

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 98-0421-0649-08

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 5 (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:** January 17, 2017

**DRILLING UNIT:** S37

**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(s) attributable to a portion of Tract 5, as depicted upon the annexed table; (Royalties currently being paid under Buchanan No.1 SGU2, VGOB 08-1118-2367).

**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

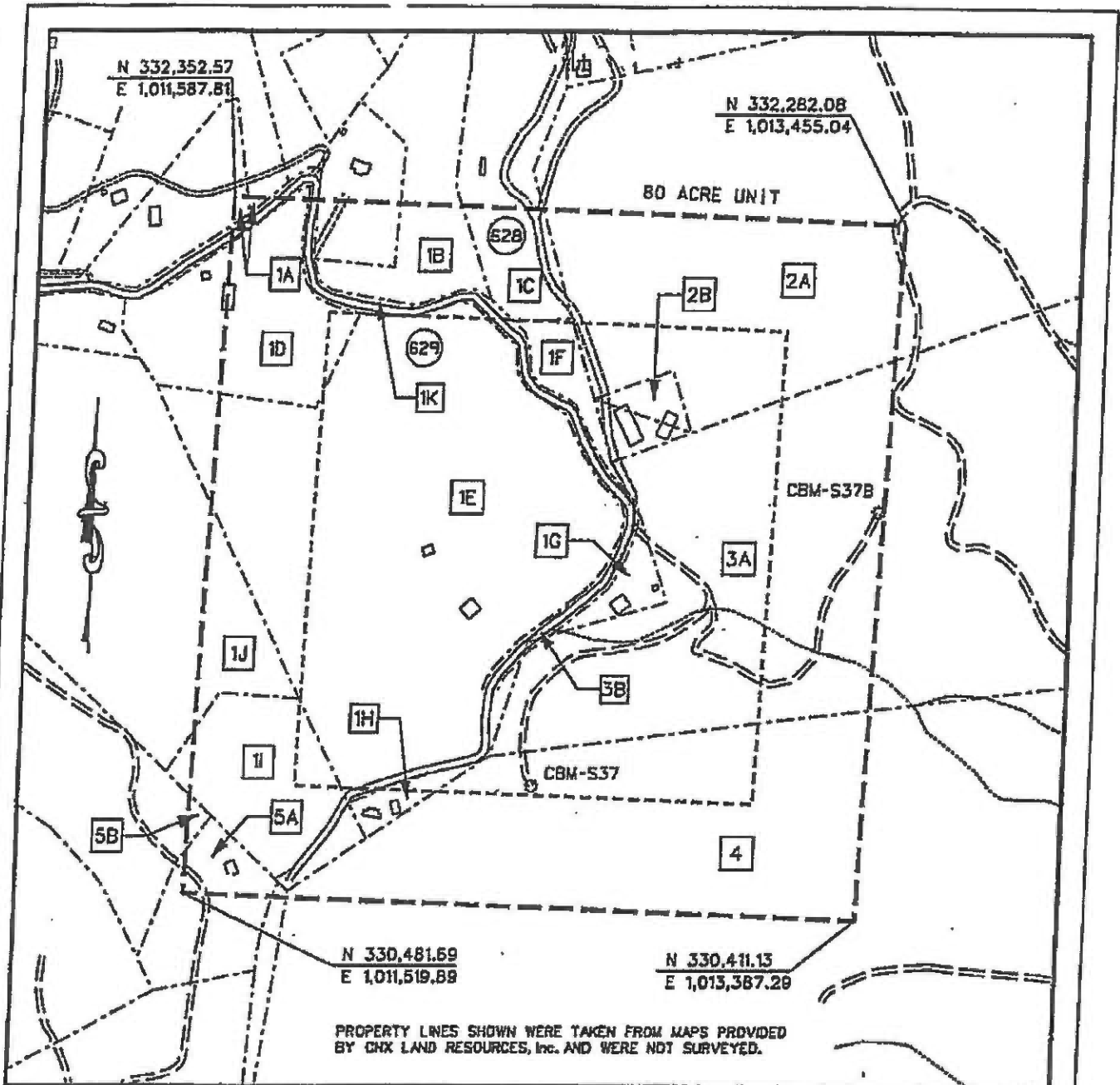
**5. Factual basis for relief requested**

Hurt McGuire Land Trust & Patsy Moore, Brenda Justice, James R. Osborne, Phyllis W. Osborne, Charles M. Osborne, Richard M. Osborne, Joyce Lineberry Mae and Darlene Osborne have entered into royalty split agreement(s). The annexed Table, further, specifies how said royalties are to be divided and paid.

Margaret Dye, Nellie Maynard, Tammy Boyd Street, Paul Junior Osborne and Curtis McCoy Osborne are entitled to 100% of the CBM royalties awarded under Case No. 027CL0000819-00 (10), Opinion dated November 9, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.

**6. Attestation**

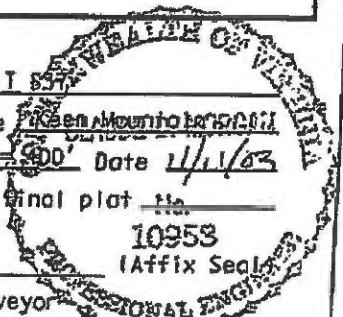
The foregoing Petition to the best of my knowledge, information, and belief is true and correct.



**EXHIBIT A**  
**OAKWOOD FIELD UNIT S-37**  
**FORCE POOLING**  
**VGDB-98-0421-0649-02**

Company CNX Gas Company, LLC. Well Name and Number UNIT 537  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Green Mountain  
 County Buchanan District Garden Scale: 1" = 300' Date 11/1/03  
 This plot is a new plot X; an updated plot \_\_\_\_\_; or a final plot No.

Form DGO-60-7 Rev. 9/91  
 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor  
 Page Number 3.



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**CNX Gas Company LLD  
UNIT S-37  
Tract Identification**

1. G.W. Gillespie Estate, Inc., et al – All Minerals  
Reserve Coal Properties Company – Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
38.78 acres                      48.4750%
  
- 1A. Bobby J. Matney, et ux – Surface
- 1B. Frank Horn – Surface
- 1C. Lonnie Honaker – Surface
- 1D. Melissa Vandyke – Surface
- 1E. Ethel Burke – Surface
- 1F. Frank Horn – Surface
- 1G. Raymond Davis – Surface
- 1H. Harold Osborne – Surface
- 1I. Roby Horn – Surface
- 1J. Jimmy L. Horn – Surface
- 1K. Commonwealth of Virginia - Surface
  
2. Carl F. Metcalf Estate – All Minerals  
Consolidation Coal Company – Coal Below Jawbone Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
10.46 acres                      13.0750%
  
- 2A. New Garden Coal Company - Surface
- 2B. Horn Mountain Free Pentecostal Church - Surface
  
3. R.O. Vandyke Heirs – All Minerals  
Consolidation Coal Company – Coal Below Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
15.77 acres                      19.7125%
  
- 3A. New Garden Coal Company – Surface
- 3B. Commonwealth of Virginia - Surface
  
4. Coal Mountain Mining Company, L.L.P. Tr. 26 (1,355 Acre Tract) – Fee  
Consolidation Coal Company – Below Drainage Coal Leased  
A.T. Massey – Above Drainage Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
13.99 acres                      17.4875%
  
5. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal  
Consolidation Coal Company - Below Drainage Coal Leased  
A. T. Massey - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Linkous Horn Heirs – All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased (10%)  
1.00 acres                      1.2500%
  
- 5A. Willard Osborne – Surface
- 5B. Arlen Osborne - Surface



Exhibit E  
Unit S-37  
Docket # VGOB-98-0421-0649-08  
List of all Owners/Claimants requiring escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			8-Right 16.41221%	9-Right 9.54198%
<b><u>Tract #5, 1.00 acres</u></b>				
<b><u>COAL OWNERSHIP</u></b>				
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.00 acres	1.2500%	0.20515%	0.11927%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>				
Linkous Horn Heirs, Deviseses, Successors or Assigns	1.00 acres	1.2500%	0.20515%	0.11927%
(2) Lydia Blankenship Heirs, Deviseses, Successors or Assigns				
<i>Royalty Split Agreement remains in dispute</i>				
(2.7) Ronnie Osborne Box 12 Oakwood, VA 24631	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%
		<b>Acreage in Unit Percentage of Unit</b>	0.0091	0.0114%

Exhibit EE  
Unit S-37  
Docket # VGOB-98-0421-0649-08  
List of Conflicting Owners/Claimants with Royalty Split Agreements/HB2058

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.54198%	
<b><u>Tract #5, 1.00 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.00 acres	1.2500%	0.20515%	0.11927%	21.7486% - 50% Royalty Split
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
Linkous Horn Heirs, Devisees, Successors or Assigns	1.00 acres	1.2500%	0.20515%	0.11927%	
(1) Arizona Osborne Heirs, Devisees, Successors or Assigns					
(1.1) Sidney Smith 1977 McVitty Road Salem, VA 24153	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(1.2) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(1.3) Martha Guilliams 1911 McVitty Road Salem, VA 24153	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2) Lydia Blankenship Heirs, Devisees, Successors or Assigns					
(2.1) Mary Jane Keen 1077 Longwall LN Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.2) Shirley Keen 1685 Honaker Branch Road Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(2.3) Patsy Moore 6985 Horn Mountain Road Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.4) Brenda Sue Justice PO Box 522 Keen Mountain, VA 24624	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.5) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split

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	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.54198%	
(2.6) Clifford Osborne Heirs, Devisees, Successors or Assigns					
(2.6.1) Phyllis W. Osborne 1109 Moore Rd. Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.8) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.9) Richard Osborne 1062 Canterbury Rd. Oakwood, VA 24631	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.10) William Osborne Heirs, Devisees, Successors or Assigns					
(2.10.1) Ruth Keen	<i>(Deed of Gift to Joyce Lineberry Mae 3/16/03)</i>				
(2.10.1.1) Joyce Lineberry Mays c/o Rose Mays P.O. Box 764 Cooleemee, NC 27014	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(2.11) John David Osborne Heirs, Devisees, Successors or Assigns					
(2.11.1) Darlene B. Osborne 1055 Mapleleaf Hollow Raven, VA 24639	0.0091 acres 1/110 of 1.00 acres	0.0114%	0.00187%	0.00108%	2.7186% - 50% Royalty Split
(3) Henry Horn Heirs, Devisees, Successors or Assigns					
(3.1) Perry W. Horn Heirs, Devisees, Successors or Assigns					
	<i>Represented by WF Mason via Perry Horn</i>				
(3.1.1) Margaret Dye 784 Big Creek Rd Richlands, VA 24641	0.0062 acres 4/643 of 1.00 acres	0.0078%	0.00128%	0.00074%	3.7206% Court Order
	<i>Represented by WF Mason via Perry Horn</i>				
(3.1.2) Nellie Maynard Box 296 Raven, VA 24639	0.0062 acres 4/643 of 1.00 acres	0.0078%	0.00128%	0.00074%	3.7206% Court Order
	<i>Represented by WF Mason via Perry Horn</i>				
(3.1.3) Tammy Boyd Street 195 Taylor Cir Raven, VA 24639	0.0062 acres 4/643 of 1.00 acres	0.0078%	0.00128%	0.00074%	3.7206% Court Order
(3.2) Larry M. Horn Heirs, Devisees, Successors or Assigns	<i>No issue - Interest goes to siblings</i>				
(3.3) Ivory Horn Heirs, Devisees, Successors or Assigns					
(3.3.1) Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0216 acres 97/4500 of 1.00 acres	0.0269%	0.00442%	0.00257%	n/a

**Exhibit EE**  
**Unit S-37**  
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**List of Conflicting Owners/Claimants with Royalty Split Agreements/HB2058**

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.54198%	
(3.3.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0216 acres 97/4500 of 1.00 acres	0.0269%	0.00442%	0.00257%	n/a
(3.3.3) Tammy D. Boyd Street 195 Taylor Circle Raven, VA 24639	0.0216 acres 97/4500 of 1.00 acres	0.0269%	0.00442%	0.00257%	n/a
(3.3.4) Patricia D. Horton 200 Birch Street Raven, VA 24639	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00114%	0.00066%	n/a
(3.3.5) Danny W. Elder P.O. Box 748 Raven, VA 24639	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00114%	0.00066%	n/a
(3.3.6) Robert G. Elder 229 Horton Crest Drive #15 Richlands, VA 24641	0.0056 acres 1/180 of 1.00 acres	0.0069%	0.00114%	0.00066%	n/a
(4) Thelma H. Osborne Heirs, Devisees, Successors or Assigns					
(4.1) Paul Junior Osborne 2869 Sharon Place Grand Junction, CO 81503	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	19.9362% Court Order
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(4.2) Curtis McCoy Osborne P.O. Box 31 Raven, VA 24639	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	19.9362% Court Order
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(4.3) Barbara Joyce Harmon P.O. Box 174 North Tazewell, VA 24630	0.0333 acres 1/30 of 1.00 acres	0.0417%	0.00684%	0.00398%	n/a
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24609	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
(6) Nancy H. Stilwell 140 Rasnake Road North Tazewell, VA 24630	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	n/a
(7) Earnest Horn Heirs, Devisees, Successors or Assigns					
(7.1) Dorothy Horn Heirs, Devisees, Successors or Assigns					
(7.1.1) Wesley D. Perkins 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.0500 acres 1/20 of 1.00 acres	0.0625%	0.01026%	0.00596%	n/a
<i>Entitled to 1/2 of Royalties by Deed of Gift</i>					
(7.1.2) Tania Yvonne Hess 195 Anglewood Lane Cedar Bluff, VA 24609	0.0500 acres 1/20 of 1.00 acres	0.0625%	0.01026%	0.00596%	n/a

**Exhibit EE**  
**Unit S-37**  
**Docket # VGOB-98-0421-0649-08**  
**List of Conflicting Owners/Claimants with Royalty Split Agreements/HB2058**

	Acres in Unit	Interest in Unit	Division of Interest in		Percent of Escrow
			8-Right 16.41221%	9-Right 9.54198%	
(8) Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	<i>n/a</i>
(9) Sarah K. Day 905 Valleyview Drive Pearisburg, VA 24134	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	<i>n/a</i>
(10) Carl Horn Heirs, Devisees, Successors or Assigns					
(10.1) Marilyn Taylor PO Box 285 Pounding Mill, VA 24637	0.1000 acres 1/10 of 1.00 acres	0.1250%	0.02052%	0.01193%	<i>n/a</i>
<i>Prevailing plaintiff under Case No. 027CL0000819-00 (10). Awarded 100% of the CBM royalty.</i>					
			<b>Acreage in Unit</b>	0.9909	
			<b>Percentage of Unit</b>		1.2386%

**Exhibit J**  
**Unit S37 Revenue Check Detail**  
**VG0B 98-0421-0649**

CNX Deposit Information		
Check Date	Check Number	Total
11/23/1999	NULL	\$57.93
12/23/1999	NULL	\$3.09
1/25/2000	NULL	\$37.59
2/25/2000	5058973	\$47.23
5/25/2000	NULL	\$37.96
6/23/2000	NULL	\$26.87
8/25/2000	NULL	\$47.45
9/25/2000	NULL	\$28.62
11/21/2000	NULL	\$51.42
12/22/2000	NULL	\$34.82
1/25/2001	NULL	\$28.06
2/23/2001	NULL	\$70.30
3/23/2001	NULL	\$66.36
4/25/2001	NULL	\$38.80
5/25/2001	NULL	\$34.94
6/25/2001	NULL	\$37.38
7/25/2001	NULL	\$32.72
8/10/2001	NULL	\$23.30
9/25/2001	NULL	\$40.56
11/21/2001	NULL	\$25.98
2/25/2002	NULL	\$41.18
4/25/2002	16451	\$25.34
6/25/2002	17966	\$33.56
8/23/2002	19155	\$37.87
1/24/2003	23013	\$84.02
2/25/2003	23701	\$49.20
4/25/2003	25334	\$45.62
5/23/2003	26217	\$25.31
7/25/2003	27278	\$53.96
8/25/2003	28153	\$29.67
9/25/2003	28887	\$29.51
10/24/2003	29767	\$29.21
11/25/2003	30682	\$26.00
12/24/2003	31494	\$23.33
2/25/2004	33859	\$48.06

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Corrections	Audit Costs	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
											\$0.00		\$57.93	(\$57.93)
12/31/1999	\$57.93	\$0.02									\$0.02	\$57.95	\$61.04	(\$3.09)
1/30/2000	\$57.95	\$0.27										\$58.22	\$98.63	(\$40.41)
2/29/2000	\$47.23	\$0.44										\$105.89	\$145.86	(\$39.97)
3/31/2000	\$0.00	\$0.49										\$106.38	\$145.86	(\$39.48)
4/30/2000	\$0.00	\$0.46										\$106.84	\$145.86	(\$39.02)
5/31/2000	\$37.96	\$0.63									\$0.63	\$145.43	\$184.45	(\$39.02)
6/30/2000	\$26.87	\$0.70									\$0.70	\$173.00	\$212.02	(\$39.02)
7/31/2000	\$0.00	\$0.73									\$0.73	\$173.73	\$212.75	(\$39.02)
8/31/2000	\$48.44	\$0.94									\$0.94	\$223.11	\$261.14	(\$38.03)
9/30/2000	\$28.62	\$0.99				\$0.00					\$0.99	\$252.72	\$290.75	(\$38.03)
10/31/2000	\$0.00	\$1.15										\$253.87	\$290.75	(\$36.88)
11/30/2000	\$51.42	\$1.27									\$1.27	\$253.87	\$343.44	(\$89.57)
12/31/2000	\$34.82	\$1.39				\$0.00					\$1.39	\$342.77	\$379.65	(\$36.88)
1/31/2001	\$28.06	\$1.45				\$0.00					\$1.45	\$372.28	\$409.16	(\$36.88)
2/28/2001	\$98.36	\$2.76				\$0.00					\$2.76	\$443.89	\$482.22	(\$38.33)
3/31/2001	\$66.36	\$1.41				\$0.00					\$1.41	\$511.66	\$549.99	(\$38.33)
5/31/2001	\$34.94	\$1.49				\$0.00					\$1.49	\$588.48	\$625.22	(\$36.74)
6/30/2001	\$37.38	\$1.33				\$0.00					\$1.33	\$627.19	\$663.93	(\$36.74)
7/31/2001	\$32.72	\$1.47				\$0.00					\$1.47	\$661.38	\$698.12	(\$36.74)
8/31/2001	\$23.30	\$1.48				\$0.00					\$1.48	\$686.16	\$722.90	(\$36.74)
9/30/2001	\$40.56	\$1.17				\$0.00					\$1.17	\$727.89	\$764.63	(\$36.74)
10/31/2001	\$0.00	\$1.05				\$0.00					\$1.05	\$728.94	\$765.68	(\$36.74)
11/30/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$755.77	\$791.66	(\$35.89)
12/31/2001	\$0.00	\$0.91				\$0.00					\$0.91	\$756.68	\$792.57	(\$35.89)
1/31/2002	\$0.00	\$0.54				\$0.00					\$0.54	\$757.22	\$793.11	(\$35.89)
2/28/2002	\$41.18	\$0.40				\$0.00					\$0.40	\$798.80	\$834.69	(\$35.89)
3/31/2002	\$0.00	\$0.47				\$0.00					\$0.47	\$799.27	\$835.16	(\$35.89)
4/30/2002	\$25.34	\$0.00				\$0.00					\$0.00	\$824.61	\$860.50	(\$35.89)
5/31/2002	\$0.00	\$0.54				\$0.00					\$0.54	\$825.15	\$861.04	(\$35.89)
6/30/2002	\$33.56	\$0.45				\$0.00					\$0.45	\$859.16	\$895.05	(\$35.89)
7/31/2002	\$0.00	\$0.44				\$0.00					\$0.44	\$859.60	\$895.49	(\$35.89)
8/31/2002	\$37.87	\$0.49				\$0.00					\$0.49	\$897.96	\$933.85	(\$35.89)
9/30/2002	\$0.00	\$0.47				\$0.00					\$0.47	\$898.43	\$934.32	(\$35.89)
10/31/2002	\$0.00	\$0.40				\$0.00					\$0.40	\$898.83	\$934.72	(\$35.89)
11/30/2002	\$0.00	\$0.44				\$0.00					\$0.44	\$899.27	\$935.16	(\$35.89)
12/31/2002	\$0.00	\$0.42				\$0.00					\$0.42	\$899.69	\$935.58	(\$35.89)
1/31/2003	\$84.02	\$0.22				\$0.00					\$0.22	\$983.93	\$1,019.82	(\$35.89)
2/28/2003	\$49.20	\$0.20				\$0.00					\$0.20	\$1,033.33	\$1,069.22	(\$35.89)
3/31/2003	\$0.00	\$0.10				\$0.00					\$0.10	\$1,033.43	\$1,069.32	(\$35.89)
4/30/2003	\$45.62	\$0.18				\$0.00					\$0.18	\$1,079.23	\$1,115.12	(\$35.89)
5/31/2003	\$25.31	\$0.12				\$0.00					\$0.12	\$1,104.66	\$1,140.55	(\$35.89)
6/30/2003	\$0.00	\$0.17				\$0.00					\$0.17	\$1,104.83	\$1,140.72	(\$35.89)
7/31/2003	\$53.96	\$0.10				\$0.00					\$0.10	\$1,158.89	\$1,194.78	(\$35.89)
8/31/2003	\$29.67	\$0.04				\$0.00					\$0.04	\$1,188.60	\$1,224.49	(\$35.89)
9/30/2003	\$29.51	\$0.04				\$0.00					\$0.04	\$1,218.15	\$1,254.04	(\$35.89)
10/31/2003	\$29.21	\$0.06				\$0.00					\$0.06	\$1,247.42	\$1,283.31	(\$35.89)
11/30/2003	\$26.00	\$0.10				\$0.00					\$0.10	\$1,273.52	\$1,309.41	(\$35.89)
12/31/2003	\$23.33	\$0.07				\$0.00					\$0.07	\$1,296.92	\$1,332.81	(\$35.89)
1/31/2004	\$0.00	\$0.13				\$0.00					\$0.13	\$1,297.05	\$1,332.94	(\$35.89)
2/28/2004	\$48.06	\$0.09				\$0.00					\$0.09	\$1,345.20	\$1,381.09	(\$35.89)

**Exhibit J**  
**Unit S37 Revenue Check Detail**  
**VG0B 98-0421-0649**

CNX Deposit Information		
Check Date	Check Number	Total
3/25/2004	34728	\$28.15
4/23/2004	35658	\$28.90
5/25/2004	36760	\$34.25
6/25/2004	37689	\$31.30
7/23/2004	38662	\$31.92
8/25/2004	39799	\$32.68
9/24/2004	40937	\$33.82
10/25/2004	42038	\$33.17
11/24/2004	43145	\$29.58
12/24/2004	44148	\$44.69
1/25/2005	45815	\$47.60
2/25/2005	46837	\$58.07
3/24/2005	48147	\$52.43
4/25/2005	49324	\$36.88
6/24/2005	51803	\$42.09
8/25/2005	54164	\$47.99
9/23/2005	55488	\$37.36
10/25/2005	56715	\$54.65
11/25/2005	57995	\$71.95
12/23/2005	59240	\$76.33
1/25/2006	61147	\$52.99
2/24/2006	62447	\$57.38
3/24/2006	63820	\$62.37
4/25/2006	65193	\$50.29
5/25/2006	66623	\$38.72
6/23/2006	67778	\$38.07
7/25/2006	69292	\$41.16
10/25/2006	2808, 2809	\$659.26
11/25/2006	4228, 4229	\$532.45
12/25/2006	5788, 5789	\$393.57
1/25/2007	7045, 7046	\$289.86
1/31/2007	8307	\$153.71
2/25/2007	9463, 9464	\$475.85
3/25/2007	10991, 10992	\$415.18
4/25/2007	12451, 12452	\$1,805.40
5/25/2007	13872, 13873	\$655.00
	14995	\$135.16
6/25/2007	16070, 16071	\$546.47
7/25/2007	17531, 17532	\$560.96
8/25/2007	19023, 19024	\$539.86
9/25/2007	20615, 20616	\$358.95
10/25/2007	22220, 22221	\$243.72
11/25/2007	24352	\$113.99
12/25/2007	25603, 25604	\$140.01
1/25/2008	27204	\$126.61
3/25/2008	30295, 30296	\$145.03
4/25/2008	31931	\$161.90
5/25/2008	33539, 33540	\$202.96

Escrow Bank Data														Running Balance	Difference
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Corrections	Audit Costs	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance			
3/31/2004	\$28.15	\$0.06				\$0.00					\$0.06	\$1,373.41	\$1,409.30	(\$35.89)	
4/30/2004	\$28.90	\$0.16				\$0.00					\$0.16	\$1,402.47	\$1,438.36	(\$35.89)	
5/31/2004	\$34.25	\$0.16				\$0.00					\$0.16	\$1,436.88	\$1,472.77	(\$35.89)	
6/30/2004	\$32.20	\$0.22				\$0.00					\$0.22	\$1,469.30	\$1,504.29	(\$34.99)	
7/31/2004	\$31.92	\$0.31				\$0.00					\$0.31	\$1,501.53	\$1,536.52	(\$34.99)	
8/31/2004	\$32.68	\$0.65				\$0.00					\$0.65	\$1,534.86	\$1,569.85	(\$34.99)	
9/30/2004	\$33.82	\$0.77				\$0.00					\$0.77	\$1,569.45	\$1,604.44	(\$34.99)	
10/31/2004	\$33.17	\$0.95				\$0.00					\$0.95	\$1,603.57	\$1,638.56	(\$34.99)	
11/30/2004	\$29.58	\$1.25				\$0.00					\$1.25	\$1,634.40	\$1,669.39	(\$34.99)	
12/31/2004	\$44.69	\$1.26				\$0.00					\$1.26	\$1,680.35	\$1,715.34	(\$34.99)	
1/31/2005	\$47.60	\$1.78				\$0.00					\$1.78	\$1,729.73	\$1,764.72	(\$34.99)	
2/28/2005	\$58.07	\$2.09				\$0.00					\$2.09	\$1,789.89	\$1,824.88	(\$34.99)	
3/31/2005	\$52.43	\$2.10				\$0.00					\$2.10	\$1,844.42	\$1,879.41	(\$34.99)	
4/30/2005	\$36.88	\$2.82				\$0.00					\$2.82	\$1,884.12	\$1,919.11	(\$34.99)	
5/31/2005	\$0.00	\$3.01				\$0.00					\$3.01	\$1,887.13	\$1,922.12	(\$34.99)	
6/30/2005	\$42.09	\$3.25				\$0.00					\$3.25	\$1,932.47	\$1,967.46	(\$34.99)	
7/31/2005	\$0.00	\$3.32				\$0.00					\$3.32	\$1,935.79	\$1,970.78	(\$34.99)	
8/31/2005	\$47.99	\$3.84				\$0.00					\$3.84	\$1,987.62	\$2,022.61	(\$34.99)	
9/30/2005	\$37.36	\$4.21				\$0.00					\$4.21	\$2,029.19	\$2,064.18	(\$34.99)	
10/31/2005	\$54.65	\$4.45				\$0.00					\$4.45	\$2,088.29	\$2,123.28	(\$34.99)	
11/30/2005	\$71.95	\$4.73				\$0.00					\$4.73	\$2,164.97	\$2,199.96	(\$34.99)	
12/31/2005	\$76.33	\$5.12				\$0.00					\$5.12	\$2,246.42	\$2,281.41	(\$34.99)	
1/31/2006	\$52.99	\$5.89				\$0.00					\$5.89	\$2,305.30	\$2,340.29	(\$34.99)	
2/28/2006	\$57.38	\$6.13				\$0.00					\$6.13	\$2,368.81	\$2,403.80	(\$34.99)	
3/31/2006	\$62.37	\$6.36				\$0.00					\$6.36	\$2,437.54	\$2,472.53	(\$34.99)	
4/30/2006	\$50.29	\$7.70				\$0.00					\$7.70	\$2,495.53	\$2,530.52	(\$34.99)	
5/31/2006	\$38.72	\$7.55				\$0.00					\$7.55	\$2,541.80	\$2,576.79	(\$34.99)	
6/30/2006	\$38.07	\$8.01				\$0.00					\$8.01	\$2,587.88	\$2,622.87	(\$34.99)	
7/31/2006	\$41.16	\$8.14				\$0.00					\$8.14	\$2,637.18	\$2,672.17	(\$34.99)	
8/31/2006	\$0.00	\$8.87				\$0.00					\$8.87	\$2,646.05	\$2,681.04	(\$34.99)	
10/31/2006	\$0.00	\$10.01				\$0.00					\$10.01	\$2,665.35	\$3,350.31	(\$684.96)	
11/30/2006	\$1,191.71	\$10.44			(\$0.18)	\$0.00					\$10.26	\$3,867.32	\$3,893.02	(\$25.70)	
12/31/2006	\$393.57	\$15.20			(\$2.08)	\$0.00					\$13.12	\$4,274.01	\$4,299.71	(\$25.70)	
1/31/2007	\$289.86	\$15.62				\$0.00					\$15.62	\$4,579.49	\$4,605.19	(\$25.70)	
2/28/2007	\$0.00	\$16.04				\$0.00					\$16.04	\$4,595.53	\$4,774.94	(\$179.41)	
3/31/2007	\$629.56	\$16.27				\$0.00					\$16.27	\$5,241.36	\$5,267.06	(\$25.70)	
4/30/2007	\$2,220.58	\$19.79				\$0.00					\$19.79	\$7,481.73	\$7,507.43	(\$25.70)	
5/31/2007	\$790.16	\$25.72				\$0.00					\$25.72	\$8,297.61	\$8,323.31	(\$25.70)	
6/30/2007	\$0.00	\$29.38				\$0.00					\$29.38	\$8,326.99	\$8,899.16	(\$572.17)	
7/31/2007	\$1,107.43	\$59.42				\$0.00					\$59.42	\$9,464.13	\$9,519.54	(\$55.41)	
8/31/2007	\$539.86	\$32.32				\$0.00					\$32.32	\$10,036.31	\$10,091.72	(\$55.41)	
9/30/2007	\$358.95	\$53.86				\$0.00					\$53.86	\$10,449.12	\$10,504.53	(\$55.41)	
10/31/2007	\$0.00	\$35.01				\$0.00					\$35.01	\$10,484.13	\$10,783.26	(\$299.13)	
11/30/2007	\$357.71	\$37.04				\$0.00					\$37.04	\$10,878.88	\$10,934.29	(\$55.41)	
12/31/2007	\$140.01	\$34.65				\$0.00					\$34.65	\$11,053.54	\$11,108.95	(\$55.41)	
1/31/2008	\$126.61	\$27.98				\$0.00					\$27.98	\$11,208.13	\$11,263.54	(\$55.41)	
2/29/2008	\$0.00	\$24.01				\$0.00					\$24.01	\$11,232.14	\$11,287.55	(\$55.41)	
3/31/2008	\$145.03	\$21.04				\$0.00					\$21.04	\$11,398.21	\$11,453.62	(\$55.41)	
4/30/2008	\$162.80	\$15.95				\$0.00					\$15.95	\$11,576.96	\$11,631.47	(\$54.51)	
5/31/2008	\$202.96	\$13.33				\$0.00					\$13.33	\$11,793.25	\$11,847.76	(\$54.51)	





**Exhibit J**  
Unit S37 Revenue Check Detail  
VGOB 98-0421-0649

CNX Deposit Information		
Check Date	Check Number	Total
Total Deposited		\$11,987.78
Interest and Fees		\$759.69
Disbursement		-\$1,476.57
Disbursement		-\$3,869.56
Disbursement		-\$711.04
Disbursement		-\$1,268.16
Disbursement		-\$3,198.65
Total		\$2,223.49
October 2016 First Bank and Trnst balance		
		\$2,165.63
<b>FB&amp;T Difference</b>		<b>-\$57.86</b>

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

*Currently paying royalties under the Buchanan No1 SGU2, VGOB 08-1118-2367*

**W. F. MASON, JR.**  
**ATTORNEY AND COUNSELLOR AT LAW**  
**302 WASHINGTON AVENUE, S.W.**  
**ROANOKE, VIRGINIA 24018**

**E-MAIL**  
**WFMASON@302LAWOFFICE.COM**

**TELEPHONE**  
**(540) 344-2017**  
**FACSIMILE**  
**(540) 344-6039**

November 19, 2015

Kenneth R. Osborne  
848 Peyton Street  
Roanoke, VA 24019

Sidney Smith  
1911 McVitty Road  
Salem, VA 24153

Martha Guilliams  
1911 McVitty Road  
Salem, VA 24153

Curtis M. Osborne  
Box 31  
Raven, Virginia 24639

Barbara Joyce Harmon  
Box 174  
N. Tazewell, VA 24630

Paul J. Osborne  
c/o Kathrina Lawrenz  
2869 Sharon Place  
Grand Junction, CO 81503

Shirley Keene  
1685 Honaker BR Rd.  
Raven, VA 24639

Mary Jane Keene  
1077 Long Wall Lane  
Raven, VA 24369

Perry Horn  
c/o Patricia Horon  
200 Birch Street  
Raven, VA 24639

Marilyn Horn Taylor  
4336 Wandell Drive  
Pounding Mill, VA 24637

RE: Marilyn Horn Taylor, et al.  
v.  
Hurt-McGuire Land Trust  
Case No. CL10000819-00

Dear All:

Please find enclosed herewith a copy of the Final Order that was entered by the Court on November 9, 2015 in the above-referenced matter.

Yours very truly,



W.F. Mason, Jr.

**VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY**

**MARILYN HORN TAYLOR, ET AL.....PLAINTIFFS,**

V. CASE NO.: 027CL0000819-00 (10)

**HURT-McGUIRE LAND TRUST,  
(DAVID R. PERRY, CHARLES E. GREEN, III,  
AND H. G. GILLESPIE, TRUSTEES) .....DEFENDANT.**

**FINAL ORDER GRANTING JUDGMENT FOR PLAINTIFF**

Upon the motion of Defendant, Hurt-McGuire Land Trust, joined in by the Plaintiffs, judgment is entered in favor of the Plaintiff s upon their clam to ownership of the coalbed methane gas and royalties for production thereof, as alleged by Plaintiffs in their Amended Complaint, it is accordingly:

**ADJUDGED, ORDERED, AND DECREED** that the named Plaintiffs, Marilyn Horn Taylor, et al, are the owners of all coalbed methane gas at issue in this action and are entitled to all royalties related to the extraction of such coalbed methane gas from Units W-34, W-35, S-35, S-36, S-37, T-35, T-36, and T-37 and Buchanan Number 1-SGU-2; and

**IT IS FURTHER ADJUDGED, ORDERED, AND DECREED** that the Defendant's Counterclaim is hereby dismissed, with prejudice, pursuant to the Supreme Court of Virginia's Opinion in the case of Swords Creek Land Partnership v. Belcher, et. al., 288 Va. 206; 762 S.E. 2<sup>nd</sup> 570 (2014).

All other claims submitted by either party against the other are withdrawn and this action is dismissed, with prejudice, ~~stuck~~ from the docket of this Court, and ordered to be filed among the ended cases.

The Clerk is directed to furnish counsel of record with an attested copy of this Final Order granting judgment for the Plaintiff s.

Requested:

*Eric D. Whitesell*

Eric D. Whitesell, Esquire,  
of Counsel for Hurt-McGuire Land Trust and  
Blair M. Gardner, Esquire,  
of Counsel for Hurt-McGuire Land Trust

*W.F. Mason Jr.*  
W.F. Mason, Jr., Esquire  
Of Counsel for Marilyn Horn Taylor, et al.

Enter: this 9<sup>TH</sup> day of NOVEMBER, 2015.

*Thom D. Williams*  
\_\_\_\_\_  
Judge

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

April 21, 2016

TO: ANITA DUTY

PAGES INCLUDING COVER – 4

MS. DUTY

HERE IS A COPY OF THE JOINT MOTION AND FINAL ORDER  
ENTERED AND DATED 11/9/2015 GRANTING US JUDGMENT AS  
THE OWNERS OF COALBED METHANE.

IF YOU HAVE ANY QUESTIONS CALL OR EMAIL.

THANK YOU

KEN OSBORNE

**AFFIDAVIT OF MAILING – COAL OWNER**

COMMONWEALTH OF VIRGINIA  
COUNTY OF **BUCHANAN**

**Applicant:** CNX Gas Company LLC  
**Relief Sought:** Disbursement Petition for S37  
VGOB: 98-0421-0649-07

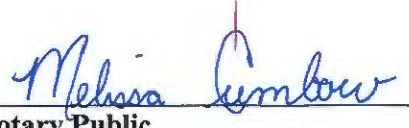
I, Anita D. Duty, after being duly sworn upon oath, state as follows:

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 **September 28, 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 WEST VIRGINIA  
COUNTY OF MERCER, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 11th day of December, 2015.

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

My commission expires: April 9, 2023



CERTIFICATION OF NOTICE  
CNX Gas Company LLC

Unit S37  
VGOB 98-0421-0649-06  
**coal dismissal letter**

Last Name	First Name	MAILED	RECEIPT #		RECEIVED
Hurt McGuire Land Trust (coal Owner)		9/28/15	7015152000035333	6143	10/1/2015

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<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>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent</span></p> <p><i>Dean Green</i> <span style="float: right;"><input checked="" type="checkbox"/> Address</span></p>																
<p>1. Article Addressed to:</p> <p>James McGuire Land Trust  c/o Charles Green  Po Box 1067  Bluefield, VA 24605</p>  <p>9590 9403 0698 5196 3258 72</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>Diana Green</i> <span style="float: right;"><i>10/1/15</i></span></p> <p>D. Is delivery address different from item 1? <span style="float: right;"><input type="checkbox"/> Yes</span></p> <p>If YES, enter delivery address below: <span style="float: right;"><input type="checkbox"/> No</span></p> <div style="text-align: center;">  <p>USPS</p> </div>																
<p>2. Article Number (Transfer from service label)</p> <p>7015 1520 0003 5333 6143</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail		<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Mail																	
<input type="checkbox"/> Mail Restricted Delivery																	
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>	<p>544 A 537 418 <input type="checkbox"/> Return Receipt</p>																