May 9, 2016 a true and correct copy of the Notice of Hearing and Exhibits were mailed, via certified mail return receipt requested, based upon information and belief, the names and last-known addresses, where such addresses are known, of the parties owning an interest in this cause are set forth and attached hereto.
3. Notice of this cause has therefore been served by mail pursuant to the applicable statutes and rules of the Board.

  
\_\_\_\_\_  
**Anita D. Duty**  
Pooling Supervisor  
for CNX Land LLC

STATE OF VIRGINIA

COUNTY OF TAZEWELL, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 9th day of June,  
2016.

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

My commission expires: 12/31/2019



CERTIFICATION OF NOTICE  
CNX Gas Company LLC

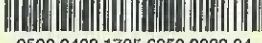
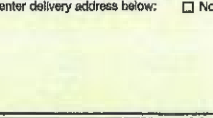
Buchanan No. 1 SGU 3  
VGOB 11-0215-2911-01


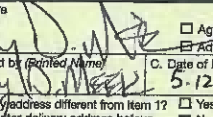
**Disbursement**

Buchanan County


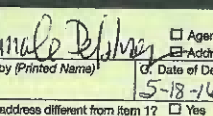
Last Name	First Name	MAILED	RECEIPT #		Received
James McGuire Land Trust		5/9/16	7016034000008989	4908	5/12/2016 1
McDonald	Abraham	5/9/16	7016034000008989	4861	5/12/2016 2
McDonald	Aristotle	5/9/16	7016034000008989	4878	5/12/2016 3
McDonald	By'Shey	5/9/16	7016034000008989	4885	5/24/2016 4
McDonald	Sherry R.	5/9/16	7016034000008989	4892	5/12/2016 5
Meek	Greta	5/9/16	7016034000008989	4915	5/12/2016 6
Norfolk Southern Railway Co. c/o Pocahontas Land Corp.		5/9/16	7016034000008989	4939	5/12/2016 7
Pelphrey	Tamela M.	5/9/16	7016034000008989	4922	5/18/2016 8

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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>		<ul style="list-style-type: none"> <li>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <i>Diana Green</i> </li> <li>B. Received by (Printed Name)  <i>Diana Green</i> </li> <li>C. Date of Delivery  <i>5/12/16</i> </li> <li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No </li> </ul>	
1. Article Addressed to:  James M. McGuire Land Trust c/o CHARLES GREEN PO Box 1067 Bluefield VA 24605-4067   9590 9402 1705 6053 9802 00		 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <i>Sucht SG43 - M.P. Disb</i>	
2. Article Number (Transfer from service label) PSI 7016 0340 0000 8989 4908		Domestic Return Receipt	

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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>		<ul style="list-style-type: none"> <li>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <i>Shey McDonald</i> </li> <li>B. Received by (Printed Name)  <i>Shey McDonald</i> </li> <li>C. Date of Delivery  <i>5-24-16</i> </li> <li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No </li> </ul>	
1. Article Addressed to:  By Shey McDonald 2117 SHELTON RD LEXINGTON KY 40515-1169   9590 9402 1705 6053 9802 24		 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <i>Sucht SG43 - M.P. Disb</i>	
2. Article Number (Transfer from service label) PS For: 7016 0340 0000 8989 4885		Domestic Return Receipt	

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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>		<ul style="list-style-type: none"> <li>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <i>Greta McDonald Meek</i> </li> <li>B. Received by (Printed Name)  <i>HAPPY D. MEER</i> </li> <li>C. Date of Delivery  <i>5-12-16</i> </li> <li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No </li> </ul>	
1. Article Addressed to:  Greta McDonald Meek 177 COLVIN BR OIL SPRINGS KY 41238-8917   9590 9402 1705 6053 9801 94		 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <i>Sucht SG43 - M.P. Disb</i>	
2. Article Number (Transfer from service label) PSI 7016 0340 0000 8989 4915		Domestic Return Receipt	

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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>		<ul style="list-style-type: none"> <li>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <i>Greta McDonald Meek</i> </li> <li>B. Received by (Printed Name)  <i>HAPPY D. MEER</i> </li> <li>C. Date of Delivery  <i>5-12-16</i> </li> <li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No </li> </ul>	
1. Article Addressed to:  Pocahontas Land Corp. PO Box 1517 Bluefield WV 24701-1517   9590 9402 1705 6053 9801 70		 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <i>Sucht SG43 - M.P. Disb</i>	
2. Article Number (Transfer from service label) PS Form: 7016 0340 0000 8989 4939		Domestic Return Receipt	

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</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>		<ul style="list-style-type: none"> <li>A. Signature  <input checked="" type="checkbox"/> Addressee  <input type="checkbox"/> Agent  <i>Tamaia M. Pelphrey</i> </li> <li>B. Received by (Printed Name)  <i>Tamaia M. Pelphrey</i> </li> <li>C. Date of Delivery  <i>5-18-16</i> </li> <li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No </li> </ul>	
1. Article Addressed to:  Tamaia M. Pelphrey 10809 MEETING St PROSPECT KY 40059-6533   9590 9402 1705 6053 9801 87		 3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <i>Sucht SG43 - M.P. Disb</i>	
2. Article Number (Transfer from service label) PS 7016 0340 0000 8989 4922		Domestic Return Receipt	



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# USPS Tracking®



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Have questions? We're here to help.



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**Tracking Number: 70153010000113537959**

**Updated Delivery Day: Thursday, May 5, 2016**

## Product & Tracking Information

**Postal Product:**

**Features:**  
Certified Mail™



<b>May 5, 2016 , 11:49 am</b>	<b>Delivered</b>	<b>STATESVILLE, NC 28677</b>
-------------------------------	------------------	------------------------------

Your item was delivered at 11:49 am on May 5, 2016 in STATESVILLE, NC 28677.

May 5, 2016 , 7:27 am	Arrived at Unit	STATESVILLE, NC 28677
May 4, 2016 , 5:40 pm	Departed USPS Origin Facility	GREENSBORO, NC 27498
May 4, 2016 , 10:04 am	Arrived at USPS Origin Facility	GREENSBORO, NC 27498
May 4, 2016 , 4:22 am	Departed USPS Facility	CHARLESTON, WV 25350
May 3, 2016 , 9:25 pm	Arrived at USPS Origin Facility	CHARLESTON, WV 25350
May 3, 2016 , 5:02 pm	Departed Post Office	POUNDING MILL, VA 24637
May 3, 2016 , 2:55 pm	Acceptance	POUNDING MILL, VA 24637

## Available Actions

[Text Updates](#)

[Email Updates](#)

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

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USPS Mobile

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Search or Enter a Tracking Number

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Mail & Ship

Track & Manage

Postal Store

Business

International

Help

# USPS Tracking®



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



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 70153010000113537959

Updated Delivery Day: Thursday, May 5, 2016

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
May 5, 2016 , 11:49 am	Delivered	STATESVILLE, NC 28677

Your item was delivered at 11:49 am on May 5, 2016 in STATESVILLE, NC 28677.

May 5, 2016 , 7:27 am	Arrived at Unit	STATESVILLE, NC 28677
May 4, 2016 , 5:40 pm	Departed USPS Origin Facility	GREENSBORO, NC 27498
May 4, 2016 , 10:04 am	Arrived at USPS Origin Facility	GREENSBORO, NC 27498
May 4, 2016 , 4:22 am	Departed USPS Facility	CHARLESTON, WV 25350
May 3, 2016 , 9:25 pm	Arrived at USPS Origin Facility	CHARLESTON, WV 25350
May 3, 2016 , 5:02 pm	Departed Post Office	POUNDING MILL, VA 24637
May 3, 2016 , 2:55 pm	Acceptance	POUNDING MILL, VA 24637

## Available Actions

Text Updates

Email Updates

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

Sign up for My USPS ›



English

Customer Service

USPS Mobile



Quick Tools

Mail & Ship

Track & Manage

Postal Store

B

# USPS Tracking®



**Tracking Number: 70160340000089894892**

## Product & Tracking Information

Avi

**Postal Product:**

**Features:**  
Certified Mail™

Text I

DATE & TIME	STATUS OF ITEM	LOCATION
-------------	----------------	----------

Email

May 12, 2016 , 11:15 am	Delivered	LEXINGTON, KY 40517
-------------------------	-----------	---------------------

Your item was delivered at 11:15 am on May 12, 2016 in LEXINGTON, KY 40517.

May 11, 2016 , 2:04 pm	Notice Left (No Authorized Recipient Available)	LEXINGTON, KY 40515
May 11, 2016 , 2:15 am	Departed USPS Facility	LEXINGTON, KY 40511
May 10, 2016 , 2:01 pm	Arrived at USPS Facility	LEXINGTON, KY 40511
May 10, 2016 , 5:17 am	Departed USPS Facility	CHARLESTON, WV 25350
May 9, 2016 , 10:20 pm	Arrived at USPS Origin Facility	CHARLESTON, WV 25350

DATE & TIME	STATUS OF ITEM	LOCATION
May 9, 2016 , 5:06 pm	Departed Post Office	POUNDRING MILL, VA 24637
May 9, 2016 , 4:10 pm	Acceptance	POUNDRING MILL, VA 24637

## Track Another Package

Tracking (or receipt) number

Track It

Manage

Track all y  
No trackin

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**Exhibit J  
Unit BUCH1SGU3 Escrow Account Reconciliation  
VGOB 11-0215-2911**

CNX Deposit Information		
Check Date	Check Number	Total

Total Deposited	\$7,299.13
Interest & Fees	\$15.11
Grand Total	\$7,314.24
March 2016 First Bank and Trust Balance	\$7,367.37
Difference	-\$53.13

Escrow Bank Data													Running Balance	Difference
Date	Escrow Royalty Deposits	Income	\$ Mktet Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance		
											Total	\$15.11		

**AFFIDAVIT OF MAILING – COAL OWNER**

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

**Applicant:** CNX Gas Company LLC  
**Relief Sought:** Disbursement Petition for Buchanan No. 1 SGU3  
VGOB: 11-0215-2911

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

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

2. That on November 15, 2015 a true and correct copy of the coal owner dismissal and prior order were mailed, via certified mail return receipt requested, based upon information and belief, the names and last-known addresses, where such addresses are known, of the parties owning an interest in this cause are set forth and attached hereto.

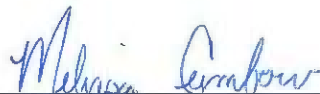
3. Notice of this cause has therefore been served by mail pursuant to the applicable statutes and rules of the Board.

  
\_\_\_\_\_  
**Anita D. Duty**  
Pooling Supervisor  
for CNX Land LLC

STATE OF VIRGINIA

COUNTY OF TAZEWELL, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 9th day of May,  
2016.

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



My commission expires: 12/31/2019

CERTIFICATION OF NOTICE

CNX Gas Company LLC

Buchanan No. 1 SGU 3 (Underlying units - P40, P41, P42, P43, P44, Q40, Q41, Q42, Q43, Q44, R43, R44, S44)

VGOB 11-0215-2911

**Disbursement**

<b>Last Name</b>	<b>First Name</b>	<b>MAILED</b>	<b>RECEIPT #</b>	<b>Received</b>
James McGuire Land Trust (coal owner)		11/2/15	7015152000035333 4330	11/4/2015

**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:

James McGuire Land Trust  
 c/o Charles Green  
 PO Box 1067  
 BIFA VA 24605-4067

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*James Green*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*James Green* 11/4/15

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

NOV - 4 2015

3. Service Type **VSP'S**
- Certified Mail®  Priority Mail Express™
  - Registered  Return Receipt for Merchandise
  - Insured Mail  Collect on Delivery
4. Restricted Delivery? (Extra Fee)  Yes

7015 1520 0003 5333 4330  
 PS Form 3811, July 2013

BUGISGU3/4